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PROVISIONAL VERBATIM RECORD OF THE ONE HUNDRED AND FOURTH MEETING

Held at Headquarters, New York,  
on Wednesday, 2 March 1988, at 10 a.m.

President: Mr. FLORIN (German Democratic Republic)

- Report of the Committee on Relations with the Host Country: Reports of the Secretary-General [136] (continued)
- Statement by the President
- Suspension of the forty-second session

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 136 (continued)

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

- (a) REPORTS OF THE SECRETARY-GENERAL (A/42/195 and Add.1)
- (b) DRAFT RESOLUTIONS (A/42/L.46 and A/42/L.47)

Mr. SEVILLA B. (Nicaragua) (interpretation from Spanish): The delegation of Nicaragua is taking part in this resumed forty-second session of the General Assembly, called to continue consideration of agenda item 136, "Report of the Committee on Relations with the Host Country", because of the importance my country attaches to the United Nations Charter, to compliance in good faith with international obligations and to observance of treaties and the international legal order in general.

We should recall that the General Assembly, in adopting resolution 42/210 B on 17 December 1987, reaffirmed that the Headquarters Agreement was applicable to the Permanent Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations and that the host country therefore had to comply with the obligations entered into under that Agreement and should refrain from taking any action that would prevent the discharge of the official functions of that Mission.

Nevertheless, as is well known to all, the President of the United States of America, in disregard of this resolution, on 22 December 1987 signed into law the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, Title X of which, the Anti-Terrorism Act of 1987, established certain prohibitions regarding the PLO, inter alia, a prohibition to establish or maintain an office, headquarters premises or other facilities or establishments within the jurisdiction of the United States.

That Act, which violates the very Constitution of the United States since it disregards international obligations entered into under the Headquarters Agreement,

(Mr. Sevilla B., Nicaragua)

obviously does not take account of the fact that the presence in New York of the Permanent Observer Mission of the PLO is not a privilege granted by the host country, since that Mission was invited under General Assembly resolution 3237 (XXIX) of 22 November 1974 to participate in the sessions and work of the General Assembly, as well as in all international conferences convened under the auspices of the United Nations.

Given this situation and the relentless but unsuccessful efforts of the United Nations set forth by the Secretary-General in his reports (A/42/915 and Add.1), we should bear in mind that if this law is implemented the United States Government will be flagrantly violating the United Nations Charter, the Headquarters Agreement and international law, which does not establish differences or exceptions for any State.

In dealing with this problem - which concerns not only the Permanent Observer Mission of the PLO but each and every Member of the United Nations since what is at stake is the future of the Organization and international legal order - we must fully support the Secretary-General in his defence of the Headquarters Agreement pursuant to the procedures set forth in section 21 therein, in order not to permit implementation by the United States Government of a law which disregards and violates the international legal obligations entered into by the United States under the Agreement.

(Mr. Sevilla B., Nicaragua)

Moreover, because of the seriousness of this matter, we consider that the General Assembly should immediately request the International Court of Justice for an advisory opinion, so that the Organization's supreme legal body may determine whether the United States of America is under an obligation to enter into arbitration in accordance with section 21 of the Headquarters Agreement, since that country maintains, contrary to the opinion of the Secretary-General and the vast majority of Members of the Organization, that no dispute exists and that therefore that section of the Agreement does not apply.

We cannot fail to note that implementation of the United States Government decision would also violate the national identity of the Palestinian people and would hamper all activities being carried out by the Organization to achieve a just and lasting peace in the Middle East. Therefore the United Nations has the moral and legal duty to ensure that the rights of the Permanent Observer Mission of the Palestine Liberation Organization not be undermined or in any way affected; to act otherwise would be to strengthen the dangerous trend of replacing legality with the law of the most powerful.

The facts show that at present the host country is not acting in accordance with the law of nations, as it should as a Member of the United Nations, a signatory of the Charter and a permanent member of the Security Council. Consequently, Nicaragua believes that only the concerted determination of the international community can stop the United States Government from adding a further serious violation to the list of its already countless violations of international law.

In conclusion, we reiterate our solidarity with the Palestinian people and its vanguard, the PLO, its sole, legitimate representative.

Mr. MANSARY (Sierra Leone): This resumed session of the General Assembly has been convened to consider an issue with extremely serious practical implications for international relations. While past sessions of this type have generally sought solutions to problems between States, this time, unfortunately, the United Nations is itself cast in the role of adversary, compelled to insist on respect for and the discharge of time-honoured obligations towards it.

It is obvious that the purpose for which the Organization was conceived cannot be fulfilled in a climate of prolonged uncertainty over the fate of the legal status of a Member or Observer. It is in that light that the recent Foreign Relations Authorization Act of the host country, as it applies to the status of the Permanent Observer Mission of the Palestine Liberation Organization (PLO), causes deep concern.

That concern over the viability of the Organization under such circumstances was clearly anticipated and addressed by the Charter, whose Article 104 provides that

"The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes".

We have already been reminded by several delegations that the basic provisions governing relations between the United Nations and the host country are embodied in the Headquarters Agreement of 26 June 1947 which, inter alia, states in its section 11 that the Government of the host country shall not impose any impediments to transit to or from the headquarters district of persons invited to the headquarters district by the United Nations, a status which the Palestine Liberation Organization enjoys with the United Nations as a consequence of General Assembly resolution 3237 (XXIX) of 22 November 1974. Of special significance in

(Mr. Mansary, Sierra Leone)

this context is the provision of section 12 of the Agreement, which states that the provisions of section 11 shall be applicable

"irrespective of relations existing between the Governments of the persons referred to in that section and the Government of the United States".

(resolution 169 (III) B)

While we note and appreciate the substantial declarations made on this matter by the Secretary of State of the United States of America, we regret the apparent absence of tangible effect by those declarations on the prevailing climate of uncertainty over the application of the legislation. It is now clear, in the light of the Secretary-General's latest reports on the issue, that those declarations cannot dispel our misgivings.

It will bode ill for the international community at large if the participation of an Observer or a Member State in the activities of the United Nations can no longer be assured, not because of proven violations of the Charter or the Headquarters Agreement, but primarily because of perceived inconsistencies in its relations with the host country.

The adoption of resolution 42/210 B by the General Assembly last year was evidence of the broad consensus shared by the membership of this Organization on this issue. As a delegation, we had hoped that wiser counsel would prevail and that awareness of the adverse legal consequences resulting from the legislation would ensure a speedy resolution of the matter. We are distressed that, as the Secretary-General admits in his report, this does not now seem possible.

We are grateful for the efforts the Secretary-General has made in trying to secure from the host Government a definitive position regarding the application of the legislation. However, in the absence of such clear position after an extended period of negotiations, we are inclined to support the Secretary-General in his

(Mr. Mansary, Sierra Leone)

demand that the provisions of section 21 of the Agreement must be invoked to end the impasse. It cannot be in the interests of the Organization or any of its Members to continue to hold in abeyance an issue of such significance while denying recourse to the relevant remedial procedures.

The Sierra Leone delegation expects that every delegation here will make maximum efforts to ensure a speedy settlement of this unfortunate situation. We would hope especially that the instinct to preserve the eloquent record of respect for international treaty obligations which adorns the history of the United States of America will eventually prevail. This reconvened session will have achieved enormous success if it gives inspiration to that instinct.

