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PROVISIONAL VERBATIM RECORD OF THE ONE HUNDRED AND SEVENTH MEETING

Held at Headquarters, New York,
on Monday, 21 March 1988, at 3 p.m.

President: Mr. FLORIN (German Democratic Republic)

- Report of the Committee on Relations with the Host Country: report of the Secretary-General [136] (continued)
- Programme of work

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 136 (continued)

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY: REPORT OF THE SECRETARY-GENERAL (A/42/915 and Add.1-3)

Mr. SHAH NAWAZ (Pakistan): Not many days ago, at its resumed forty-second session, the General Assembly considered the report of the Committee on Relations with the Host Country, which is again on our agenda today. When this item was considered earlier at that session, all the speakers who participated in the debate expressed the view that, in taking a decision to close down the offices of the Palestine Liberation Organization (PLO) in New York, the host country was acting in contravention of the letter and spirit of its obligations to the United Nations. This collective view was reflected in resolution 42/229, which was adopted by an overwhelming majority of 143 votes with only the one dissenting vote of Israel. The host country opted for non-participation in the voting.

The last preambular paragraph of that resolution affirmed that the host country was under a legal obligation to enable the Permanent Observer Mission of the PLO to establish and maintain premises and adequate functional facilities and to enable its personnel to enter and remain in the United States to carry out their official functions. Operative paragraph 5 of the resolution called upon the host country to abide by its treaty obligations under the Headquarters Agreement and to provide the assurance that no action would be taken that would infringe on the current arrangements for the official functioning of the PLO Observer Mission in New York.

The essence of the resolution was the directive given to the Secretary-General to continue his efforts in pursuance of the provisions of the Headquarters Agreement and, in particular, to work for the resolution of the dispute in accordance with section 21 of the Agreement.

(Mr. Shah Nawaz, Pakistan)

We all know that section 21 calls for the establishment of a tribunal of three arbitrators in case of a dispute concerning the interpretation or application of this Agreement. It also allows the Secretary-General or the host country to ask the General Assembly to request the International Court of Justice for an advisory opinion on any legal opinion in the course of such proceedings. Pending receipt of the opinion of the Court, section 21 provides that an interim decision of the arbitral tribunal shall be observed by both parties.

Disregarding the weight of the views embodied in resolution 42/229 and the specific recommendations contained in it, the United States Administration announced on 10 March that it would go ahead with its decision and implement the law seeking the closure of the PLO Mission to the United Nations on 21 March. This decision was conveyed to the Secretary-General on 11 March in a letter from the United States Mission which said that,

"the Attorney General of the United States has determined that he is required by the Anti-Terrorism Act of 1987 to close the office of the Palestine Liberation Organization Observer Mission to the United Nations in New York, irrespective of any obligations the United States may have under the Agreement between the United Nations and the United States regarding the Headquarters of the United Nations. If the PLO does not comply with the Act, the Attorney General will initiate legal action to close the PLO Permanent Observer Mission on or about March 21, 1988, the effective date of the Act." (A/42/915/Add.2, annex I)

The letter also said that under the circumstances the United States believed that submission of this matter to arbitration would not serve a useful purpose.

The Secretary-General's immediate response on receiving this letter was to inform the Acting Permanent Representative of the United States that his

(Mr. Shah Nawaz, Pakistan)

Government's decision was a clear violation of the Headquarters Agreement between the United Nations and the United States.

It is therefore appropriate ~~that~~ at this session the General Assembly should reaffirm its commitment to the objectives of resolution 42/229, which it adopted earlier this month, so that the weight of its moral authority should persuade the host country to desist from implementing its decision to close the office of the PLO Observer Mission.

A revision of the decision by the host country before the appointed date for the closing of the PLO Mission would be universally welcomed. Public opinion in the United States itself does not appear to favour Congress' passing the law peremptorily closing the PLO Mission.

The New York Times, in its editorial of 4 March, described the move by Congress as showing contempt for international law and the American ideal of free speech.

Apropos of this editorial, Congressman Bruce Morrison wrote to The New York Times on 16 March that outlawing PLO offices in the United States places an unconstitutional restriction on every American's right to free speech.

On the same day Professor Michael Reisman also wrote to The New York Times upholding the view that the Anti-Terrorism Act mandating the closure of the PLO offices violated both international law and good sense.

In the meantime the atmosphere is being vitiated by the spectacle of a head-on collision between the United Nations and one of its founding Members which threatens to undermine the proper functioning of the United Nations in New York. The implementation of the decision by the host country would seriously undermine the world community's faith and confidence in the United Nations which has so painstakingly been built up since the Second World War. My delegation sincerely

(Mr. Shah Nawaz, Pakistan)

hopes that the prevailing discord and despair, which has even led to demands for shifting the United Nations premises elsewhere, is repaired and no action taken which worsens the situation and jeopardizes the credibility of the United Nations beyond recall. We hope that better counsel will prevail and that an inadmissible decision will not be enforced.

The issue that is immediately before us is one between the United Nations and the United States stemming from a decision of the host country that violates the Headquarters Agreement with the United Nations. The decision strikes at the very root of the framework of laws and statutes which make it possible for the United Nations to function in the United States. It is this fundamental issue of the relationship between the United Nations and the host country that needs to be addressed immediately and effectively. The Secretary-General needs to use every means at his disposal to persuade the host country to refrain from implementing its decision to close the PLO offices.

We feel gratified at the Secretary-General's response to the situation. In his reply to the Acting Permanent Representative of the United States to the United Nations dated 15 March, the Secretary-General has forcefully pointed out that he cannot accept the statement contained in the letter that the United States may act irrespective of its obligations under the Headquarters Agreement. He has urged the United States Administration to reconsider the serious implications of that statement given its responsibilities as the host country.

(Mr. Shah Nawaz, Pakistan)

The Secretary-General has also rightly stressed that he must take issue with the conclusion that the United States believes that submission of this matter to arbitration will serve a useful purpose. The United Nations, he maintains, continues to believe that the machinery provided in the Headquarters Agreement is the proper framework for the settlement of this dispute, and he cannot agree that arbitration will serve no useful purpose. On the contrary, he has said, arbitration in the present case will serve the very purpose for which the provisions of section 21 were included in the Agreement, namely, the settlement of a dispute arising from the interpretation or application of the Agreement.

This line of action has the overwhelming support of the membership of the United Nations. We need to strengthen the Secretary-General's hand by reaffirming to him our full support in continuing his efforts to resolve the issue.

While the political and legal issues surrounding the statute, which will close the office of the Palestine Liberation Organization (PLO) in New York today, are being disputed, the West Bank and Gaza remain in a state of uprising. Since 9 December of last year, when the disturbances began, nearly 100 Palestinians have died as a result of the excesses of the Israeli forces in their attempts to suppress the uprising. Violent confrontations continue between the Israeli occupying forces and Palestinians defying the occupation of their homeland.

It is reported that the Israeli authorities are engaged in an attempt to block foreign journalists from the West Bank and Gaza in a forlorn effort to reduce coverage of the Palestinian protests. The latest attempts to declare the affected areas as a closed military zone from which foreign reporters have been banned will not shut out the sufferings of the peoples of Palestine from world attention.

The question of Palestine has been before the United Nations for more than 40 years and will not be wished away. It is the question of the restitution of the

(Mr. Shah Nawaz, Pakistan)

inalienable rights of the Palestinian people, including their right to self-determination and statehood. When the Palestinian nation has assumed its rightful place in the United Nations and has taken its seat by our side in the General Assembly Hall - only then will the question have been resolved.

Mr. ADAM (Sudan) (interpretation from Arabic): My country's delegation joins with preceding delegations in expressing to you, Mr. President, its deep gratitude for having so promptly agreed to convene this resumed forty-second session to continue our discussion of a serious question that is of direct concern to every Member of the Organization.

As all members know, the Assembly is now resuming its consideration of the report of the Committee on Relations with the Host Country to deal with the situation now confronting the Permanent Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations. This session completed one stage of its work on this subject with the adoption by an overwhelming majority of resolutions 42/229 A and B on 2 March of this year. Subsequently, and with a certain amount of hope, representatives met in an atmosphere of upheaval unprecedented in United Nations affairs, an upheaval created by the attitude of the host country with regard to the Headquarters Agreement, which has prevailed ever since the adoption of resolution 42/210 last year and which lasted until 11 March, when the United States Administration announced its present decision.

Need we again go into detail about the documents that have established the relationship between the Observer Mission of the PLO and the United Nations? In the view of the vast majority of Members, they can be summed up as follows: General Assembly resolution 3237 (XXIX) invited the Palestine Liberation Organization to participate in the sessions and work of the General Assembly and in the discussion of all issues that have to do with the Middle East as the legitimate representative of the Palestinian people, which has been daily suffering great

(Mr. Adam, Sudan)

hardship over the past 41 years. Sections 12 and 13 of the Headquarters Agreement concluded between the United Nations and the United States in 1947 contain binding provisions that must be fully respected, in accordance with the relevant provisions of the United Nations Charter. Indeed, one of the purposes for which the United Nations was created was to ensure that Members act in keeping with their treaty obligations. We might well ask: where is the problem?

The report of the Secretary-General dated 10 February of this year (A/42/915 and Add.1-3) clearly states that the Anti-Terrorism Act of 1987 established certain restrictions regarding the Palestine Liberation Organization (PLO) Observer Mission. This is where the dispute arises, since all of the earlier directives issued by the host country with regard to the Permanent Observer Mission of the PLO to the United Nations, which comes under the terms of the Headquarters Agreement, are now affected by the aforementioned Act, notwithstanding the statements by the American Government in early January, when we were told that it was going to enter into negotiations with Congress to resolve the question.

The position of the host country was further clarified by a communication from the Secretary of State in which he noted that the United States Government was under an obligation to permit PLO Observer Mission personnel to enter and remain in the United States to carry out their official functions. Secondly, there was an assertion of the Administration's intention to enter into negotiations with Congress to solve the problem. Thirdly, the Government of the host country cannot and does not want officially to enter into discussions to settle the dispute. Indeed, the Government of the host country maintained that a no dispute actually exists between the United Nations and the United States because the pertinent legislation had not been implemented; it also maintained that the United States authorities were still considering how to interpret the law that had been passed on the status of the PLO Mission in the light of the Headquarters Agreement.

