

2. *Reaffirms* that the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York is covered by the provisions of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations<sup>2</sup> and that the Palestine Liberation Organization has the right to establish and maintain premises and adequate functional facilities and that the personnel of the Mission should be enabled to enter and remain in the United States to carry out their official functions;

3. *Affirms* the crucial importance of the Agreement and consequently the arrangements mentioned in paragraph 2 above concerning the functioning of the organs of the United Nations, including the General Assembly, at Headquarters in New York;

4. *Determines* that the application to and enforcement against the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York of Title X of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, is inconsistent with paragraph 2 above and is contrary to the international legal obligations of the host country under the agreement;

5. *Reaffirms* that a dispute exists between the United Nations and the United States of America, the host country, concerning the interpretation or application of the Agreement, and that the dispute settlement procedure provided for under section 21 of the Agreement, which constitutes the only legal remedy to solve the dispute, should be set in operation, and requests the host country to name its arbitrator to the arbitral tribunal;

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

7. *Deplores* the failure of the host country to comply with its obligations under the Agreement;

8. *Urges* the host country to abide by its international legal obligations and to desist from taking any action inconsistent with paragraph 2 above;

9. *Notes* the fact that, within the text of its order, the International Court of Justice on 9 March 1988 took note of paragraph 5 of General Assembly resolution 42/229 A;

10. *Requests* the Secretary-General to take adequate measures on a preliminary basis, if necessary, in order to ensure the discharge of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York;

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

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

*109th plenary meeting  
23 March 1988*

#### **42/231. Special plan of economic co-operation for Central America**

*The General Assembly,*

*Recalling* its resolution 42/1 of 7 October 1987, in which it expressed its firmest support for the agreement on "Procedures for the establishment of a firm and lasting

peace in Central America",<sup>6</sup> signed by Central American Presidents at Guatemala City on 7 August 1987, at the Esquipulas II summit meeting, and its resolution 42/204 of 11 December 1987, in which it requested the Secretary-General to formulate, in consultation with the Governments of the region and the appropriate organs and organizations of the United Nations system, a special plan of co-operation for Central America to be submitted for consideration by the General Assembly at its current session,

*Bearing in mind* the Joint Declaration of Central American Presidents, issued at San José on 16 January 1988,<sup>7</sup> and the agreement adopted at Guatemala City on 7 April 1988<sup>8</sup> by the Executive Commission, composed of the Central American Ministers for Foreign Affairs in accordance with the agreement concluded at the Esquipulas II summit meeting,

*Reiterating its appreciation* to the Contadora Group and the Support Group for their contribution to the peace process in Central America,

*Noting with satisfaction* the Joint Political Declaration<sup>9</sup> and the Joint Economic Communiqué<sup>10</sup> adopted by the European Community and the States parties to the General Treaty on Central American Economic Integration and Panama at the Ministerial Conference on Political Dialogue and Economic Co-operation between the European Community and its member States, and the States of Central America and of the Contadora Group, held at Hamburg, Federal Republic of Germany, on 29 February and 1 March 1988,

*Considering* that fulfilment of the agreement concluded at the Esquipulas II summit meeting and the implementation of a special plan of economic co-operation for Central America require political will and determination so that peace and development can be consolidated in the region,

*Reaffirming its conviction* that peace and development are inseparable,

*Deeply concerned* about the emergency situation in Central America and alarmed by the seriousness of the economic and social crisis it is facing,

*Aware* of the complexity and seriousness of the situation of the refugees and displaced persons in the Central American region, and of its effect on the social and economic development of the area,

*Convinced* of the urgent need for concerted action by the international community in support of the commitments made by the Central American countries to improve the living conditions of their peoples and to achieve social justice as a foundation for a stable and lasting peace.

1. *Expresses its appreciation* to the Secretary-General for formulating and submitting the Special Plan of Economic Co-operation for Central America,<sup>11</sup> prepared in accordance with General Assembly resolutions 42/1 and 42/204;

2. *Also expresses its appreciation* for the important support provided by the United Nations Development Programme, the Economic Commission for Latin America and the Caribbean and the various regional integration and co-operation bodies in the preparation of the Special Plan;

3. *Requests* the Secretary-General, with the assistance of the United Nations Development Programme and in close

<sup>6</sup> A/42/521-S/19085, annex.

<sup>7</sup> A/42/911-S/19447, annex.

<sup>8</sup> A/42/948-S/19764, annex.

<sup>9</sup> A/42/258, annex I.

<sup>10</sup> *Ibid.*, annex II.

<sup>11</sup> A/42/949, annex.

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.