Mr. PERERA (Sri Lanka): This is the first occasion on which I, as the representative of Sri Lanka, have had the privilege of addressing this Assembly. But prior to this, yesterday, I had an even more unique opportunity of presiding over this Assembly even before, so to speak, I "fired my first shot". Mr. President, I offer you my congratulations on your election to this high office and on the skilful and efficient manner in which you have conducted the deliberations of the forty-second session of this Assembly. I also take this opportunity to extend my felicitations to the Secretary-General for the excellent manner in which he has fulfilled his responsibilities vis-à-vis the United Nations.

The General Assembly has resumed to consider the implementation of a law which may impede the functioning of the Permanent Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations, a Mission which was established at the invitation of the United Nations and has been functional for the last 13 years.

When the action leading to the enactment of this law was considered last year, the General Assembly, by its resolution 42/210 B of 17 December 1987, requested the host country to abide by its treaty obligations under the Headquarters Agreement and refrain from taking any action that would prevent the discharge of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations. That resolution also requested the Secretary-General to take effective measures to ensure full respect for the Headquarters Agreement and to report on further developments on this matter. In pursuance of this request we have before us the reports of the Secretary-General (A/42/915 and Add.1). From these reports it would appear that there have been no substantial developments leading to a satisfactory resolution of the dispute between the United Nations and the host country.

My delegation would like to express its appreciation to the Secretary-General for his continuous efforts in this matter as seen in the reports to the Assembly.



(Mr. Perera, Sri Lanka)

In considering the question before us, we should remind ourselves of the importance of upholding the independence and integrity of the United Nations and the purposes and principles of its Charter. Without guaranteeing these basic safeguards, the Organization will fail to fulfil its objectives which are of paramount importance to the international community. Amongst these principles is the universality of the Organization which ensures wider participation in its work by its Members and other invitees. This is particularly important in respect of achieving the principal objective and purpose of the United Nations, the maintenance of international peace and security. Our failure to ensure such participation or a departure from this commitment may lead to an erosion of the foundation of this Organization and its collective responsibility. Hence, any impediments imposed on delegations which are invited by the United Nations to take part in its collective efforts in the pursuit of its objectives should be viewed as contrary to the principles and ideals enshrined in the Charter of this Organization. My delegation therefore firmly believes that universal participation in this Organization should be jealously guarded and all possible action taken to safeguard this inherent right of its Members and invitees.

The Palestine Liberation Organization was invited to the United Nations by the General Assembly in its resolution 3237 (XXIX) of 22 November 1974. The Permanent Observer Mission of the Palestine Liberation Organization was established in accordance with that resolution and the Headquarters Agreement of 26 June 1947. We concur with the Secretary-General's position that under the provisions of this Agreement

"there is a treaty obligation on the host country to permit the Palestine Liberation Organization Observer Mission personnel to enter and remain in the United States to carry out their official functions at the United Nations Headquarters".

(Mr. Perera, Sri Lanka)

We also observe from the Secretary-General's report in document A/42/915 that the Department of State of the United States repeatedly took the position that the United States was under an obligation to permit Palestine Liberation Organization Observer Mission personnel to enter and remain in the United States to carry out their official functions.

However, my delegation regrets to note that there has been no progress since the adoption of resolution 42/210 B and the action initiated by the Secretary-General at the request of the General Assembly. It is the earnest hope of my delegation that the host country, even at this stage, will respect the Charter principles and legal obligations in terms of the relevant provisions of the Headquarters Agreement and settle this dispute amicably.

Mr. KITTIKHOUN (Lao People's Democratic Republic) (interpretation from French): Comrade President, my delegation would first of all like to thank you warmly for having been kind enough to reconvene the forty-second session of the General Assembly. We would also like to thank the Secretary-General for the submission of his reports (A/42/915 and A/42/915/Add.1). We have been listening very closely to the discussion here. Its great importance escapes nobody. In our opinion, this is a matter that relates to the strict implementation in good faith of international law. It is also a question involving the very future of this lofty Organization, the United Nations. In the search for a proper solution to this disturbing problem, wisdom demands of us a spirit of compromise and strict respect for international obligations.

(Mr. Kittikhoun, Lao People's  
Democratic Republic)

The international community is still shocked at the decision by the United States Congress calling for the closure of the Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations by 21 March at the latest. In taking that decision, the United States Congress flouted the principles and norms of law, betrayed the international commitments of the United States and did not contribute in the slightest degree to the international community's efforts to promote the establishment of a just and lasting peace in the Middle East. The problem facing us is not a bilateral problem. In no circumstances and in no case can the principle of reciprocity operate within the context of multilateral diplomacy. For one reason or another the United States Congress may have decided to take a hostile attitude towards the Palestine Liberation Organization, but it has absolutely no right to close the PLO Mission, which is accredited to the United Nations and not to the host country, the United States of America.

Under the letter and spirit of the 1947 Headquarters Agreement, signed between the United States Government and the United Nations, the PLO Observer Mission has the same privileges and immunities that the United States Administration recognizes in respect of the entire United Nations diplomatic community. Under international law and practice, in no circumstances can an international problem be made subject to domestic legislation, and it is crystal clear that the case now before us falls solely under the authority solely of international jurisdiction.

In his report in document A/42/915, the Secretary-General points out that the members of the PLO Observer Mission are, by virtue of General Assembly resolution 3237 (XXIX), invitees to the United Nations and that the United States is under an obligation to permit PLO personnel to enter and remain in the United States to carry out their official functions at the United Nations under the Headquarters Agreement.

(Mr. Kittikhoun, Lao People's  
Democratic Republic)

The decision to close the PLO Observer Mission to the United Nations which was taken by the United States Congress is without any doubt very closely linked to the Middle East problem, the core of which remains the question of Palestine. In searching for a lasting peace in that tumultuous region, the international community has been constantly advocating the holding of an international conference, in which the five permanent members of the Security Council and the parties concerned, including the PLO - the sole and legitimate representative of the Palestinian people - must participate. To the deepest regret of the overwhelming majority of the States Members of the United Nations, one permanent member of the Security Council has spared no effort to obstruct implementation of that healthy initiative.

The overall situation in the region continues to worsen. The bloodshed in the West Bank and Gaza, where the Palestinian people en masse are engaged in a vigorous uprising against Israeli occupation, is still far from over. If the decision of the United States Congress were to be implemented, that could further worsen the already explosive situation in the region and make the attainment of a just and lasting peace in that part of the world even more uncertain. Lack of understanding and rigidity must be replaced by peaceful coexistence, co-operation and strict respect for the law.

The participation of a very large number of speakers in this discussion clearly shows the gravity of the problem before us. An approach that is unjust and contrary to international law can only jeopardize the very existence of the United Nations. There would be an unprecedented infringement of the authority of the world Organization. Indeed, the world knows that it is not for the host country, the United States of America, to apply the Headquarters Agreement as it sees fit.

(Mr. Kittikhoun, Lao People's  
Democratic Republic)

In the interest of the United Nations and in the interest of peace in the Middle East, the delegation of the Lao People's Democratic Republic appeals to the host country to reconsider, in full awareness of the facts, the decision taken by the United States Congress and to adopt the necessary measures, in accordance with international law, to remedy this unfortunate situation that has been thrust upon us.