(Mr. Adam, Sudan)

Fourthly, at the 104th meeting of the General Assembly on 2 March 1988 the United States representative stated that his Government would consider carefully the views expressed during the resumed session and that it remained the Government's intention to find an appropriate solution of the problem in the light of the Charter, the Headquarters Agreement and United States legislation.

(Mr. Adam, Sudan)

On 11 March the host country informed the Secretary-General that the Attorney General of the United States was required by the Anti-Terrorism Act of 1987 to close the office of the Permanent Observer Mission of the PLO, irrespective of the Agreement, and the PLO was asked to comply with that law by 21 March at the latest. The host country also expressed its conviction that submitting the question to arbitration would not serve a useful purpose.

Those were the developments. Because of the points that I have mentioned, we feel there is still room for hope that the authorities of the host country, a country that saw the birth of this Organization and helped shape its Charter, will ensure that international law prevails over national legislation. Our goal is to allow the PLO Mission to continue to carry out its official activities at the United Nations.

The issue is important for the history of the United Nations and of United States jurisprudence, which is well known for its fairness. We refuse to accept the possibility of the host country's taking that decision as the only possible decision, setting itself up as the sole arbiter of what happens in its relations with the United Nations.

We thank the United Nations authorities for their efforts to implement the Headquarters Agreement following the appeal of the General Assembly in resolutions 42/229 A and 42/229 B. I also thank the authorities of the International Court of Justice for having taken the necessary legal measures immediately in order to give consideration to the question.

We believe that the General Assembly must be able to hold a complete session with the presence of all members, and that arbitration must prevail in this dispute, under the terms of the Charter and the legal responsibilities incumbent upon all the authorities involved.

(Mr. Adam, Sudan)

We are convinced that there is a dispute between the United Nations and the host country, and we hope that the Secretary-General will spare no effort and will take all the necessary measures, including all the necessary legal measures, to enable the PLO Observer Mission and its staff to carry out their official activities in the normal way, as is the case with other delegations.

An official spokesman of our Foreign Ministry has condemned the measures taken by the host country against the PLO Observer Mission, because we regard them as a violation of the Headquarters Agreement. We believe that they will hinder the continuing efforts of the international community to bring about a just solution to the problems of the Palestinian people.

Mr. ESZTERGALYOS (Hungary): It is with the deepest concern that the Hungarian delegation has again asked to participate in the deliberations of the resumed session.

The report of the Secretary-General (A/42/915/Add.2) gives a disturbing account of recent developments.

The General Assembly, in its resolutions 42/229 A and 42/229 B of 2 March 1988, addressed a fundamental issue - respect for the rule of law in international relations. It did so in order to provide an appropriate mechanism to prevent a breach of obligations under international law. We gave our strong support to those resolutions.

The latest development in the issue compels my delegation to reiterate the following.

The unilateral action of the United States in calling for the closure of the office of the Permanent Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations in New York is unequivocally at variance with the

(Mr. Esztergalyos, Hungary)

Charter of the United Nations and with the spirit and the relevant provisions of the Headquarters Agreement.

That action is incompatible with resolution 3237 (XXIX), by which the PLO was invited to participate as an Observer in the sessions and work of the General Assembly.

We urge the host country to respect its international legal obligations under the Headquarters Agreement, and to give an assurance that no action will be taken that would infringe on the well-established arrangements for the official functions of the PLO Observer Mission in New York.

It remains a matter of deep regret for us to note at this juncture that the host country neither respected the rule of law in international relations nor observed due process. In this connection, we associate ourselves with the legitimate position taken by the Secretary-General in his latest report:

"... the decision taken by the United States Government as outlined in the letter is a clear violation of the Headquarters Agreement between the United Nations and the United States." (A/42/915/Add.3, annex I)

The Hungarian delegation takes this opportunity to reaffirm its commitment to scrupulous respect for, and implementation of, the 1947 Headquarters Agreement, as did 143 Member States on 2 March this year, when casting their votes on the issue.

We expect that the General Assembly will once again adopt appropriate measures and take action to ensure full respect for, and the implementation of, the unequivocally relevant rules of international law. Furthermore, we should all be reminded that what is at stake is the effective functioning of our Organization.

Mr. CHOWDHURY (Bangladesh): We are gathered here to make yet another effort to see if reason can be made to prevail, and justice done, on a matter upon which this body has deliberated long and hard.

While it is indeed a pleasure for my delegation, as always, to see you in the Chair, Mr. President, we regret that this should be on a matter that should have already been resolved, particularly after the session had met early this month to focus solely on this issue of such grave and immense importance.

I should indeed be amiss if I did not at this stage pay a rich tribute to our distinguished Secretary-General for his untiring endeavours to cut the Gordian knot of the problem at hand. We rest confident that his travails shall bear fruit at the end.

It was but three weeks ago when we were heartened by the assurances of the representative of the host country in this house that his Government would carefully consider the views of this Assembly. We had joined him in his hope that his country would be able to find an appropriate resolution to this in the light of the United Nations Charter. We were confident that the urgings of this house, reflected in the two recent near unanimous resolutions, would merit the attention and appreciation of the host country.

We were, therefore, saddened and dismayed by its communications of 11 March to the Secretary-General and to the Permanent Observer of the Palestine Liberation Organization. Their contents have given us no cause for confidence that this problem can be settled, either legally or politically.

This issue has legal, political, moral and ethical dimensions. It is more appropriate here for us to concentrate on the legal ones, for then we shall have addressed the subject more precisely. However, we must not lose sight of the others, for to do so would reflect naivete. In our last intervention, like many

(Mr. Chowdhury, Bangladesh)

other delegations, we recalled the principles of pacta sunt servanda - words must be kept, obligations honoured. To do otherwise would be to destroy the basis upon which the foundation of civilized society is laid.

The pact we refer to is the Headquarters Agreement. The obligations we mention are those of the host country. The values that we feel should shape our behaviour are no other than those that the mighty nation that hosts us has always cherished and has through history held dear to its heart.

The delegation of the Palestine Liberation Organization has been with us, on our invitation, since 1974. They too have rights and entitlements under Article 105 of the Charter.

The founding fathers of the United Nations system had devised these modalities to provide the appropriate ambience and conditions so that nations and States could interact to achieve the ideals they hoped we would pursue. In the 14 years the PLO has been with us, they too have contributed their best to all our efforts. We need them, and their participation, to resolve one of the most intractable problems that confronts us. Can we afford to lose them now, when once again the attention of the world has turned on their volatile region?

Not only that, should the PLO be forced to leave, this would indeed be sad, not just for us who are gathered now, but for all those who preceded us every year of the last four decades, all those distinguished women and men whose intelligence, intellect, ideas, wisdom and labours have fashioned this unique Organization, a supreme symbol of civilized human existence. Their departure would leave in our midst the other party to the Middle East conflict, namely Israel, which has dispossessed, deprived and degraded the Palestinians, and is now engaged in slowly decimating them.

(Mr. Chowdhury, Bangladesh)

The International Court of Justice has been activated. We appeal to all parties to render all assistance to their work. While that distinguished organ is seized of the issue, let no party take any action that would upset the prevalent delicate balance and cause concern for all.

We still hope that the dispute between the United Nations and the host country can be satisfactorily resolved. Let the parties present their arguments and let the dispassionate global legal entity adjudicate. The Roman, Justinian, said: "Justice is the constant and perpetual will to give each man his right". Let us not deny the Palestinian his, or hers.

Mr. DOST (Afghanistan): Mr. President, on behalf of the delegation of the Republic of Afghanistan, I should like to express to you our sincere appreciation for convening the resumed session of the forty-second General Assembly to consider agenda item 136.

This body, at the previous resumed session held from 29 February to 2 March this year, discussed agenda item 136, entitled "Report of the Committee on Relations with the Host Country", at length and adopted, with near unanimity, resolution 42/229 A and resolution 42/229 B. According to resolutions 42/229 A, the United States of America, the host country, is under 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 carry out their official functions.

The resolution reaffirmed that the PLO Observer Mission to the United Nations in New York is covered by the provisions of the Headquarters Agreement and considered the application of Title X of the Foreign Relations Authorization Act, Fiscal Year 1988 and 1989, inconsistent with the provisions of the Headquarters

(Mr. Dost, Afghanistan)

Agreement regarding the maintenance of premises and adequate functional facilities by the Palestine Liberation Organization, and considered it to be contrary to the international legal obligations of the host country.

Resolution 42/229 B affirmed the position of the Secretary-General that a dispute existed between the United Nations and the host country concerning the interpretation or application of the agreement between the United Nations and the United States regarding the Headquarters of the United Nations.

Since the host country, in complete defiance of the resolutions of the General Assembly, was not willing to enter formally into the dispute settlement procedure under section 21 of the Headquarters Agreement, the General Assembly decided, in accordance with the Charter of the United Nations, to request the International Court of Justice for an advisory opinion.

My delegation highly commends the Secretary-General of the United Nations for efficiently performing his duties as it appears in his report A/42/915, of 10 February 1988, and its addenda. We strongly support the position he has taken.

Since the last meeting of the General Assembly some hopes were created that the authorities concerned in the host country might reconsider their previous positions on the matter under discussion but, from the letters addressed by the United States authorities to the Secretary-General of the United Nations and the Permanent Observer representative of the Palestine Liberation Organization, it became evident that the host country was determined to go ahead with its plan. It has even threatened that if the Palestine Liberation Organization is to fail to comply with their requirement, they will forthwith take action in the United States Federal Court.

In the view of my delegation, the host country's action is a gross violation of the purposes and principles of the United Nations Charter and the provisions of

(Mr. Dost, Afghanistan)

the Headquarters Agreement. It shows clear disrespect of the host country towards its international obligations and commitments. It is a premeditated, biased and politically motivated decision aimed at stifling the voice of the Palestinian people. It also shows that the host country, contrary to international laws, customs and practices, gives preponderance to its domestic laws over international laws. And, ultimately, it is an open challenge to the United Nations itself.

(Mr. Dost, Afghanistan)

The United States action, if unchecked, will establish a very dangerous precedent for similar cases in the future.

