

co-ordination with the Governments of Central America and in consultation with donors, to use his best efforts in the promotion, co-ordination, monitoring and follow-up of the Special Plan and to make, as soon as possible, institutional arrangements in order to facilitate the fulfilment of the commitments of the international community;

4. *Emphasizes* the urgent need to provide the Central American countries with financial resources on concessional and favourable terms, in addition to those they are already receiving from the international community;

5. *Requests* all bodies, organs and organizations of the United Nations system, taking into account the emergency situation faced by the Central American countries, to take immediate steps to mobilize additional financial resources and to participate actively in the implementation of the activities supporting the goals and objectives of the Special Plan;

6. *Urges* the organs and specialized agencies of the United Nations system, in particular the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations Population Fund, the United Nations Industrial Development Organization, the World Bank and the International Monetary Fund, to continue and expand, to the extent possible, their assistance programmes on a priority basis, and to co-operate with the Secretary-General in the implementation of the activities supporting the goals and objectives of the Special Plan;

7. *Urges* the international community and international organizations to increase their technical, economic and financial co-operation with the Central American countries for the implementation of the activities supporting the goals and objectives of the Special Plan, as a way of contributing to the efforts being made under the agreement concluded at the Esquipulas II summit meeting<sup>6</sup> to attain peace and development;

8. *Recognizes* the vital importance of the Central American economic integration process as a fundamental element for the economic and social development of the region and urges all Governments and international organizations to contribute to the strengthening of this process;

9. *Decides* to review and evaluate the progress in the implementation of the Special Plan of Economic Co-operation for Central America at its forty-fourth session and requests the Secretary-General to submit a report on the implementation of the present resolution with whatever recommendations are deemed appropriate.

112th plenary meeting  
12 May 1988

**42/232. Report of the Committee on Relations with the Host Country**

*The General Assembly,*

*Having requested*, in its resolution 42/229 B of 2 March 1988, an advisory opinion from the International Court of

Justice regarding the applicability of the obligation to arbitrate under section 21 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, dated 26 June 1947;<sup>2</sup>

*Having noted* that, in its advisory opinion of 26 April 1988,<sup>12</sup> the Court was unanimously of the opinion that "the United States of America, as a party to the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations of 26 June 1947, is under an obligation, in accordance with section 21 of that Agreement, to enter into arbitration for the settlement of the dispute between itself and the United Nations",<sup>13</sup>

*Having noted also* that the Court pointed out that "the purpose of the arbitration procedure envisaged by that Agreement is precisely the settlement of such disputes as may arise between the Organization and the host country without any prior recourse to municipal courts, and it would be against both the letter and the spirit of the Agreement for the implementation of that procedure to be subjected to such prior recourse",<sup>14</sup>

*Having noted also* that the Court recalled "the fundamental principle of international law that international law prevails over domestic law",<sup>15</sup>

1. *Expresses its appreciation* to the International Court of Justice for having "found that an early answer to the request" submitted by the General Assembly on 2 March 1988 "for advisory opinion would be desirable", and for having accelerated its procedure on the said request;

2. *Takes note of and endorses* the advisory opinion of the International Court of Justice of 26 April 1988,<sup>12</sup> concerning the applicability of the obligation to arbitrate under section 21 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, dated 26 June 1947;

3. *Urges* the host country to abide by its international legal obligations and to act consistently with the advisory opinion of the International Court of Justice of 26 April 1988, and accordingly to name its arbitrator to the arbitral tribunal provided for under section 21 of the Agreement;

4. *Requests* the Secretary-General to continue his efforts to ensure the constitution of the arbitral tribunal provided for under section 21 of the Agreement;

5. *Further requests* the Secretary-General to report to the General Assembly without delay on developments in this matter;

6. *Decides* to keep the matter under active review.

113th plenary meeting  
13 May 1988

<sup>12</sup> A/42/952, annex.

<sup>13</sup> *Ibid.*, para. 58.

<sup>14</sup> *Ibid.*, para. 41.

<sup>15</sup> *Ibid.*, para. 57.