Mr. VELAZCO SAN JOSE (Cuba) (interpretation from Spanish): At a time when casualties are mounting every day because of the repression carried out by the Israeli occupation forces in the Palestinian territories, at a time when accelerated negotiations are under way in an attempt to perpetuate the Israeli presence in Gaza and the West Bank, we have resumed the forty-second session of the General Assembly to consider the unilateral action taken by the United States Government, which, in violation of the Headquarters Agreement of 26 June 1947, is trying to close down the Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations.

It is difficult to limit this discussion to purely legal issues when Israeli repression in the occupied territories runs parallel to the diplomatic offensive of the United States Administration here at the United Nations. In both cases - and not by chance - the target is the Palestinian people and its sole and legitimate representatives. Thus, we cannot view this debate in isolation from what is happening in the occupied Palestinian territories. For those who have protected Israel by means of their veto in the Security Council are the very ones who today wish to close down the PLO offices at the United Nations.

Hence, the illegality of the Israeli occupation of the Palestinian and Arab territories goes hand in hand with the illegality of the decision taken by the

(Mr. Velazco San Jose, Cuba)

United States Administration. The determined struggle of the Palestinian people will end the former; the General Assembly must take a firm stand to end the latter.

The PLO Observer Mission to the United Nations was established in 1974 by virtue of General Assembly resolution 3237 (XXIX). Hence, its activities are guaranteed under sections 11, 12 and 13 of the 1947 Headquarters Agreement, signed between the United Nations and the United States.

(Mr. Velazco San Jose, Cuba)

The PLO Observer Mission is not accredited to the United States Government. It is not at the mercy of decisions taken in Washington. It is accredited to the United Nations and as such has a right to maintain an office in New York and to participate in the work of the Organization, and the host country has the obligation to ensure its normal functioning. Anything which counters the above is a violation of the Headquarters Agreement and cannot be allowed. What is at stake here is not merely the existence of the PLO office, but also the very agreements which led to the establishment of our Organization on United States soil. Today the victim is the PLO. Who can guarantee that tomorrow it will not be another Observer Mission or a Member country?

The Government of the United States must respect its legal obligations and immediately accept the binding procedures provided for in section 21 of the Headquarters Agreement. Any action which deviates from this course will have serious implications for the future of this Organization and will even further undermine the foundations of multilateral diplomacy.

Mr. BARNETT (Jamaica): It is unfortunate that after 40 years an issue such as this one should have come to the Assembly. The generosity of the United States in offering the site for the establishment of the United Nations Headquarters has always been acknowledged, and the Headquarters Agreement between the United Nations and the United States, as host country, was designed to be the legal framework for the continued presence of this international institution. It is a fundamental agreement. Its provisions clearly mark out the ground rules allowing for an easy and amicable relationship between the two parties. Its provisions provide for procedures to enable possible conflicts and differences of opinion to be resolved.

(Mr. Barnett, Jamaica)

The proposed closure of the PLO Observer Mission to the United Nations in accordance with the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, Title X, raises issues of importance to the United Nations and to international relations generally. The legal position has been clearly stated. The Secretary-General's position, as outlined in his report in document A/42/915 and its addendum, has been clear and correct and is supported by the generality of this body. The position taken by the United States State Department, as well as by the Secretary of State of the host country, has been in keeping with the provisions of international law as we know them. The problem is not merely the application of section 21 of the Headquarters Agreement, namely, whether a dispute is said to exist between the United Nations and the host country and upon the recognition that the dispute exists the further steps to be taken in accordance with that section to resolve the dispute. On the face of it, they are a reasonable set of procedures capable of being adopted by reasonable men under reasonable circumstances.

Unfortunately, even if we were to admit of reasonable men and reasonable procedures, we would be mistaken or foolhardy to ascribe the circumstances as reasonable. Yet it is precisely on occasions when circumstances are not reasonable why it is necessary to abide by the settled and accepted procedures of the law. International organizations cannot function properly in an uncertain legal environment, nor can binding legal obligations freely entered into be discarded on whims.

As the Secretary-General's report states:

"... for the United Nations the question was one of compliance with international law. The Headquarters Agreement was a binding international instrument the obligations of the United States under which were, in the view of the Secretary-General and the General Assembly, being violated by the legislation in question." (A/42/915, para. 7)



(Mr. Barnett, Jamaica)

A host country has special obligations and responsibilities which must strictly be adhered to. This is not to say that Missions accredited to these organizations do not themselves have obligations and responsibilities. They do. For example, they are obliged to conform to the requirements of domestic law. But in the case of the PLO Observer Mission, there has been no allegation made to the effect that it has been, or any member of it has been, in breach of domestic law which would warrant punitive action against it.

But the context within which this issue must be played out is a continuing Middle East crisis as well as the competition and conflict of power and interest between at least two branches of government of the host country. Unfortunately, it has become a fashion for the United Nations, in some way or the other, to be the butt for parochial or constituency electoral considerations. And out of this very often emerges a tendency for rather selective application or discriminate interpretation of international law or contractual obligations.

Whilst the law does not take account of the competition between branches of government, the competition or conflict affects the status of international law and the United States relation to it and can therefore be a source of instability. So notwithstanding the existence of a reasonable procedure, even if it were followed, there cannot be any assurance that something similar will not occur in the future. Parenthetically, one must ask what sort of solution is possible which will not still leave the dog chasing its own tail. Hence the gravity of the precedent that would be established were the PLO Observer Mission to be allowed to be closed even for the briefest moment.

It is our hope that the matter can be speedily settled but in such a way as not to undermine in any way the continued validity and integrity of the Headquarters Agreement. Whatever we decide, the opportunity must be taken to

(Mr. Barnett, Jamaica)

reaffirm certain principles of international law relating to the relationship between international treaties and domestic legislation.

Mr. MAHALLATI (Islamic Republic of Iran): Sir, allow me to express my delegation's pleasure at seeing you once again presiding over the General Assembly of the United Nations. In view of your diplomatic experience and the commendable manner in which you have presided over the forty-second session of the General Assembly, we have no doubt of its continued success in its endeavours.

The forty-second session of the General Assembly has been resumed to consider a serious subject dealing with the integrity, independence and survival of not merely one of the Observer Missions - namely, the Palestine Liberation Organization (PLO) Observer Mission - but of the United Nations as a whole. The resumption of the forty-second session of the General Assembly is the result of the serious violation of the Headquarters Agreement by the host country.

The General Assembly at its forty-second session, the Secretary-General of the United Nations and the Committee on Relations with the Host Country have all voiced their opinions as to the illegality of the bill that was being considered in the United States Congress at the end of 1987 and that was designed to shut down the PLO Observer Mission to the United Nations.

The United Nations in general and the Secretary-General in particular have taken an explicit position in this regard. On 22 October 1987 the Secretary-General stated:

"The members of the Palestine Liberation Organization Observer Mission are, by virtue of resolution 3237 (XXIX), invitees to the United Nations. As such, they are covered by sections 11, 12 and 13 of the Headquarters Agreement of 26 June 1947. There is therefore a treaty obligation on the host country to permit Palestine Liberation Organization Observer Mission personnel to enter and remain in the United States to carry out their official functions at United Nations Headquarters."