As the whole world has witnessed, there is a general uprising of the Palestinian people in their territory occupied by the Israeli Zionists. They are fighting barehanded against the Zionist rule of repression to gain their freedom. There is also a universal consensus in favour of convening an international peace conference on the Middle East with the participation of all parties concerned, including the PLO, on an equal footing.

Above all, the situation in the Middle East, of which the Palestine question constitutes the core, has been discussed for decades in the General Assembly and its related organs.

It is the PLO which through its offices in New York represents the Palestinian people with respect to all those and other important issues in the United Nations and which defends the lawful cause of Palestine. The absence of the PLO Observer Mission in New York, if permitted to take place, will deprive the Palestinian people of a basic right: the free expression of their views in this universal Organization.

The PLO's Permanent Observer Mission is a United Nations invitee by virtue of General Assembly resolution 3237 (XXIX), and is entitled and has the right under Article 105 of the Charter to establish and maintain premises and adequate functional facilities and to carry out its official functions. The General Assembly should do everything possible to preserve that right.

My delegation will support any action the General Assembly may find it necessary to adopt to ensure full respect for the rights and integrity of the United Nations and the continuity of the rights and functions of the PLO Permanent Observer Mission.

(Mr. Dost, Afghanistan)

Finally, I should like to reiterate the full support and solidarity of the Government and people of the Republic of Afghanistan towards the just struggle of the fraternal Palestinian people under the leadership of their sole, legitimate representative, the PLO.

Dame Nita BARROW (Barbados): The General Assembly has been reconvened to address an item which bears the characteristics of a crisis. The delegation of Barbados, while readily recognizing those characteristics, chooses to regard this matter not in terms of a crisis but rather in those of a timely opportunity: an opportunity for rededication.

This Organization was founded as a bulwark against the cynical premises of isolationist thought which, alas, has brought untold suffering to humankind, suffering administered at the hands of those who, misguided, felt themselves above the reach of law, and of the despotic, who felt themselves to be the law.

The Charter of the United Nations commends itself not to the leaders or even to the Governments, but to the peoples of the world. The Charter is fundamentally a refuge for those unable to protect themselves, a shield against those who would mislead, would exploit and would abuse the unsuspecting and the powerless.

We know that such betrayal of authority frequently furnishes the shibboleth of those who wish to be seen in the garb of patriots and guardians of "national interests". This Organization, the United Nations, testifies to the universal acknowledgement that law is the foundation of human civilization. We have seen in our time the consequences which follow when either one individual or one nation attempts to overleap the precepts of law. Chaos and discord are the inevitable legacy. Happily, we are able to point to many an example where law has prevailed over those egocentric and xenophobic motivations by which some would be inspired.

(Dame Nita Barrow, Barbados)

A long and lucid memory is a necessity - I should say an indispensable tool in the successful conduct of international affairs. Without it we are doomed to travel in dismal cycles and learn with new grief the errors of our past. If it is nothing else, the United Nations is the conscience of the history of modern man. From this conscience, from this history springs every principle of international law.

The smaller States of this Organization, free from the illusions of self-sufficiency and the burden of material supremacy, must of necessity entrust their welfare and their integrity to the precepts and principles of international law. It is for us the safest and most reliable framework within which civil discourse may be conducted among nations. Small States shudder therefore when signs appear that international law is being traduced and calumny cast on a forum such as this. Small States possess none of the alternative avenues, none of the collateral of size and resource with which to prosecute, promote or protect their interests. Within this Organization lie our future and our faith.

I state the merely obvious when I repeat that our history must always be our guide and its facts our ever-present persuaders. Thomas Jefferson, that devout internationalist, patriarch and eloquent craftsman of the ideals of this host country, left us this advice: "Faith must be fortified by fact".

It is a fact that many States represented in this Organization owe their sovereignty to valiant struggles of liberation.

It is a fact that among them are those which are now the largest and most powerful in the world.

It is a fact that many small States had no other course to sovereignty than the struggle of liberation, and yet another fact that many of the dispossessed are still faced with little choice but to do battle for their dignity.

(Dame Nita Barrow, Barbados)

We are not here advocating wanton resort to armed struggle. Far from it. The collective concern which motivates this resumed session serves to remind us that this Organization is intended to be used as a towering alternative to arms and to violence as a means by which national goals may be attained. It provides pre-eminent access to peaceful process, and this session reaffirms our commitment to that process.

The Charter which unites us invokes the lessons which we, large State and small, have learned on our way to this structure at New York.

We have much to remind us that when people embark in earnest upon their quest for dignity they make no distinction between grenades and stones. We must neither countenance nor encourage that alternative.

The region of the Middle East has brought to modern civilization much that is worthwhile and edifying. It is the fervent wish of the Government of Barbados that lasting peace may be allowed to settle upon those lands, so historic and so revered.

This will not be possible unless and until every party to the region's conflicts is accorded due deference, and the right of all its people to peace and security receives universal recognition and confirmation. This Organization is the most suitable avenue to such an assurance.

(Dame Nita Barrow, Barbados)

The Government of Barbados is studying with utmost care the proposal for an international conference on matters related to the Middle East. I discern much that is promising in convening such a conference. It is our view, however, that the effort would be wasted without the binding commitment of the world community to the fair and unbiased scrutiny of all questions at issue and the adequate consideration of the interests of all States and peoples of the region. What the United Nations needs now is a becalmed environment in which the grounds of dispute may be examined with dispassion. The parties to these tensions are entitled to this courtesy.

This Assembly has unequivocally given to the Palestine Liberation Organization the status of sole, legitimate representative of the Palestine people. It has accorded that organization all the entitlements commensurate with the said status; entitlements duly vested in the authority of the Secretary-General of the United Nations, an Organization established in accordance with the principles of international law.

We are now informed that these entitlements and that authority may be abrogated for reasons perceived by some to be especially vital to the prejudices of the host country.

This development denotes the existence of an astonishing misconception, a dual misconception: one of the role and responsibility of this Organization, the other of the role and responsibility of the host country.

As a founding Member of the United Nations, the Government of the United States owes to this Organization a special and immutable responsibility. Propriety imposes upon this voluntary host country requirements of deference which transcend even those to which it is bound fundamentally by treaty and by law. It is therefore incumbent upon us to admonish and persuade those far-seeing leaders of

(Dame Nita Barrow, Barbados)

American public thought to move with speed in order to rescue their duty from those who yet tarry in the councils of the isolationists, where retrogressive self-interest becomes a national virtue.

It is not the viability of the Palestine Liberation Organization which is at issue in the Assembly. Such viability is not ours to impart or impair. Nor do I accept that it is primarily the integrity of the United Nations which we debate, for integrity such as this body possesses is not the handmaiden of geography or place. The idea of the United Nations avails itself of a locus among all peoples of the world.

Nor again, as we are inclined to think, is it the integrity of international law which is seriously in question. That was made clear in the Assembly by the vote taken on this matter 20 days ago.

What we challenge today is the moral fortitude of the host country - a country which, only 40 years ago, found the gratifying foresight and faith to imbue with the spirit of national magnanimity the letter of international law.

Mr. GYI (Burma): Since the end of last year, the General Assembly has been facing a critical situation which has a bearing on the functioning of the United Nations as a legal entity. Indeed, that situation has wider implications that could well nigh affect the integrity and viability of this Organization. The problem which confronts the United Nations can essentially be seen as one of upholding the principles of the rule of law in international relations and the sanctity of international legal obligations arising out of treaties and agreements.

The Headquarters Agreement has invested the United Nations with the legal capacity to exercise its functions in the territory of the host country, and the ensurance of compliance with the Agreement by the latter is essential for the

(Mr. Gyi, Burma)

functioning of the Organization as an independent international organization representing the world community.

The General Assembly, aware of the nature of the impending legislation by the United States Congress, adopted resolution 42/210 B of 17 December 1987 which, inter alia, requested the host country to abide by its treaty obligations under the Headquarters Agreement and requested the Secretary-General to take effective measures to ensure full respect for the Agreement.

My delegation is appreciative of the efforts of the Secretary-General, who has objectively pursued those efforts with the host country in a manner that is susceptible of finding a solution.

It is also important to note that the Secretary-General, addressing the General Assembly on 29 February, stated:

"The Palestine Liberation Organization (PLO) is an invitee of the United Nations by virtue of General Assembly resolution 3237 (XXIX) of 22 November 1974 and the United States is, as a consequence of the Headquarters Agreement, under an obligation to permit duly accredited PLO personnel to enter and remain in the United States in order to carry out their official functions." (A/PV.100, p. 31)

The Secretary-General's position was endorsed in resolution 42/210 B, which was supported by almost all Member States.

The subject under dispute cannot be seen as relating to the substantive interpretation of this issue in respect of the Headquarters Agreement, for it is evident from what has been expressed by the relevant authorities of the United States Administration that it cannot be said that there is a controversy over such an interpretation between the position taken by them and the views of the Secretary-General and the virtually unanimous views expressed by Member States.

(Mr. Gyi, Burma)

In the circumstances, what was required of the host country was to find appropriate means of reconciling its national legislation in order to ensure the fulfilment of its obligations under the Headquarters Agreement and to recognize the existence of a dispute between it and the United Nations, for the purpose of arbitration.

When the General Assembly reconvened on 29 February 1988, it adopted two resolutions. Resolution 42/229 A inter alia called for the settlement of the dispute between the United Nations and the United States in accordance with the procedures set out in section 21 of the Headquarters Agreement, and accordingly requested the Secretary-General to continue his efforts on this matter. Resolution 42/229 B sought an advisory opinion from the International Court of Justice on the matter relating to the obligation of the host country to enter into arbitration in accordance with section 21 of the Agreement.

Those two resolutions, reflecting the overwhelming opinion of the Members of the United Nations, and the statement made by the representative of the United States after their adoption to the effect that it remained the intention of his Government to find an appropriate solution in the light of the Charter of the United Nations, the Headquarters Agreement and the laws of the United States gave us grounds to hope for the solution of this problem.

On the contrary, a further course of action pursued by the host country has led to a serious turn of events, and the Secretary-General's letter of 18 March - in reply to a letter from the Acting Permanent Representative of the United States - is commendable for the manner in which it defends the principles of the United Nations.

