
United Nations

A/RES/42/229



General Assembly

Distr. GENERAL

2 March 1988

ORIGINAL:
ENGLISH

A/RES/42/229
104th plenary meeting
2 March 1988

Report of the Committee on Relations with the Host Country

A

The General Assembly,

Having considered the reports of the Secretary-General of 10 and 25 February 1988,

Recalling its resolution 42/210 B of 17 December 1987,

Reaffirming the applicability to the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York of the provisions of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, dated 26 June 1947,

Having been apprised of the provisions of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, which was signed on 22 December 1987, Title X of which establishes certain prohibitions regarding the Palestine Liberation Organization, inter alia, a prohibition "to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof",

Bearing in mind that that provision takes effect on 21 March 1988,

Taking note of the position of the Secretary-General in which he concluded that a dispute existed between the United Nations and the United States of America concerning the interpretation or application of the Headquarters Agreement,

Noting that the Secretary-General invoked the dispute settlement procedure set out in section 21 of the Agreement and proposed that the negotiations phase of the procedure commence on 20 January 1988,

Noting also from the report of the Secretary-General of

10 February 1988 that the United States was not in a position and was not willing to enter formally into the dispute settlement procedure under section 21 of the Headquarters Agreement, that the United States was still evaluating the situation, and that the Secretary-General had sought assurances that the present arrangements for the Permanent Observer Mission of the Palestine Liberation Organization would not be curtailed or otherwise affected,

Affirming that the United States of America, the host country, is under a legal obligation to enable the Permanent Observer Mission of the Palestine Liberation Organization to establish and maintain premises and adequate functional facilities and to enable the personnel of the Mission to enter and remain in the United States to carry out their official functions,

1. Supports the efforts of the Secretary-General and expresses its great appreciation for his reports;

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 and that it should be enabled 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 of America to carry out their official functions;

3. Considers that the application of Title X of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, in a manner inconsistent with paragraph 2 above would be contrary to the international legal obligations of the host country under the Headquarters Agreement;

4. Considers that a dispute exists between the United Nations and the United States of America, the host country, concerning the interpretation or application of the Headquarters Agreement, and that the dispute settlement procedure set out in section 21 of the Agreement should be set in operation;

5. Calls upon the host country to abide by its treaty obligations under the Agreement and to provide assurance that no action will be taken that would infringe on the current arrangements for the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York;

6. Requests the Secretary-General to continue in his efforts in pursuance of the provisions of the Agreement, in particular section 21 thereof, and to report without delay to the Assembly;

7. Decides to keep the matter under active review.

B

The General Assembly,

Recalling its resolution 42/210 B of 17 December 1987 and bearing in mind its resolution 42/229 A above,

Having considered the reports of the Secretary-General of 10 and 25 February 1988,

Affirming the position of the Secretary-General that a dispute exists between the United Nations and the host country concerning the interpretation or application of the Agreement between the United Nations and the United

States of America regarding the Headquarters of the United Nations, dated 26 June 1947, and noting his conclusions that attempts at amicable settlement were deadlocked and that he had invoked the arbitration procedure provided for in section 21 of the Agreement by nominating an arbitrator and requesting the host country to nominate its own arbitrator,

Bearing in mind the constraints of time that require the immediate implementation of the dispute settlement procedure in accordance with section 21 of the Agreement,

Noting from the report of the Secretary-General of 10 February 1988 that the United States of America was not in a position and was not willing to enter formally into the dispute settlement procedure under section 21 of the Headquarters Agreement and that the United States was still evaluating the situation,

Taking into account the provisions of the Statute of the International Court of Justice, in particular Articles 41 and 68 thereof,

Decides, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, in pursuance of Article 65 of the Statute of the Court, for an advisory opinion on the following question, taking into account the time constraint:

In the light of facts reflected in the reports of the Secretary-General, is 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, under an obligation to enter into arbitration in accordance with section 21 of the Agreement?