(Mr. Mahallati, Islamic  
Republic of Iran)

In his report to the General Assembly (A/42/915) the Secretary-General reiterates that the obligations of the United States under the United Nations Headquarters Agreement are being violated by the decision of the host country.

General Assembly resolution 42/210 B, adopted on 27 December 1987, emphasized the fact that the Permanent Observer Mission of the PLO to the United Nations is protected by the provisions of the Headquarters Agreement and called upon the host country to abide by its obligations under that Agreement and to refrain from taking any action that would prevent the discharge of the official functions of the PLO Mission in New York.

Attempts have been made to advance an awkward reasoning for the host country's violation of its treaty obligations by making references to various branches of the United States Government. Such reasoning is irrelevant in international law. A State as a whole, not any particular branch of it, is a party to an international treaty, and the State as a whole is responsible for observance of its obligations under the treaty. The 1969 Vienna Convention on the Law of Treaties is also quite clear in this respect and reads, in part:

"A party in an international treaty may not invoke the provisions of its internal law as justification for its failure to perform a treaty."

The United Nations Headquarters Agreement was formulated with the principal aim of protecting the independence of the United Nations and preventing the Organization from being inescapably affected by any unilateral decision or action by the host country.

The question of Palestine and its sacred cause constitutes the most central issue attended to in the Islamic Ummah and has constantly been an issue under consideration by various gatherings at the United Nations. This Assembly too has been called upon to consider whether the long-standing norm and precedence of the

(Mr. Mahallati, Islamic  
Republic of Iran)

United Nations, as well as the aspiration of the dispossessed nation of Palestine, should be abandoned because of the unwarranted decision of the host country, in violation of its treaty obligations, aimed at diverting public attention from its internal political problems to external issues.

Under circumstances when in the occupied territory murder, looting and savagery against the victimized and oppressed people of Palestine by the régime occupying Al Quds prevail, the Government of the United States, in addition to its blatant creation of obstacles in the way of the realization of the rights of the Palestinians and its aborting of the resolutions of the Security Council against the régime occupying Al Quds, has continued its manipulations to such an extent as to create an abnormal situation in the international Organization itself. The United States Government has never ceased to try to exploit all international organizations for its own short-sighted and expedient political goals. This is not a fact newly being revealed to the Assembly. Allow me to quote the Permanent Representative of the host country himself when, on 25 February 1988, in his statement before the Joint Human Rights and International Organizations and International Operations Sub-Committees of the House Foreign Affairs Committee on issues relevant to the United States relations with the United Nations, he stated:

"If the United States intends to use the United Nations as a serious arm of our foreign policy in Iran-Iraq, the Middle East, Afghanistan and other areas, we must treat it as a serious institution."

Those words speak for themselves and need no elaboration. This is the sad mentality prevailing among officials of the host country. It is more distressing to hear such a statement from those officials who work closely with the Organization.

(Mr. Mahallati, Islamic  
Republic of Iran)

The Islamic Republic of Iran believes that under these circumstances of the epic struggle, martyrdom and self-sacrifice of the Palestinian people, who reject all submissive approaches and are inspired only by Islamic aspirations against a well-equipped military régime, the closing down of the PLO Observer Mission represents a calculated plan and a conspiracy by the régime occupying Al Quds and the United States Government to undermine the sanguine struggle of the people of the occupied territories. Should the practice of the host country to treat Permanent and Observer delegations in accordance with the biases emanating from its bilateral relations and political considerations become acceptable, there will be much room for regret, because, obviously, the PLO will not be the last delegation.

The Islamic Republic of Iran requests all Permanent and Observer Missions to support the struggle of the Muslim people of Palestine and to condemn the role of the United States and Israel in the matter under consideration.

In conclusion, it should be stressed that this whole issue is not just a question of the closing of the PLO Office, but that it also involves the very credibility and integrity of the United Nations as an independent Organization capable of executing its duties regardless of the biases and whims of the host country. It is therefore of the utmost importance for all Member States to express in unison their outrage against the closing of the PLO Office, not only in defence of the rights of the Palestinian people, but also in defence of the independence and integrity of the United Nations as a credible - and indeed, viable - international Organization.

Mr. JOSSE (Nepal): Allow me at the outset, Sir, to express my delegation's pleasure at seeing you once again guiding the Assembly's deliberations. I should also like to convey our great appreciation to you for the expeditious manner in which the forty-second session has been reconvened to resume consideration of the agenda item before us, entitled "Report of the Committee on Relations with the Host Country".

With regard to the subject of our debate, I wish at the very beginning to record my delegation's deep gratitude to the Secretary-General for his comprehensive reports (A/42/915 and Add.1) submitted pursuant to resolution 42/210 B of 17 December 1987. We pay tribute to the Secretary-General, as chief custodian of the United Nations, for all his endeavours to protect and promote the interests of the United Nations, particularly as they relate to the 1947 Headquarters Agreement, now under close scrutiny by the international community.

Before proceeding any further, I wish to underline my delegation's total agreement with the views and assessment of the Secretary-General with respect to the implications of the signing into law on 22 December 1987 of the host country's legislation, which would result in the closing down by 21 March of the New York office of the Palestine Liberation Organization (PLO).

My delegation views the proposed move by the Government of the host country, the United States of America, with profound disappointment and dismay. Our attitude has been conditioned by a number of very important factors, which vary from the practical, political and moral to the strictly legal. Among the practical, political and moral considerations are those that concern the timing of the measure to still the voice of the sole, legal representative of the Palestine people at the United Nations, which representative has been functioning through a Permanent Observer Mission at the United Nations since 1974 by virtue of resolution 3237 (XXIX).

(Mr. Josse, Nepal)

In this context, my delegation has not only taken note of recent United States initiatives in the Middle East, but has not forgotten the sombre implications of the unprecedented continuing popular uprising of Palestinians in the occupied territories and the outcome of recent Security Council deliberations. Similarly, on grounds outlined earlier, my delegation cannot but wonder what the long-term effect of the closure of the PLO Observer Mission will be, not only in the Middle East, but for the overall international political environment.

Such concerns notwithstanding, my delegation desires today to confine itself to the legal implications of the host country's proposed move to shut down the offices of the Palestine Liberation Organization in New York, the Headquarters of the United Nations. On the basis of a careful examination of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, of 26 June 1947, my delegation is convinced that such a step would constitute a clear violation of the solemn commitment undertaken by the United States - by Article IV of that Agreement - not to impose any impediments to transit to the Headquarters district of persons invited to the Headquarters district by the United Nations on official business.

As the establishment of the Observer Mission of the Palestine Liberation Organization in New York followed recognition in 1974 by the General Assembly of the right of the Palestinian people to independence and sovereignty in Palestine and its conferring of full Observer status on the PLO as the sole representative of the Palestinian people, any move to close the PLO Observer Mission to the United Nations by the host country would represent precisely such an impediment to members of the PLO Observer Mission in the discharge of their important duties at the United Nations.



(Mr. Josse, Nepal)

My delegation is no less disturbed by the long-term and general implications of such a violation of the Headquarters Agreement, which is binding in international law and on whose continuing viability and integrity the day-to-day functioning of the United Nations rests. For a country that is as profoundly committed to the United Nations as Nepal has always been, any development that is likely to threaten or weaken it can hardly be condoned, much less welcomed.