Needless to say, the Assembly is now faced with a situation for which it could have been easier to find a solution in the earlier stages. Nevertheless, we

(Mr. Gyi, Burma)

believe as a matter of principle that it is incumbent upon the host country to heed the will of the international community and live up to its international obligations to ensure compliance with the Headquarters Agreement. At the same time, we believe that it is for the United Nations and the Secretary-General to pursue further efforts and the means necessary to ensure such compliance.

Mr. WIRYONO (Indonesia): The resumed forty-second session of the General Assembly has been convened for the second time in less than a month to deal with an issue which, if not resolved forthwith, will set a very dangerous precedent.

Three weeks ago, in its statement before the Assembly, the Indonesian delegation expressed its deep concern over the implications of the enactment of the so-called Anti-Terrorism Act by the United States. Essentially, that Act would, in violation of the Headquarters Agreement of 1947, prohibit the Palestine Liberation Organization from maintaining its Observer Mission to the United Nations in New York. It was our stated view that the Act represented a flagrant breach of international law and of the host country's treaty obligations. At that time my delegation also expressed the hope that the prospect for a non-confrontational, lawful solution was still within reach and appealed to the United States seriously to reconsider its position and to co-operate with the Secretary-General with a view to achieving an equitable and mutually acceptable solution to the problem.

It was in that light that my delegation co-sponsored resolution 42/229 of 2 March 1988. That resolution, inter alia, called for the dispute-settlement procedure set out in section 21 of the Agreement to be put into operation, for the host country to provide assurances that no action would be taken to enforce the Act and for the International Court of Justice to render an advisory opinion on the question.

(Mr. Wiryono, Indonesia)

In view of the clear and unambiguous legal obligations devolving upon the United States and the near-unanimous position adopted by the General Assembly in resolutions 42/210 B and 42/229, we fully expected that the matter would have been resolved by now in accordance with the provisions of the Agreement. However, to our profound dismay, this issue has remained a major preoccupation of Member States. And, given the fact that the Act could be enforced on this very day, it can aptly be described as constituting a crisis for our Organization and for multilateral diplomacy. This is so despite the untiring efforts of the Secretary-General over the course of the past three months to resolve this issue - efforts for which Indonesia would like to express its deep gratitude.

My delegation believes that it is hardly necessary to engage in a review of the obfuscation and delaying tactics employed by the host country which have blocked every effort by the Secretary-General to resort to the arbitration procedure as stipulated in the Agreement. For they have been fully covered in the detailed reports of the Secretary-General to this Assembly contained in documents A/42/915 and Addenda 1 to 3. Essentially, the reports make clear that the United States Administration itself acknowledged that it was under an obligation to permit PLO personnel to carry out their official functions at the United Nations and that it was seeking to rectify the matter, in consultation with the Congress. At the same time, the United States maintained that it was unwilling to resort to the arbitration procedure since the situation was under review. Thus, time and again the Secretary-General requested a response to his communications concerning the application of the Act, but to no avail.

Suffice it to say that in the course of the Secretary-General's diligent efforts it became increasingly clear to all that the host country had no intention

(Mr. Wiryono, Indonesia)

of co-operating in good faith with him in the observance of the provisions of that Agreement. Indeed, the fact that its manoeuvres were designed to impose a *fait accompli* was confirmed when on 11 March 1988 the United States informed the Secretary-General that

"the office of the Palestine Liberation Organization Observer Mission to the United Nations [will be closed] irrespective of any obligations the United States may have under the Agreement between the United Nations and the United States regarding the Headquarters of the United Nations" (A/42/915/Add.2, annex I),

while at the same time again asserting that

"Under the circumstances, the United States believes that submission of this matter to arbitration would not serve a useful purpose". (ibid.)

(Mr. Wiryono, Indonesia)

On this point my delegation would like to express its firm support for the determined response by the Secretary-General that he "cannot agree that arbitration would serve no useful purpose" (A/42/915/Add.3, annex I) and rightly emphasizing that

"On the contrary ... it would serve the very purpose for which the provisions of section 21 were included in the Agreement" (ibid.)

In these circumstances my delegation shares the forebodings expressed by previous speakers whether this issue can still be settled within the framework of the 1947 Headquarters Agreement. We therefore cannot but deplore the disrespect shown by the host country for its international obligations, as it poses a direct threat to the universality of the United Nations both as regards its composition and operation. Indeed, it is untenable to us for the PLO or, for that matter, any invitee of the United Nations to be barred from carrying out official functions, as this would directly impinge on the integrity and credibility of the Organization itself.

Forty-one years ago the United States as the host country made a solemn pledge to the Organization that cannot and must not go unfulfilled. It is a responsibility that obligates scrupulous observance of the 1947 Headquarters Agreement. To this end it is imperative for the General Assembly to impress upon the United States that it is in the interest of the international community, as it is in its own interest, to uphold the principle of the inviolability of treaty obligations. It is in this context that my delegation believes that it is incumbent upon this Assembly, representing as it does the genuine collective will of our ranks, to defend the rights of the United Nations under the Headquarters Agreement.

Mr. DING Yuanhong (China) (interpretation from Chinese): Some 20 days ago delegations of various countries met in this Hall to debate the question of the Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations. Two resolutions were adopted, which, inter alia, reaffirmed that the PLO Mission, being covered by the provisions of the United Nations Headquarters Agreement, should be able to establish and maintain premises and adequate facilities in New York and that its personnel should be able to enter and remain in the United States to carry out their official functions. The resolutions considered that the United States legislation pertaining to the closure of the PLO Mission was contrary to its international legal obligations under the Headquarters Agreement, and called upon the host country to abide by its treaty obligations and work to resolve the current dispute between itself and the United Nations in keeping with the arbitration procedures as provided in the Headquarters Agreement.

It was expected that the United States Government would heed the call of reason from the international community and take necessary measures in seeking a fair settlement of this dispute in co-operation with the United Nations. To our deep regret, however, the United States side has decided to continue, in disregard of the relevant General Assembly resolutions and its own international obligations under the Headquarters Agreement, its moves to close down the offices of the PLO Mission as demanded by the erroneous legislation of the United States Congress. It even declared that if the PLO failed to comply with such law when it took effect, that is, as of today, the United States Department of Justice would file a suit against the PLO in a United States federal court.

The Chinese delegation believes that the legislation adopted by the United States Congress to close the PLO Observer Mission, and the relevant decisions made by the United States Administration under such legislation, are grave in both their

(Mr. Ding Yuanhong, China)

nature and their consequences, for this poses a challenge to the integrity of the Headquarters Agreement and the independence of the United Nations and a threat to its right to function normally. Meanwhile, the action taken by the United States against the PLO Mission amounts to a new blow to the Palestinian people and their representative, the PLO, when they are advancing their just cause to regain their national rights. It has also erected a new barrier to the Middle East peace process which is now attracting increasing world attention. This action is therefore totally unacceptable to the Member States of the United Nations.

The Palestine Liberation Organization is recognized internationally as the legitimate representative of the Palestinian people. In 1974, in accordance with the relevant General Assembly resolution, the PLO was invited by the United Nations to set up an Observer Mission in New York to carry out its official duties. This accords fully with the provisions of the Headquarters Agreement, and the host country should respect the rights of the PLO under the Agreement. What should be pointed out is that the PLO Mission is accredited to the United Nations and not to the United States. The United States therefore has no right whatsoever to close it down at will.

The Chinese delegation endorses the efforts of the Secretary-General to seek a proper solution to this dispute and supports him in taking whatever measures are necessary to ensure the full right of the PLO Observer Mission to conduct official duties at the United Nations. The Chinese delegation wishes to call upon the United States once again to take the overall situation into account, respond favourably to the request of the General Assembly, the Secretary-General and other quarters concerned to reconsider its decision in the light of its obligations as the host country and endeavour to resolve the current dispute in conjunction with

(Mr. Ding Yuanhong, China)

the United Nations in a reasonable and law-abiding manner by following the relevant procedures contained in the Headquarters Agreement. At the same time, the United States should take appropriate steps to ensure that the PLO Mission will continue to perform its functions at the United Nations as a United Nations invitee.

Mr. H. M. ALI (Democratic Yemen) (interpretation from Arabic): We have reconvened today to discuss the issue relating to the office of the Palestine Liberation Organization (PLO) Observer Mission to the United Nations pursuant to General Assembly resolutions 42/210 of 17 December 1987 and 42/229 of 2 March 1988.

(Mr. H. M. Ali, Democratic Yemen)

My delegation set forth its position in its statement made during the Assembly's earlier discussion of this issue. At that time we drew attention to the aggressive nature of the actions contemplated against the Observer Mission of the PLO to the United Nations. We noted the seriousness of the United States position owing to the threat it represented to the very functioning of the Organization itself.

We would note here that the Secretary-General in his first report noted that a dispute existed between the United Nations and the host country. The Secretary-General reaffirmed that situation in his further reports (A/42/915/Add.1 and Add.2), after he had received a letter from the representative of the host country which referred to taking practical steps to close the office of the Permanent Observer Mission of the PLO.

It will be recalled that when we discussed this question the representative of the host country accused some countries of being hasty and impatient. He employed sugar-coated words to deceive and mislead us and stated that the United States Administration was making efforts to avoid implementing that law and that it only wanted some time to convince the Congress. However, the true desire was merely to procrastinate in order to gain time and undermine the just and strong position of the majority of States Members of our Organization that reject the United States decision.

That was emphasized two weeks ago when the host country authorities took practical steps to implement that unlawful decision. The host country, which is a super-Power responsible for the maintenance of international peace and security under the provisions of the Charter, went so far as to state, in the letter addressed to the United Nations Secretary-General, that it was determined to close the office of the PLO Observer Mission to the United Nations in New York irrespective of any obligations the United States may have under the Headquarters

(Mr. H. M. Ali, Democratic Yemen)

Agreement between the United Nations and the United States and international law.

That is the hard evidence furnished by the authorities of the host country, which has stated that the decision to close the Observer Mission of the PLO is unlawful because it contravenes the Headquarters Agreement but that that is unimportant because national legislation passed by the Congress provides for the closure of the PLO Observer Mission to the United Nations.

The charge is made by the United States Administration that the PLO is a terrorist organization. It is truly regrettable that the victimizer should be made the victim and the victim become the victimizer. Who is a terrorist? Is it a legitimate organization representing the Palestinian people and recognized by the majority of the world's countries or a Zionist entity recognized by a smaller number of countries than recognize the PLO? What kind of terrorism is practised by a defenceless people facing the most up-to-date military equipment or a system based on terrorism? The annals of modern history are replete with such events. It is the Zionist racist régime based on uprooting a people from their land and on the occupation of Arab territories by force that is evidencing terrorist behaviour.

The best evidence of the terrorist and brutal nature of that racist régime is what we see and hear today through the media of the very countries that are friendly and supportive of it. We witness a defenceless people armed with nothing but stones facing bullets, torture, bone-crushing tactics and burial alive, accompanied by the gassing of children. Instead of supporting those defenceless people and punishing the aggressor, we are confronted with an American decision to undermine the presence of the legitimate representative of that people. It is as if the United States system wanted to do its part in assisting that régime to quell the popular uprising following the failure of its military arsenals to do the job.

We had better consider today the legitimacy of the presence among us here of the representative of that system, one that does not respect any international

(Mr. H. M. Ali, Democratic Yemen)

instrument and that has never abided by the resolutions of our Organization. Its natural place is with its ally, the racist régime of South Africa.

It is even more regrettable to see today a country that has for years claimed to be a model of democracy revealing its own true nature and showing that it does not respect in any way international obligations and international law and that it has no respect for the international Organization. On the contrary, it is trying to undermine the democratic character of the Organization's work by its provocative tactics based on threats and that have become all-too-familiar to all of us in recent years, impeding the Organization's work. Moreover, it has publicly declared that it is not prepared to observe the Headquarters Agreement governing the relations between it and the international Organization. As a result of that policy, we may all be subject to similar action by the host country.

Today my delegation expresses its deep concern at the situation and calls upon Members of the Organization to consider the question very carefully and to ponder the future of our Organization and the hopes pinned upon it. We must also consider whether the location of the Organization in this country in the light of the present violation is the best location possible.

The question of closing the Observer Mission of the PLO to the United Nations is one that involves us all. Either our Organization should have its dignity and integrity or it should not exist at all. There can be no doubt that all of us, as provided in the Charter and in the Headquarters Agreement, want the Organization to be independent and to have dignity. Our international Organization is therefore called upon to defend itself against this United States aggression against it, and my delegation believes that the General Assembly has fulfilled its functions in the past and that it will now do its utmost to take effective measures and actions to ensure the future independence, integrity and inviolability of our international Organization.

Mr. NOWORYTA (Poland): Following the statement made on behalf of the Eastern European States two days ago I wish, in view of the gravity of the current situation, to address to you, Sir, and the Assembly these brief remarks reiterating the main points of Poland's position.

First, as has been repeatedly, unequivocally stated, the legislative action, and its implementation, aimed at closing the Palestine Liberation Organization (PLO) Observer Mission, is contrary to the Headquarters Agreement and the resolutions of the General Assembly. It is also unacceptable in the light of the fundamental principle of international law, pacta sunt servanda, enshrined in the Charter itself and in many other important international instruments. It is an elementary, obvious legal rule that no country may act irrespective of its treaty obligations. No domestic law may be invoked to justify disregard of an international agreement.

The action affects the whole United Nations. Its basic rights and integrity and the authority of its decisions are at stake. Today the PLO Mission is under direct attack. Tomorrow some other Mission may find itself threatened by a similar act at the arbitrary decision of the host country. Therefore, a just and lawful solution of this dispute is of paramount importance for all of us. The relevant procedure, the legally-binding mechanism, is in section 21 of the Headquarters Agreement, and its application may not depend on the good will or bad will of the host country. It is once more an evident, clear-cut treaty commitment. We are convinced that the requested advisory opinion of the principal judicial organ of the United Nations, the International Court of Justice, will highlight this matter.

Moreover, the development under discussion is hardly compatible with the need to improve the international climate and strengthen international co-operation at a bilateral and, especially, multilateral level. Neither does it correspond with important general guidelines contained in manifold United Nations resolutions, such

(Mr. Noworyta, Poland)

as those relating to mutual tolerance, respect for international law, the peaceful settlement of disputes and the protection of foreign representatives. It is particularly dangerous from the point of view of the urgent necessity to find a just, comprehensive settlement of the Middle East conflict. In this regard, I wish to emphasize once more our support for the proposal to convene an international conference, with the participation of all the parties involved, including the five permanent members of the Security Council and the Palestine Liberation Organization, as the sole, legitimate representative of the Palestinian people.

Today, more than ever, it is obvious that the Middle East crisis can be solved only at the negotiation table. The policy of brutal repression may only bring about a further escalation of violence. The withdrawal of Israeli troops from the occupied territories and the recognition and implementation of the inalienable rights of the Palestinian people is a condition for the achievement of lasting peace in the region.

My delegation highly appreciates and fully endorses the legal assessments and the relentless efforts made by the Secretary-General to uphold international legitimacy, defend the rights of our Organization and find a lawful settlement. We also strongly support the relevant decisions of the General Assembly. We are convinced that this body will once more do its utmost and take all suitable steps to enhance the rule of law. We earnestly hope that irreparable harm to the efficiency and proper functioning of our Organization will still be avoided.

Finally, we wish still to believe that the significant assurance, given more than once in the United Nations by the representatives of the host country, that "the United States had been proud and conscious of its responsibilities at the founding of the Organization", will remain valid and will be implemented in practice.

Mr. TREIKI (Libyan Arab Jamahiriya) (interpretation from Arabic): We are today taking part in the resumed forty-second session, only a few weeks after an earlier resumption to consider the decision of the United States to close the offices of the Palestine Liberation Organization (PLO) Observer Mission to the United Nations. Everyone has recognized that action to be a flagrant violation of the Headquarters Agreement and of international practice, principles and law.

The legal situation has already been debated, and we need not repeat what has been said - that the issue is first and foremost political, aimed at the Palestinians, who are being physically eradicated in Palestine by Zionist bands. The Zionists brought direct pressure to bear on the United States, which then took its decision about the Mission in order to liquidate the Palestinian cause politically.

However, the decision to close the office is aimed at more than the PLO and the Palestinian people; it is really an act against the United Nations, for it can only be a prelude to bring to an end this Organization, considered by the international community to be the only hope of bringing about peace, security, prosperity and justice for all people. It is in fact but one more link in a chain of irresponsible actions, of failure by the United States to respect international law, failure to accept rulings of the International Court of Justice and resolutions of the General Assembly. Such violations by a major State with special responsibilities create an extremely grave danger.

In previous years we have seen important actions which further confirm our views. We have witnessed institutionalized State terrorism against small States - unfortunately, in certain circumstances, under the pretext of the so-called struggle against terrorism. We have seen towns and villages eliminated and thousands of people murdered for political reasons. Regrettably, the Charter - Article 51 in particular - has been used to justify aggression. That is wrong.

(Mr. Treiki, Libyan Arab
Jamahiriya)

Thus we see a great State failing to respect its international responsibilities. We have witnessed acts of terrorism by that State. We have seen a major State carrying out kidnappings, air piracy and other illegal and immoral acts against international law under the pretext of struggling against terrorism. We have seen similar acts against liberation movements in Palestine and the southern part of the African continent, and aggression against peoples involving great massacres.

(Mr. Treiki, Libyan Arab
Jamahiriya)

The closing of the PLO headquarters and the failure to respect the Headquarters Agreement prompts us to wonder, as we have done earlier, as to what will happen with this Agreement and its very usefulness. The State signatory of this Agreement, the United States of America, affirmed very clearly, in a communication to the Secretary-General of the United Nations, that it is not interested in complying with their international commitments and that it would proceed to violate the Headquarters Agreement.

Thus, it is really pointless to speak about the Agreement altogether. It is necessary to look at this new situation before the United Nations, which jeopardizes the security of the international community. When major Powers refuse to comply with their obligations and use force in international relations, that is law of the jungle.

If that becomes the rule of conduct, what will become of the United Nations and of mankind as a whole? The time has come for peace-loving countries in this Organization to give serious thought to a solution to this question. The question is: Is it possible to keep the United Nations in the United States of America? At present we really wonder what will become of the United Nations itself in view of this United States attitude which is clearly contrary to the interests of the United Nations.

Abuse of the veto has paralysed the Security Council and prevented it from taking a decision in cases involving racist and Zionist régimes. Today, we are witnessing a similar effort - to negate a resolution of the General Assembly by means of closing the premises of the PLO Mission.

The situation has not changed; in fact, it is getting worse. We must shoulder our responsibilities and, however harsh, face the fact that the Headquarters Agreement is not being respected. Let us therefore give some thought to the fate

(Mr. Treiki, Libyan Arab
Jamahiriya)

of the United Nations and find solutions to save it. Any decision we adopt will be mere dead letter if it is not respected by States and by the host countries.

Failure to respect this and other agreements will place an even greater financial burden on the United Nations.

It is regrettable that the United States, which, after waging a revolution to achieve national unity and claiming that its actions are based on law, now proclaims that it will not abide by its international obligations. The culprit is international zionism, which has affected the decision of the United States of America, a great Power invested with a major responsibility towards the United Nations and the international community. The United States cannot discharge its obligations if it continues to be the victim of Zionist blackmail. Therefore, our collective responsibility is to ensure that the United States of America discharges its obligations under the Headquarters Agreement and that the United States plays a positive role by respecting international law.*

Mr. AL-KAWARI (Qatar) (interpretation from Arabic): Mr. President, allow me at the outset to pay a tribute to you for assuming the difficulties of travel in order to preside over the resumed session for the second time this month and for guiding the highly appreciated Assembly's deliberations with your well-known efficiency and skill.

My delegation expresses well-deserved thanks to the Secretary-General for the additional reports he has submitted on the item under discussion and for the initiatives he has taken, which enjoy our confidence. We indeed appreciate his wisdom and his dedication to ensuring the success of the world Organization and the expeditious accomplishment of its tasks.

* Mr. Nyandoo (Mongolia), Vice-President, took the chair.