After carefully studying the relevant reports of the Secretary-General, my delegation fully endorses the position that a dispute exists between the United Nations and the United States concerning the interpretation and application of the Headquarters Agreement. We therefore join previous speakers in urging the host Government to abide by its international legal obligations and to resolve the dispute before us through the procedure spelt out in section 21 of the Headquarters Agreement. We firmly support the Secretary-General's action in invoking that procedure by nominating an arbitrator, and consent to the setting up of an arbitral tribunal, in the expectation that the host country will do likewise.

It goes without saying, of course, that pending a decision by the arbitral tribunal, we would hope that the decision of the host country with respect to the Palestine Liberation Organization's Observer Mission in New York would be held in abeyance.

Mr. INSANALLY (Guyana): Item 136, which the forty-second session of the General Assembly has reconvened to consider, has proved to be one of the most contentious issues on our agenda. The issue has in fact become an irritant in relations between the United Nations and the host country, the United States.

(Mr. Insanally, Guyana)

For reasons not yet fully appreciated, the American authorities have acted to terminate the observer presence of the Palestine Liberation Organization (PLO) in New York. This step, in the eyes of the overwhelming majority of Member States, violates the provisions of the 1947 Headquarters Agreement and consequently has been condemned as arbitrary and unacceptable. The attendant controversy can hardly be said to be in the best interest of the world Organization, and should therefore be settled as quickly as possible. It is our hope, Sir, that, under your continuing guidance, the Assembly will be able to put an end to this unfortunate dispute.

(Mr. Insanally, Guyana)

Essentially, the question is now a legal one, calling for a strict interpretation of the Headquarters Agreement. The action of the host country has been duly reviewed by the Assembly in resolution 42/210 B of 17 December 1987 and has been deemed to be in clear violation of international law. In response to the mandate of that resolution, the Secretary-General has sought to persuade the United States Government of the need to respect the obligations which it freely contracted 40 years ago and which, in law, it cannot avoid today. His efforts have been commendably diligent but thus far regrettably unsuccessful. In the resulting impasse, the Assembly must therefore, on the basis of the reports submitted to it in documents A/42/915 and Add.1, decide on the course which must now be followed. This should pose no difficulty since the Headquarters Agreement has already established, in section 21, the procedure to be adopted in the event of a dispute as to its interpretation or application. The parties are clearly obliged to proceed to the creation of an arbitral tribunal which, given the appropriate compromis, can meet forthwith to examine and hopefully resolve the dispute. In the absence of agreement on this step, the only alternative procedure is recourse to the International Court of Justice for an advisory opinion.

In looking at the substance of the issue, my delegation fails to see how the Palestine Liberation Organization (PLO) can be denied, with any justification, the place which has been properly accorded to it at the United Nations by this Assembly. Through resolution 3237 (XXIX) of 1974, the organization was granted observer status and invited to participate in the work of the United Nations. This invitation came in recognition of the fact that the Palestine Liberation Organization (PLO) was an authentic liberation movement representing the interests and welfare of the Palestinian people. Created in 1964, the PLO is the visible embodiment of the Palestinian national consciousness and has, over the years,

(Mr. Insanally, Guyana)

proved itself to be the legitimate defender of the Palestinian cause. It is therefore not surprising that the Non-Aligned Movement, at a very early date, accepted the Palestine Liberation Organization as a full member and the sole, legitimate representative of the Palestinian people.

This acceptance was prompted by the recognition that no contemplated settlement of the Middle East problem could be "comprehensive, just and acceptable" without the participation of the PLO. The Movement firmly believed that the Palestine Liberation Organization was entitled to engage, on an equal footing, in whatever negotiations might be held with a view to achieving a definitive solution to the problems of the Middle East. The PLO has in fact been notably active in the search for regional peace and by determined and effective leadership has demonstrated its capacity to represent the Palestinian people.

The positive role of the PLO is therefore undeniable and cannot safely remain without acknowledgement. At a time when the situation in the Middle East has become critical, the participation of the PLO in the search for a peaceful solution will become increasingly useful and necessary. There is now before the international community a proposal to convene an international peace conference at which another determined effort may be made to bring peace to the region. Within the past year, the proposal has gained wide acceptance and engendered fresh hopes for a peaceful solution. We must therefore attempt to open rather than close the doors to dialogue. We must accordingly plead for the continuing presence of the PLO at United Nations Headquarters so that it can be a part of the peace process.

The practice of diplomacy, by which States seek to develop their international relations, is based on a set of universally accepted rules. This code of behaviour has evolved over centuries from the realization that, in order to avoid conflict,

(Mr. Insanally, Guyana)

dialogue and negotiation must be allowed at all times to flourish. To this end, States have seen fit to create a number of international institutions through which they might work to enhance friendship and co-operation among themselves. By mutual consent, they have endowed these bodies with the necessary privileges and immunities so that they might be allowed to perform their designated functions insulated from all external vicissitudes.

It is dangerous and deplorable, therefore, whenever these conventions are jeopardized by the non-acquiescence or the threat of non-acquiescence of any State to its legal commitments. Treaties must be observed, including the United Nations Headquarters Agreement. For this reason, my delegation joins in the urgent appeal to the host country to reconsider its position in this matter and to comply with the obligations which fall to it under the Headquarters Agreement. Any further temporizing will only do irreparable harm to the world body which we are all pledged to defend and preserve.

Mr. ZUZE (Zambia): We are meeting in this Assembly to discuss subject-matter of fundamental importance to the existence of the United Nations. It is a crucial issue of direct relevance to the cherished and cardinal principle of respect for international treaties which govern the conduct of international relations as well as the behaviour of Member States or organizations.

At the core of our debate is the violation of the United Nations Headquarters Agreement by the Government of the United States of America through its passage of the Foreign Relations Authorization Act of 22 December 1987, Title X of which, the Anti-Terrorism Act of 1987, inter alia, prohibits the continued maintenance of the Permanent Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations in New York.

It is our view that this law, which takes effect on 21 March 1988, contravenes the Headquarters Agreement of 26 June 1947. My delegation would like to express

(Mr. Zuze, Zambia)

its appreciation to the Secretary-General for his commendable efforts and measures taken in accordance with General Assembly resolution 42/210 B of 17 December 1987. The Secretary-General's decision to invoke the dispute settlement procedure set out in section 21 of the Agreement has the full support and sympathy of my delegation.

(Mr. Zuze, Zambia)

As one of the major Powers, and as a founder Member of the Organization, the United States enjoys a special position and status in the family of nations. The traditional commitment to the principles of freedom and liberty - suitably symbolized by the Statue of Liberty, proudly and prominently mounted for all to see - bestows upon the United States a singular and inescapable responsibility to ensure full respect for international law and to safeguard the interests of the weak and of those engaged in the just struggle for self-determination. Indeed, it is a historical fact that the United States is itself a product of the freedom struggle. In that regard we wish to make an earnest appeal to the United States Government to defer application of the law in question to the PLO Observer Mission; failing that, it should accept that a dispute does exist with the United Nations, and respond positively to the call for arbitration, which is the remedial mechanism set out in section 21 of the Headquarters Agreement. It is our view that a dispute came into existence at the time of the passage of the law relating to the closure of the Permanent Observer Mission of the PLO.

The PLO has over the past 13 years enjoyed the legitimate status of invitee of the United Nations. During that period it has acquitted itself with remarkable responsibility and has carried out its functions with diligence and dignity. Indeed, as the sole, authentic representative of the Palestinian people, its assured presence at United Nations Headquarters and its active participation in the work of the Organization are invaluable and indispensable to the success of the genuine efforts of the international community to achieve a just, comprehensive and lasting peace in the Middle East. That fact must be duly recognized by us all. The PLO Observer Mission must not be prevented by any means whatsoever from discharging its legitimate functions as a duly accredited mission to the United Nations.

(Mr. Zuze, Zambia)

It is the considered view of my delegation that the matter under discussion directly affects the integrity, image and independence of the United Nations as the embodiment of multilateralism. There is no need for me to stress that for over 40 years multilateralism has played a pivotal role in the orderly conduct of international relations. It must therefore be strengthened, not weakened, and any attempts to undermine it or subordinate it to national or narrow sectional interests must be firmly and vigorously resisted by us all.

The United Nations Headquarters Agreement is, in our opinion, a symbol of time-tested principles and practices of international law which have long governed the conduct of international relations. The decision by the United States to abrogate the Headquarters Agreement is retrogressive and is at variance with ongoing earnest efforts to promote the progressive development of international law and to strengthen the role of the Organization.

Let me conclude by reiterating my delegation's conviction that the decision by the United States Government to close the PLO Observer Mission to the United Nations constitutes a premeditated violation of international law and, if implemented, would set a very dangerous precedent. For not only would it jeopardize the inviolability of similar and other international agreements but it would also serve as a pretext for arbitrary unilateral expulsions of other duly accredited missions which might be perceived as hostile to the host country. As a matter of principle, my delegation will oppose such actions.

The PRESIDENT (interpretation from Russian): In accordance with General Assembly resolution 3369 (XXX), I call now on the Permanent Observer of the Organization of the Islamic Conference.



Mr. ANSAY (Organization of the Islamic Conference): Mr. President, I thank you for this opportunity to address the General Assembly, on behalf of the Secretary-General of the Organization of the Islamic Conference, at its resumed forty-second session on the very important issue before it.

At the outset I should like to extend to you the profound gratitude of my organization for having resumed the current session of the General Assembly on such short notice. We are gratified that, under your able guidance, the Assembly's deliberations are bearing fruit. I should also like to avail myself of this opportunity on behalf of the General Secretariat of the Organization of the Islamic Conference to express our heartfelt thanks to the Secretary-General for his tireless efforts and most valuable contribution towards the implementation of the Headquarters Agreement.

This particular meeting of the resumed forty-second session of the General Assembly is taking place under the grim shadow of the brutal, systematic beatings and wanton, unprovoked killings perpetrated by Israeli authorities against innocent Palestinian men, women and, especially, children whose only crime has been to call for their inalienable national rights. These unprecedented acts of cruelty are being vigorously condemned not only by world public opinion but by Jewish people themselves, both outside and inside Israel. We of the Organization of the Islamic Conference firmly believe that this Assembly too will assume its responsibility in taking the effective measures urgently required to bring these genocidal acts of cruelty to a prompt end.

The Organization of the Islamic Conference, having met in New York on 22 February 1988, decided to support fully the request of the Arab group for the resumption of this session of the General Assembly in order to complete consideration of agenda item 136. We are all aware of the developments that necessitated that request. We in the Organization of the Islamic Conference feel

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the Islamic Conference)

strongly that the occasion for the request should never have arisen; unfortunately, precisely the opposite has happened. Now the problem has reached a stage where the issues confronting the General Assembly are of formidable dimensions. The report of the Secretary-General submitted to the General Assembly on 10 February 1988, in pursuance of resolution 42/210 B of 17 December 1987, set out in no uncertain terms the important legal issues involved in this question, pertaining to the fulfilment in good faith of obligations of the host country under international law.

As indicated by the Secretary-General in his report, the members of the Observer Mission of the Palestine Liberation Organization (PLO) are, by virtue of General Assembly resolution 3237 (XXIX), invitees to the United Nations and as such should be in a position to discharge their official functions without impediment, irrespective of the nature of the relations between the host country and the Palestine Liberation Organization.

In the light of both the letter and the spirit of sections 11, 12 and 13 of the 1947 Headquarters Agreement, there is no doubt at all that, as host country, the United States is under an obligation to permit PLO personnel to enter and remain in the United States to carry out their official functions. The situation we face today obviously concerns not only the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York, but the entire membership of the United Nations, as a matter of principle, since it has direct bearing on the proper implementation of the Headquarters Agreement.

(Mr. Ansay, Organization of the  
Islamic Conference)

Respect for and fulfilment of the obligations arising from this basic Agreement is of profound significance, because its infringement can have serious repercussions on the ability of the United Nations to function effectively in New York as a universal organization which should remain at all times and under any conditions accessible in an unimpeded manner to the representatives of all parties - Members, observers or invitees of the United Nations - to any international dispute.

On 17 December 1987, in its resolution 42/210 B, the General Assembly reiterated that the Permanent Observer Mission of the PLO to the United Nations is covered by the provisions of the United Nations Headquarters Agreement. The General Assembly called upon the host country to abide by its obligations under this Agreement and in this connection to refrain from taking any action that would prevent the discharge of the official functions of the PLO Mission in New York. At the same time the Secretary-General was requested to take effective measures to ensure full respect for the Headquarters Agreement and to report without delay to the General Assembly on any further developments in this matter.

However, in spite of the appeals by the United Nations, the legislation, including the provision that affects the status of the PLO Mission and runs counter to the international obligations of the United States, was given the status of a legal Act of the United States when it was signed into law on 22 December 1987. In his report submitted to the Assembly in document A/42/915, the Secretary-General correctly stated that the obligations of the United States under the Headquarters Agreement are being violated by this Act.

We would like to express our firm support for the course followed by the Secretary-General in seeking legal remedies within the framework of section 21 of the Headquarters Agreement. Indeed, it is clear that any dispute between the

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United Nations and the United States concerning the interpretation or application of this Agreement falls under the procedure of arbitration stipulated in this section.

We have taken note that the United States Administration itself has not lost sight of its legal obligation to maintain the current arrangements for the PLO Observer Mission. In fact, an effort has been under way to examine the possibility of interpreting the law in question in conformity with United States obligations under the Headquarters Agreement. Despite this fact, the legislation that establishes prohibitions with regard to the PLO offices in the United States directly contests the treaty obligations of the host country.

The combined effect of resolution 3237 (XXIX) and the Headquarters Agreement together with Article 105 of the Charter of the United Nations, imposes a clear legal obligation on the Government of the host country to permit the PLO to maintain offices in New York accredited to the United Nations. The Secretary of State of the host country himself acknowledged the existence of this legal obligation in a letter dated 29 January 1988 addressed to the United States Senate. On numerous occasions several other members of the United States Administration, including the Legal Counsel of the State Department and the United States Mission to the United Nations, have expressed the same opinion.

The legal opinion expressed in that letter from the United States Secretary of State is shared by the Secretary-General and the United Nations Legal Counsel, who, as recorded in paragraph 49 of the report of the Committee on Relations with the Host Country contained in document A/42/26, stressed that the key point of the letter by the Secretary of State was that the United States was

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"under an obligation to permit PLO Observer Mission personnel to enter and remain in the United States to carry out their official functions at the United Nations".