(Mr. Al-Kawari, Qatar)

The subject before us is extremely grave because, if the host country enforces the legislation to its full extent, that would be the first serious blow towards destruction of the world Organization. In fact, I do not rule out the possibility that the subtle motive of the proponents of these actions is a desire to destroy the United Nations and to remove it altogether because the lofty principles and noble values for which it stands are contrary to their racist beliefs and hegemonistic tendencies.

If States, in their mutual relations and in their dealings with international organizations, are supposed to adhere to the rules of international law that govern all of us, then a ruling on the basis of international law pertaining to the question before the General Assembly is very clear indeed.

In effect, it means that a State is legally bound to respect its international obligations in whatever domestic legislation it might enact. If there is a contradiction between domestic legislation and an international obligation, then the State is bound to repeal or revise the domestic statute so as to reconcile it with the rule of international law. Otherwise, it would bear international consequences.

The Permanent Court of International Justice explicitly established, in the Advisory Opinions of 21 February 1925, and 30 July 1930, and again in its decision of 7 June 1932, that: "A State cannot invoke domestic statutes to restrict its international obligations". And the International Court of Justice continued, in conformity with the United Nations Charter, to uphold this important principle.

An eloquent expression of that principle came in a ruling handed down by the International Court of Justice in the unilateral view of Lord MacNear, the British Judge on the Court, who later became its President, in the Fisheries case of 18 December 1951:

(Mr. Al-Kawari, Qatar)

(spoke in English)

"It is a well-established rule that a State can never plead a provision of, or lack of a provision in its internal law or an act or omission of its executive power as a defense to a charge that it has violated international law."

(Mr. Al-Kawari, Qatar)

(continued in Arabic)

I would refer also to an opinion written by Judge Hersch Lauterpacht, another British member of the International Court of Justice, with reference to a case involving Norwegian loans, on 6 July 1957:

(spoke in English)

"The notion that if a matter is governed by national law it is at the same time outside the sphere of international law is both novel and, if accepted, subversive of international law."

(continued in Arabic)

That important principle gives absolute supremacy to a State's international obligations over that State's domestic legislation or administrative orders; it is taken for granted in United States jurisprudence. For instance, Oliver J. Lissitzen, Professor of international law at Columbia University, wrote in this context that

(spoke in English)

"In cases involving international law American courts tend to interpret American law in conformity with international law. Such an attitude has consistently been urged by the Supreme Court of the United States. If each nation were free to declare unilaterally that it is no longer bound by international law, the result would be anarchy."

(continued in Arabic)

But the question before the General Assembly is one of pure international law. The host country is legally bound by the requirements of international law. Under no circumstances can its action be justified by invoking domestic laws enacted by its legislative branch. A State is like an individual in a society governed by international law. International law is indivisible, and it does not

(Mr. Al-Kawari, Qatar)

take into account a State's separation of powers among several branches: The single entity of the State is responsible under international law for its actions, irrespective of which branch of Government may have taken those actions.

Thus, the Executive branch of a State Government cannot disavow its international obligations because the action in question did not emanate from it but rather from the legislative branch.

At a time when the Zionist authorities are continuing to commit actions contrary to international law in a bid to crush the heroic resistance of the Palestinian people in the occupied territories, and when those authorities continue to step up their repressive measures against the Palestinian people - measures that consistently violate international law governing the situation in the occupied territories - we find it ironic that attention should be focused on legislation aimed at closing the PLO offices in New York.

We must wonder: Is the purpose to deflect the United Nations from its duty to ensure the rule of international law in the occupied territories and to support the legitimate national aspirations of the Palestinian people? Is the purpose to start a peripheral battle to deflect the United Nations from its primary objective of protecting the Palestinian people in the occupied territories from the brutality of the occupation authorities and raise a smokescreen to mask developments since last December by focusing attention on the question of closure of the PLO Observer Mission? I am afraid that is the case.

The Palestine Liberation Organization represents the Palestinian people both in the occupied territories and outside them. Palestinian patriots stress that representative nature of the Palestine Liberation Organization through their sacrifices and through spilling their blood. The Palestine Liberation Organization must therefore be enabled to continue to carry out its function of representing the people of Palestine in the United Nations.

(Mr. Al-Kawari, Qatar)

The United Nations bears a clear historical responsibility towards this heroic people. Under no circumstances should the Palestine Liberation Organization cease to participate in work at United Nations Headquarters. The Palestine Liberation Organization must continue to function as an Observer, until the Palestinian people can enjoy all the entitlements accorded to all other peoples, in keeping with the principles and purposes of the United Nations Charter, eventually including full membership of this world body.

Mr. KARRAN (Guyana): It is unfortunate that it has become necessary to reconvene the General Assembly again on agenda item 136, "Report of the Committee on Relations with the Host Country".

When the Assembly met earlier this month in resumed session that issue was fully addressed. The international community was at one in its opinion regarding the legal status of the Headquarters Agreement and in reaffirming that the Permanent Observer Mission of the Palestine Liberation Organization (PLO) was covered by its provisions. The seriousness of the issue was recognized, and as a result resolutions 42/229 A and B were adopted by an overwhelming majority of States Members of this Organization. Those resolutions called upon the host country to abide by its treaty obligations under the Agreement and requested the Secretary-General to continue his efforts to resolve the dispute.

Following the adoption of those resolutions, the Secretary-General promptly took the necessary action to communicate the decision of the General Assembly to the host country and called upon it to honour its obligations under the Agreement. While commending the Secretary-General on his efforts to fulfil his obligations, we must observe, from his report, A/42/915/Add.2 of 11 March 1988, that his efforts were not met with any significant positive result. In fact, the situation remains

(Mr. Karran, Guyana)

unchanged. The enactment of the Congress of the host country of the law entitled the Anti-Terrorism Act of 1987, which would have the effect of closing the Palestine Liberation Organization Observer Mission to the United Nations today, 21 March 1988, is in clear violation of the Headquarters Agreement.

The response of the host country to the Secretary-General's request for assurances was extremely disturbing. The Acting Permanent Representative of the United States, in a letter dated 11 March 1988, indicated

"that the Attorney General of the United States has determined that he is required by the Anti-Terrorism Act of 1987 to close the office of the Palestine Liberation Organization Observer Mission to the United Nations in New York, irrespective of any obligations the United States may have under the Agreement between the United Nations and the United States regarding the Headquarters of the United Nations". (A/42/915/Add.2, annex I)

That decision is most unfortunate.

(Mr. Karan, Guyana)

As has been observed time and again in this debate, this is not an issue between the Palestine Liberation Organization and the United States Government. The Palestine Liberation Organization is in the United States at the invitation of the United Nations in compliance with the relevant sections of the Headquarters Agreement. The Assembly, in 1974, invited the PLO to participate in the work of the Organization and its various organs as an Observer. What this law attempts to do is to frustrate that decision and, in effect, decide for the United Nations which organizations the United Nations can invite to participate in its work. This certainly is a clear violation of the spirit and letter of the Headquarters Agreement.

We cannot help but recall the response of the representative of the host country at the closing stages of the resumed session on 2 March 1988 when he said:

"We" - referring to the United States Government - "regard this as a serious issue, since it involves important questions of United States law and international law. ... 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." (A/42/PV.104, pp. 58 and 59-60)

On this promising note we felt that there was some hope that an appropriate solution would have been found by the host country to honour its international obligations or, alternatively, to recognize that a dispute existed as communicated by the Secretary-General and agree to invoke the settlement procedures provided for in section 21 of the Headquarters Agreement. My delegation feels that this most recent decision of the United States Attorney General completely ignores the

(Mr. Karran, Guyana)

provision and intent of section 21 of the Agreement. This attitude cannot be considered helpful in an issue that strikes at the very foundation of treaty obligations of States and undermines the ability of the United Nations to function as an independent institution.

We again, at this time, call upon all parties to abide by their treaty obligations. We hope, even at this late stage, that an appropriate solution will be found which will ensure due compliance and respect for the Headquarters Agreement.

Mr. ICAZA GALLARD (Nicaragua) (interpretation from Spanish): My delegation would like to express our appreciation for this second resumption of the forty-second session of the General Assembly in order to continue consideration of item 136, entitled "Report of the Committee on Relations with the Host Country". We should also like to thank the Secretary-General for the reports he has submitted to us on the subject.

From the outset we have followed consideration of this item with the greatest attention and deepest concern. The matter arose as a consequence of the United States Congress's approval, and the subsequent promulgation by the President of the United States on 22 December 1987, of the so-called Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, Title X of which, the Anti-Terrorism Act of 1987, established certain prohibitions regarding the Palestine Liberation Organization which would result in the closing of its Permanent Observer Mission to the United Nations.

We must bear in mind that, in an attempt to prevent promulgation of that Act, the General Assembly, in its resolution 42/210 B, requested the host country to abide by its treaty obligations under the United Nations Headquarters Agreement and in this regard to refrain from taking any action that could prevent the discharge

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of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations.

The host country's refusal to implement faithfully the Headquarters Agreement has become clear following the United Nations futile efforts in defence of the Agreement.

The Act that would force the Permanent Observer Mission of the PLO to the United Nations to close its offices is due to enter into force in a matter of hours. Therefore it is essential that we take up this problem on the basis of the principle that every Member State should fully support the United Nations in its defence of the Agreement in order to ensure that the host country, the United States, adjust its national legislation to the international commitments it has undertaken as it is obliged to do according to the basic principle of international law, the old, well-known rule pacta sunt servanda, - the rule set down in Article 2, paragraph 2 of the United Nations Charter and in other international instruments.

The United Nations was established to function as an independent body truly reflecting the aspirations of all its Member States. In this context the Headquarters Agreement should have as its main objective ensuring that the policies of the host country Government do not interfere in any way with the work of the Organization.

Even with its defects, the present Headquarters Agreement provides safeguards against such an eventuality. Thus, in sections 11, 12 and 13 of the Headquarters Agreement, the obligations of the host country to those invited to participate in the work of the United Nations are clearly specified and determined. In case of possible misunderstandings, errors or conflicts, the Headquarters Agreement prescribes, in its section 21, procedure for the arbitration of any dispute

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relating to interpretation or application of the Agreement which it has not been possible to settle by negotiation. It also envisages the option of requesting an advisory opinion from the International Court of Justice on any legal question derived therefrom on the application of the procedures provided therein.