The Secretary of State also very accurately stated in his letter that the PLO Observer Mission is accredited not to the United States Government but to the United Nations.

Notwithstanding all these efforts, no positive development is yet discernible.

Consequently, the Secretary-General has felt the need to report to the General Assembly in accordance with the terms of resolution 42/210 B. We would have liked to see better use made of the negotiations and consultations between the United States and the United Nations by activating the dispute settlement procedure provided in the Headquarters Agreement. It is to the credit of the United Nations that its Legal Counsel recommended that, if the PLO Observer Mission was not to be exempted from the application of the law, the parties should proceed to arbitration. Failure to take this step has created a vicious circle which, in order to be broken, now requires the intervention of the General Assembly.

This Assembly has been convened today because in some ways the fate of the United Nations itself is at stake. In addressing the specific issue of the PLO Mission, we are seeking preventive measures to protect not only the PLO but also the United Nations as a whole and the Headquarters Agreement and, by extension, all missions accredited to the United Nations.

There is no doubt that the Headquarters Agreement is binding under international law. As previous speakers have mentioned here, one of the maxims of international law is the principle of pacta sunt servanda. Apart from creating an unheard of precedent which would probably nullify the most significant multilateral agreement it has concluded, the United States would also set an even more dangerous

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precedent that might result in allowing any country to renege on its legally binding international obligations simply by enacting, at any time of its choosing, legislation allowing it to ignore the stipulations of otherwise binding international agreements. Does the United States realize the abhorrent consequences that might ensue from such an act? If it does not, then it is high time that this Assembly brought it to its attention by unanimously supporting the proposed draft resolutions before us. The action which the General Assembly is requested to adopt is actually intended to prevent the United States from bringing a legal catastrophe upon itself and upon the world at large. To the best of our recollection the United States is a party to the 1969 Vienna Convention on the Law of Treaties, which unequivocally stipulates that a party to an international treaty may not invoke the provisions of its internal law as justification for its failure to abide by a treaty.

The PRESIDENT (interpretation from Russian): The Assembly has heard the last speaker in the debate on this item.

At the request of a number of delegations, I shall now suspend the meeting. After the suspension we shall proceed to vote on the draft resolutions before us.

The meeting was suspended at 12 noon and resumed at 12.50 p.m.

The PRESIDENT (interpretation from Russian): I should like to inform members that Botswana and the Philippines have become sponsors of the draft resolutions.

I shall now call upon the representative of Israel, who has asked to make a statement in explanation of vote on draft resolutions A/42/L.46 and L. 47 before the voting. May I remind members that in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. NETANYAHU (Israel): The question before us is not whether the PLO mission should remain on the soil of the United States. That is, rightly, a matter for the American people to decide, and they have. The question is whether the PLO should be in the United Nations in the first place. Many speakers skirted this basic question by selectively quoting bits and pieces from this or that document. But in this instance why not go to the core document, the Charter of the United Nations, which defines its purpose and its overall mission? Surely this is the authoritative source that needs to be consulted, both for its overall spirit and for its guiding principle.

Representatives will notice that I use the word "principle," not "principles"; I used it in the singular because there is indeed a single idea that encompasses the basic premise of the Charter and of this Organization. And that idea, briefly summed up, is the non-violent resolution of conflicts. All Member States, the Charter says in Article 2:

"shall settle their international disputes by peaceful means",  
and, for added emphasis, it says that all Members

(Mr. Netanyahu, Israel)

"shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."

Peaceful resolution of conflict, respect for the integrity of Member States - if the Charter means anything, it means this. This is what the United Nations was set up to strive for. This is the standard which all of its Members are expected to subscribe to.

Now, the people who wrote the Charter - and, I must say, they were not naive men - recognized that on occasion Member States may fail, that nations may indeed enter into armed disputes or even full-scale war. But it expects - and that is the key word - them to seek a peaceful solution to such conflicts. Whether or not that expectation has been fully realized, all Members of the Organization are obliged to repair to this standard and to declare their allegiance to it.

Which brings us to the issue at hand. At the risk of causing some pain to some members, I shall state the painfully obvious - and here, I do not mean merely that the PLO is not a Member State or a State at all, and therefore not entitled not to enjoy the full range of privileges of this Organization. I mean something else, because the PLO is not merely another organization; it is a particular kind of organization, with its own particular kind of founding document, a document which, as in the case of the United Nations Charter, reveals and defines the purpose of the PLO and its guiding principle.

Indeed, nothing can be more instructive than comparing the PLO Covenant, its "charter," if you will, to the United Nations Charter. Article 19 of the PLO Covenant states its over-all objective, as follows:

"The partition of Palestine in 1947 and the establishment of the State of Israel are null and void, regardless of the passage of time."



(Mr. Netanyahu, Israel)

In other words, the PLO Covenant calls for the destruction of the State of Israel, pure and simple, regardless of territory, regardless of boundaries, regardless of time. The PLO's solution is the dissolution of a Member State.

How do you achieve that goal? Well, that is spelt out in article 9 of the PLO Covenant, which states: "Armed struggle is the only way to liberate Palestine." You will notice that it does not say "a way" or "one of the ways". It is the "only way" to liberate Palestine. In fact, that too, the Covenant explains, is independent of the passage of time. It says that armed struggle is not a phase, but it is the overall strategy, unchanging, permanent, until the goal of liquidating Israel is achieved.

In other words, the PLO is constitutionally - and I use that word both in its literal and figurative senses - incapable of non-violence, of reconciliation, of negotiations to achieve a genuine peace, and it has proved that. It has proved it in the 20 years since its establishment. It has given fresh meaning almost daily to the phrase "armed struggle" and what it means. It means the kidnapping and murder of diplomats, which Yasser Arafat pioneered when he ordered the murder of American diplomats in Khartoum and which has since come a scourge in Lebanon and elsewhere; it means the bombing of aircraft, which the PLO introduced in the mid-air bombing of Swissair and which it continues to this day with other acts against TWA and other aircraft; it means the wholesale massacre of worshippers, as in the slaughter of the Christian pilgrims in Lourdes or in the recent massacre of aged worshippers in Istanbul; it means the murder of athletes in Munich or the act of modern piracy of the Achille Lauro; it means the countless attacks on civilian airplanes and airport lounges and on innocent people. All this is what the PLO calls "the armed struggle".

(Mr. Netanyahu, Israel)

There is a name for deliberate and systematic attacks on the innocent. That name is "terrorism". Indeed, the PLO has been the quintessential terrorist organization of our time. It has armed, trained, indoctrinated and launched countless terrorist organizations from five continents. It is impossible to imagine the spread, the growth, the tremendous increase in international terrorism over the past 20 years without the pivotal role of the PLO. More than any other group, more than any other force, more than any State, it has been the engine responsible for the spread of this modern scourge of inhuman warfare across the face of the globe.

The members of this body must choose. They cannot abide by the United Nations Charter and simultaneously acquiesce in the PLO Charter. It is one or the other - not both.

When the General Assembly decided to give the PLO a foothold in this body, giving credence diametrically opposed to its own, that began, or accelerated, a decline in the prestige and authority of the United Nations. We may very well see today a continuation of that decline. Indeed, it is an act that could send this body reeling further on a precipitous slope.

Today, as in the past, Israel has no hesitation. We stand by our principles, the very principles enunciated in the words of Isaiah which the United Nations chose in another era - perhaps another United Nations - to cast in stone outside here, in front of its portals. They are the very words and concepts that were infused into the Charter and gave it its meaning and purpose. If we have to be the only ones to reaffirm those principles by voting against the draft resolution before us today, we shall do so without reservation.

The PRESIDENT (interpretation from Russian): We have heard the only speaker in explanation of vote before the voting.

(The President)

The Assembly will first take a decision on draft resolution A/42/L.46.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Israel

Draft resolution A/42/L.46 was adopted by 143 votes to 1 (resolution 42/229 A).\*

The PRESIDENT (interpretation from Russian): The Assembly will now take a decision on draft resolution A/42/L.47.

A recorded vote has been requested.

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\* Subsequently the delegation of Vanuatu informed the Secretariat that it had intended to vote in favour.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

Draft resolution A/42/L.47 was adopted by 143 votes to none (resolution 42/229 B).\*

The PRESIDENT (interpretation from Russian): I shall now call on any representatives who wish to explain their vote after the voting. I call on the representative of the United States of America.

Mr. OKUN (United States of America): The debate of the past three days has dealt with a subject to which the United States Government has given a great deal of attention. We regard this as a serious issue, since it involves important

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\* Subsequently the delegation of Vanuatu informed the Secretariat that it had intended to vote in favour.

(Mr. Okun, United States)

questions of United States law and international law, and we have been in regular and frequent contact with the United Nations Secretariat over the past several months concerning an appropriate resolution of this matter.

The situation today remains almost identical to that prevailing when resolution 42/210 B was put to the vote in December 1987. The United States has not yet taken action affecting the functioning of any Mission or invitee. As the Secretary-General relayed to the Assembly in the 25 February addendum to his report of 10 February, the United States Government has made no final decision concerning the application or enforcement of recently passed United States legislation, the Anti-Terrorist Act of 1987, with respect to the Permanent Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations in New York.

For these reasons, we can only view as unnecessary and premature the holding at this time of this resumed forty-second session of the General Assembly. The United States recognizes the concerns expressed by members, the good will, moderation and restraint exercised by many delegations, and the considerable effort expended on the resolutions. We regret that others have used the occasion to raise a number of extraneous issues in a tendentious fashion. I assure those countries which have approached this debate, and the subject at issue, seriously, that my Government approaches it with equal seriousness.

Since we regard this resumed session as premature and inappropriate, the United States has again chosen not to participate in the vote on the resolutions which have just been adopted.

The United States Government will consider carefully the views expressed during this resumed session. It remains the intention of this Government to find an appropriate resolution of this problem in the light of the Charter of the United Nations, the Headquarters Agreement and the laws of the United States.

The PRESIDENT (interpretation from Russian): We have heard the only speaker in explanation of vote after the voting.

In accordance with resolution 3237 (XXIX) of 22 November 1974, I call on the Observer of the Palestine Liberation Organization (PLO).

Mr. TERZI (Palestine Liberation Organization (PLO)): First, permit me to express our gratitude and appreciation for the result of the debate, which was very objective and expressed concern about the future of the Organization. The fact that there was only one vote against the resolution convinces us that the international community is adhering to its commitments to the purposes and principles of the Charter and to the norms of international relations among civilized countries.

We do hope that the host country will in the meantime abide by the will of the international community and respond positively to the call in paragraph 5 of resolution 42/229 A, adopted this afternoon, and abide by its treaty obligations under the Agreement and hasten to provide assurances 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.

As we pointed out in our initial statement, we realize that there is a dispute within the Administration itself. One would have thought that to spare the Organization three days of meetings, to spare us the expenses that have been incurred, to spare us all the excitement and anxiety, the United States, as the host country, could have given those assurances in the first place - namely that the domestic law, Title X, will not be applied, is not applicable, and does not prejudice the obligations assumed under the Agreement and international treaties.

But the United States chose to do otherwise. We have just heard the representative of the United States again telling us that no action affecting the Permanent Mission of the PLO - which really means no action affecting the independence of the Organization - has yet been taken. Am I to understand that such action is forthcoming? And, if so, in what form, in what shape?

(Mr. Terzi, PLO)

That is why we believe the General Assembly should remain in session, awaiting the action the Administration plans to take - action that would affect the independence of the Organization, action that would affect the Permanent Observer Mission of the PLO, action that might put the entire Agreement between the host country and the United Nations in dispute and conflict.

However, we are gratified that the International Court of Justice will, as decided in resolution 42/229 B, hasten to give us its reply as to whether the host country is under an obligation to enter into arbitration, which would be another challenge to the Administration: whether or not the host country will honour its obligations.

When we were kids we were taught - and we still believe it - that preventive action is much more effective than action a posteriori. That is exactly what the Assembly was seeking: for there to be no need for the Assembly to go into action as a result of action taken by the host country affecting the Agreement and the status of, and arrangements for, the Palestine Liberation Organization.

Through you, Sir, I again express our appreciation to all Members of the United Nations who voted here. Also, I do appreciate the negative position taken by the representative of Israel, because it is nothing new: he has just reaffirmed Israel's complete disregard for the norms of civilized relationships; its complete disregard and contempt for this Organization; its contempt for, and failure to implement, any of the decisions of the Security Council or the Assembly, notwithstanding the provisions of the Charter.

We sometimes seem to overlook the fact that the Charter starts with the words "We the peoples". We, as a people, have come to the United Nations to exercise and demand right and justice.



(Mr. Terzi, PLO)

It is a well known fact that the principal party to the conflict is the Palestinian people. In its resolution 3210 (XXIX) the General Assembly declared that the Palestinian people is the principal party to the conflict. So one wonders: if action is taken to prevent that principal party to the conflict from being here to participate, then the other principal party to the conflict, the aggressor, will have a free hand. So the aim of the action, according to the representative of Israel, was for the principal party - namely the victim, the Palestinian people, represented by the PLO - to be denied access and a voice here, while the aggressor, in complete violation of and total disregard for all the norms of civilized relationships, would have a free hand in this Hall.

We trust that before 21 March the Secretary-General will be informed by the host country of the non-applicability of Title X of the law passed in the United States.

STATEMENT BY THE PRESIDENT

The PRESIDENT (interpretation from Russian): The resumed forty-second session of the General Assembly has considered a crucial question which is of vital importance for our Organization. The resolutions just adopted are unequivocal and do not need any interpretation on my part.

I want to express my hope that the necessary conclusions will be drawn and that the unrestricted functioning of all Missions accredited to the United Nations, including the Permanent Observer Mission of the Palestine Liberation Organization (PLO), will continue to be guaranteed.

(Mr. Terzi, PLO)

In the light of paragraph 4 of resolution 42/210 B and of paragraph 7 of resolution 42/229 A, just adopted, the Assembly will keep this matter under active review, which, as is clear, will permit resumption of expeditious consideration of the item, if developments so require, upon receipt of the report of the Secretary-General requested in paragraph 6 of resolution 42/229 A.

If I hear no objection, it will be so decided.

It was so decided.

#### SUSPENSION OF THE FORTY-SECOND SESSION

The PRESIDENT (interpretation from Russian): I now declare the forty-second session suspended.

The meeting rose at 1.20 p.m.