Consequently the United States Government should recognize that there is a dispute and undertake to designate an arbitrator to solve by peaceful means the problem it has created.

(Mr. Icaza Gallard, Nicaragua)

The measure adopted by the host country, the United States, against the Permanent Observer Mission of the Palestine Liberation Organization (PLO) is obviously a political measure which, among other things, is aimed at withdrawing recognition from the PLO as the legitimate representative of the Palestinian people. In the final analysis, it is aimed at obstructing the efforts and activities carried out within the United Nations to achieve by peaceful means a just and lasting peace in the Middle East and at silencing the voice of the oppressed Palestinian people so that only the voice of the oppressor will be heard.

In this very serious situation we appeal to the Government of the United States to refrain from implementing the arbitrary law approved by its Congress and to adapt its conduct to the Charter and to international law, in accordance with its status as a Member of the United Nations, a signatory of the Charter and a permanent member of the Security Council.

Also, we urge the Government of the United States, if it does not refrain from implementing its arbitrary law, at least to abstain from taking any measure against the PLO until the dispute is resolved, and not to try once again to undermine the International Court of Justice - the body which, in accordance with its Statute, has the competence to decide on its own jurisdiction.

In conclusion, we fully support the United Nations and the Secretary-General in all their efforts to solve the dispute created by the host country, in order to guarantee respect for the Palestine Liberation Organization's rights, inherent in the status that the General Assembly has recognized it has.

Finally, we again express our solidarity with the Palestinian people and the Palestine Liberation Organization - its sole and legitimate representative.

Mr. KATSIGAZI (Uganda): Permit me to express to the President the deep gratitude of my delegation for the timely convening of the Assembly to examine the continuing disturbing developments relating to agenda item 136, "Report of the Committee on Relations with the Host Country". We wish to pay a special tribute to the Secretary-General for his tireless efforts in preserving the international legal order, and particularly his defence and safeguarding of the United Nations Headquarters Agreement of 1947. We particularly commend him for the exemplary manner in which he has handled the issue before the Assembly, the United States Administration and the International Court of Justice.

This is yet another time when the Assembly is compelled to debate an issue which, in our view, should not have arisen in the first place. The Uganda delegation is particularly disturbed by the deliberate attempt by the host country, the United States, to violate the very legal instrument - that is, the Headquarters Agreement - of which it is a principal signatory. The Agreement has been in force for well over 40 years. Such action on the part of the host country shows total disregard for its obligations and for the other party to that instrument, namely, the United Nations. That raises very far-reaching legal and political questions. We are equally concerned about the financial impact on the meagre resources of the United Nations of this proliferating debate on the item before us.

The Assembly, by its resolution 3237 (XXIX) of 22 November 1974, invited the Palestine Liberation Organization (PLO) to participate, with observer status, in the sessions and the work of the Assembly as well as in the sessions and the work of all international conferences convened under the auspices of the other organs of the United Nations. By the same resolution, the Secretary-General was given the mandate of taking necessary steps for the implementation of that decision.

(Mr. Katsigazi, Uganda)

Consequently, the PLO Observer Mission has been operational for the last 14 years under sections 11, 12 and 13 in article IV of the Headquarters Agreement between the United Nations and the United States.

Article 105 of the United Nations Charter and Assembly resolution 3237 (XXIX), together with the Headquarters Agreement, impose legal obligations on the host country to permit the PLO to maintain offices in New York accredited to the United Nations in order to perform its official functions.

My delegation had been encouraged by the assurances from the United States Secretary of State contained in his letter to the Senate dated 29 January 1988 on the legal obligations of the United States as host country. Furthermore, on 2 March 1988, when the resumed session of the General Assembly was suspended, we were equally encouraged by the closing comments of the representative of the United States when he stated his Government's view - namely, that the United States was seeking

"an appropriate resolution of this problem in the light of the Charter of the United Nations [and] the Headquarters Agreement". (A/42/PV.104, p. 59)

It was barely nine days after the suspension of the resumed session that the same representative, in his letter to the Secretary-General dated 11 March 1988, stated that the Palestine Liberation Organization office was required to close

"irrespective of any obligations the United States may have under the Agreement between the United Nations and the United States regarding the Headquarters of the United Nations"

and that

"the submission of this matter to arbitration would not serve a useful purpose". (A/42/915/Add.2, annex I)

(Mr. Katsigazi, Uganda)

That unfortunate stance by the host country has raised problems for my delegation in understanding the country's position on this matter. Was it a change of policy on the part of the Administration, particularly since both the assurances to the Assembly on 2 March 1988 and the letter to the Secretary-General dated 11 March 1988 came not only from the same Administration but, even more, from the same representative?

In the view of my delegation, the host country should be requested to state explicitly its position on this important issue.

Uganda views the participation of the PLO in the work of the United Nations not only as an impressive achievement on the part of the Palestinian people but also as a recognition by the international community of their inalienable rights. We believe that any meaningful, comprehensive and lasting solution to the Middle East problem can be attained only with the full participation of the Palestinian people. The intended closure of the PLO office is nothing but a "backward movement to zero". The Assembly should not be pushed into a situation where it has to decide between having both parties to the Middle East conflict represented in the Assembly and having both parties out. We wish neither to go to that extent nor to take that painful decision.

(Mr. Katsigazi, Uganda)

As has already been observed, the matter before us has serious legal and political implications. We urge that good sense and wisdom prevail on the part of the host country so that the issue may be resolved amicably according to the dispute settlement procedure set out in section 21 of the Headquarters Agreement. The position to be adopted by the General Assembly should in our view give the Secretary-General a clear mandate to ensure the discharge of the official functions of the Permanent Observer Mission of the PLO to the United Nations in New York.

Mr. ADJOYI (Togo) (interpretation from French): Once again the General Assembly resumes its work on the thorny question under agenda item 136, entitled "Report of the Committee on Relations with the host country".

The Togolese delegation would like once more to join its voice to that of other delegations to deplore the failure to respect international commitments and wonder about the life of our Organization in the face of the political and legal crisis which has so clearly been troubling it since 11 March last. On that day, 11 March 1988, all nations which love peace and justice, all nations for which the law is sacred, all nations which have faith in our Organization were astonished at the news that on or about 21 March 1988 the maintenance of a PLO Observer Mission to the United Nations would become illegal.

In letters sent to the Secretary-General and to the PLO Observer Mission, whose contents are contained in the Secretary-General's report (A/42/915/Add.2), the United States Attorney General has determined that

"he is required by the Anti-Terrorism Act of 1987 to close the office of the Palestine Liberation Organization Observer Mission to the United Nations in New York, irrespective of any obligations the United States may have under the Agreement between the United Nations and the United States regarding the

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Headquarters of the United Nations" and that "as of March 21, 1988, maintaining the PLO Observer Mission to the United Nations in the United States will be unlawful".

The Attorney General's letter to the PLO goes on to say that if the PLO should fail to comply with the requirements of the Act, the Attorney General would initiate legal action to close the PLO Observer Mission.

Thus, despite the numerous appeals to the host country to respect the Headquarters Agreement, despite efforts by the Secretary-General, despite General Assembly resolution 42/229 of 2 March 1988, the host country decided that the law of 22 December 1987 would come into force, giving rise, in keeping with its own analysis of the matter, to a dispute, although a dispute already existed as to the interpretation and application of the Headquarters Agreement since 22 December 1987.

This situation is extremely grave and of the greatest concern to the Togolese Government. How can a Member State of our Organization which is, moreover, a founding Member violate an Agreement into which it has entered on the proper functioning of our Organization? How can a Member State of our Organization deliberately prevent the United Nations from playing its role in the maintenance of international peace and security for which it was created? How can a Member State of our Organization which claims to respect the Charter deny other Member States their rights by deciding on its own to expel an organization which was invited by all for the purpose of making a contribution to the solution of problems of common interest? As I said here on 2 March last, because today one invitee of the United Nations is not liked because of domestic political considerations, international

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agreements are broken and the invitee is expelled from Headquarters. Tomorrow there is no guarantee that another invitee or State may not be equally disliked. One may ask whether respect for international law is a function of the power of States or factors other than the binding force of treaties and good faith.

It is significant that all countries that cherish peace and justice should be so exercised over the fact of the host country's adoption of a law that could prevent the PLO Permanent Observer Mission from maintaining its premises in the United States to allow it to respond to the invitation extended to it to participate in sessions and work of the General Assembly in the search for a solution to the Palestinian problem.

Above and beyond the PLO, which is in New York only through the will of the States Members of the United Nations, it is the Organization as a whole which has received a slap in the face by the host country. Each State Member individually has fallen victim to the violation of the rights of the Organization and the Secretary-General himself has been affected. He has indeed been vigilant in his reaction and sought to safeguard the interests of the Organization he heads. His reaction is of great comfort to my delegation.

We wish once again to pay him a heartfelt tribute for his total dedication to the Organization and for his unceasing efforts to find solutions to the serious problems of our planet, including the Palestinian tragedy. My delegation would like to congratulate the Secretary-General on the clear and unequivocal stand he has taken since the very beginning of this episode, and which is again stated in document A/42/915/Add.3. We encourage him to maintain and defend this stand. For the Togolese Government as for the Secretary-General, the dispute that exists between the United Nations and the United States is covered by the provisions of section 21 of the Headquarters Agreement and can be resolved only through those provisions.

(Mr. Adjoyi, Togo)

My delegation hopes that the arbitration procedure contemplated here will lead to a settlement of the situation, contributing to the strengthening of our Organization which brings hope that our peoples may advance towards a future of peace, dignity and prosperity.

Mr. KITTIKHOUN (Lao People's Democratic Republic) (interpretation from French): Like other delegations that have spoken earlier, I would like to express thanks to the President for having again reconvened the forty-second session of the General Assembly to consider the question of the report of the Committee on Relations with the Host Country. My delegation would also like to thank the United Nations Secretary-General for his reports in documents A/42/915/Add.2 and 3, as well as for the vigorous efforts he has made to resolve the dispute between the United Nations and the host country, the United States of America.

On 2 March 1988 the General Assembly in resolution 42/229 A requested the Secretary-General to continue in his efforts to achieve a solution to the vexing problem created by the host country. In this connection, on the same day the representative of the host country informed the General Assembly that the United States Government would "consider carefully the views expressed" during the resumed session and stated:

"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." (A/42/PV.104, p. 59)

To the general surprise of the States Members of the United Nations, the Acting Permanent Representative of the United States, on 11 March of this year, informed the Secretary-General that the Attorney General of the United States had determined that he was required by the Anti-Terrorism Act of 1987 to close the office of the Palestine Liberation Organization Observer Mission to the United Nations in

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New York, irrespective of any obligations the United States may have under the Headquarters Agreement. In addition, the Attorney General of the United States, also on 11 March 1988, addressed a letter to the Permanent Observer of the Palestine Liberation Organization (PLO) informing him that on 21 March 1988 the PLO Mission to the United Nations in New York would be unlawful.

Speaking in the Assembly on 2 March on this issue my delegation felt it important to recall that this problem threatened the very future of the United Nations and that a spirit of compromise and strict compliance with international obligations were required to find a just solution. The speakers participating in the debate, with only one single exception, were unanimous in appealing to the host country seriously to reconsider the decision of the United States Congress and to take the measures necessary to redress this unfortunate situation. To my delegation's profound regret, it has become apparent since 11 March 1988 that the United States Government, in keeping with the so-called Anti-Terrorism Act of 1987, is determined to close the office of the PLO Permanent Observer Mission to the United Nations in New York, irrespective of its obligations under the Headquarters Agreement.

The international community deplores that arbitrary behaviour and considers it a negative act on the part of the host country in its relations with the world Organization. That decision, based on political motivations, will undoubtedly harm the proper functioning of the United Nations, deal a hard blow at its efforts to establish a just and lasting peace in the Middle East and further exacerbate the already explosive situation in the occupied territories of the West Bank and Gaza.

The world is well aware that this is not a bilateral problem. If, for one reason or another, the principle of reciprocity came to be applied in the framework of multilateral diplomacy, it would doubtless be time for us seriously to consider

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the unforeseeable and disastrous consequences that might entail. The Lao People's Democratic Republic does not in any way agree with those who continue to hope to find a solution to the problem of the Middle East without the full participation of all the parties concerned, including the PLO, the sole, legitimate representative of the Palestinian people.

In the interests of the normal functioning of the United Nations, as well as of peace in the Middle East, my delegation would appeal once again to the host country, the United States of America, to reconsider its decision and agree to accept the procedure of the settlement of disputes set forth in section 21 of the Headquarters Agreement. In the meantime, as the Secretary-General urges in his report, the status quo should be maintained.

Mr. MOUSHOUTAS (Cyprus): We should like at the outset to welcome the charismatic and wise guidance of the President during this second resumption of the forty-second session of the General Assembly. However, we note with disappointment that the views expressed during the first resumed session with regard to finding a solution to the problem under review in keeping with the Headquarters Agreement were not given due consideration.

(Mr. Moushoutas, Cyprus)

The United States of America, which justifiably prides itself on its many and meaningful achievements, which include its declared adherence to the rule of law and to the sanctity of treaties, has by its decision to proceed with the closing of the Palestine Liberation Organization (PLO) Observer Mission to the United Nations, proved again that by its actions it can be its own worst enemy, having brought upon itself the unenviable title of violator of the Headquarters Agreement, and as a result having become isolated in the eyes of all Member States. This should sadden all those whose hearts beat for American values, for in the history of the host country there are indeed times of greatness and events worthy of national and world pride, from which we - or some of us - have drawn guidance and strength. We have relied on the principles which evolved from those events to steer our own fates in our respective countries.

Regrettably, it is not such a time today, and, what is worse and ironic, in a hasty effort to apply domestic law the host country has caused a regression in the principle of the rule of law in the world.

For it is universally accepted that the PLO Observer Mission and its members are, by virtue of resolution 3237 (XXIX), invitees of the United Nations and that there is a treaty obligation on the host country to permit the PLO Observer Mission and personnel to enter and remain in the United States to carry out their official functions at the United Nations.

We therefore fully share the concern of the Secretary-General, Mr. Perez de Cuellar, regarding the United States view that it may act irrespective of its obligations under the Headquarters Agreement, and we do not hesitate to state that if such a view were to prevail our Organization's very existence would be jeopardized.

(Mr. Moushoutas, Cyprus)

The host country, which, as a founding Member of the United Nations, pioneered and played a leading role in the establishment of the world Organization and the adoption of its Charter, is in a very good position to appreciate our well-founded concerns as to the fate of this Organization.

We believe that the host country has a duty to apply domestic law in a manner which is not incompatible with its obligations under the Headquarters Agreement, the Charter and international law in general.

Similarly, the host country's position that submission of the matter to arbitration would not serve a useful purpose is regrettable and evidences a mentality alien to the declarations and traditions that we have been accustomed to. It further indicates the weakness and outright lack of legality of the decision taken to close the office of the PLO Observer Mission to the United Nations.

The Charter's provision which the United States laboured to adopt -

"to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained" -

will probably haunt those whose short-sighted views and actions caused the present crisis of the world institution, which was created by lofty ideals and hopes for peace and justice.

Closing down the PLO Observer Mission constitutes not only a gross violation of the United States obligations under the Headquarters Agreement, but contributes to undermining the political process for solving the problems in the Middle East through dialogue. For the world forum will be deprived of the views of the PLO, the sole and legitimate representative of the Palestinian people, at a time when a just solution is sought to this grave world problem. The timing of the host

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country's letter as to the determination of its Attorney General to close the PLO Observer Mission pre-empted the decision on the issue by the International Court of Justice, and had the effect of frustrating its role in the matter, at the same time depriving the host country of the guidance it so badly needed to deal constructively with this problem.

The host country's decision to proceed with the closure affects the world Organization and all of us directly, and therefore our solidarity must be direct and total with the PLO, an invitee of the United Nations.

The Secretary-General, in his wise and laconic letter of 15 March 1988 addressed to Ambassador Okun, Acting Permanent Representative of the United States to the United Nations, expressed his protest and the view of the United Nations that the decision is a clear violation of the Agreement between the United Nations and the United States of America.

In commending the Secretary-General, and in expressing our appreciation to him for his many efforts to defuse the crisis we are facing, we feel we should, more than ever before, rally to his support, and in a spirit of solidarity consider with him ways and means to deal with the matter.

As Chairman of the Committee on Relations with the Host Country, whose report is under consideration, I pledge full co-operation with the Secretary-General, the custodian of this Organization, so that in concord with all Member States the PLO Observer Mission may be allowed to discharge without hindrance its official functions in accordance with resolutions 3237 (XXIX), 42/210 and 42/229.

Mr. ALZAMORA (Peru) (interpretation from Spanish): We are here to defend three values that are of the highest political and legal importance: first, the Assembly's agreement on the status of the Palestine Liberation Organization (PLO), and with it the sovereignty of the Assembly; secondly, the integrity of the

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Headquarters Agreement, and with it the very existence of the United Nations; and, thirdly, compliance with international obligations, and with it the viability of the world legal order and civilized coexistence between nations.

That threefold defence of international legality must be carried out within legality itself - that is, within the framework of the legal instruments that govern the situation and prevent possible disputes about their application. In the case before us the obligation is all the more imperative because the Headquarters Agreement contains its own mechanism for the settlement of disputes, a mechanism that must be used until it has been exhausted.

(Mr. Alzamora, Peru)

Therefore, this dispute must be resolved in the framework of the Headquarters Agreement, and for this purpose we must give our full support to the actions of the Secretary-General in his defence of each and every one of the important values that are at stake. It is not a defence of merely one principle of law but rather the specific values this law protects. Hence, support for the Secretary-General must be extended to any action that might be necessary, in keeping with the independence of the Organization, the international character of the dispute and the principle of compliance with international obligations.

The United Nations cannot function on the basis of abstraction; rather, it must function on the basis of political reality if it is to preserve its key principles of freedom, justice, equality and self-determination; they are valid for everyone, and we cannot silence the voice of an entire people in the debate over its own destiny.

Our peoples established an international Organization, which is independent, sovereign and autonomous, and the host country committed itself to consider it as such. These same peoples spoke out less than a month ago, with revealing unanimity, in the defence of the independence of the United Nations no matter what the consequences, for the very survival of the United Nations is at stake.

This is the criterion and the position of the Peruvian delegation here today in this historic occasion when we must defend, together with the Headquarters Agreement, the cardinal principle that international obligations must be scrupulously respected and that, therefore, treaties and agreements must be complied with. Only thus can we maintain the legal and moral order this Organization is called upon to preserve, at the service of peace, equality and justice among all peoples.

Mr. OUDOVENKO (Ukrainian Soviet Socialist Republic) (interpretation from Russian): Just three weeks ago the United Nations General Assembly, representing the international community, meeting here in this Hall unanimously voiced its position of principle on the illegal actions of the host country against the Permanent Observer of the Palestine Liberation Organization (PLO).

The States Members of the United Nations have called upon the United States to repeal its decision to close the PLO Mission in New York and demanded that normal conditions be ensured for its operations. Resolutions 42/229 A and B of 2 March were adopted by an impressive number of States: 143 States voted for them and we can even speak in terms of 144 since one additional delegation joined in supporting them subsequently. Israel, which voted against the resolutions, was the only one to do so and completely isolated in that respect.

It would appear that the United States should have taken into account the will of the international community as expressed in paragraph 5 of resolution 42/229 A, calling upon the host country to abide by its treaty obligations under the 1947 Agreement and provide assurance that no action will be taken that would infringe upon the current arrangements for the official functions of the PLO Permanent Observer Mission.

After the adoption of these resolutions, we heard the statement of the representative of the United States who said that his Government recognized the concerns expressed by members and would try very seriously to find an appropriate way to resolve this problem. However, just a few days later the Attorney General of the United States declared his decision to close the PLO Mission irrespective of any obligations the United States may have under the Agreement with the United Nations. According to reports in the United States press, as stated by one of the representatives of the Department of Justice of the United States who commented on

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this measure, the United States did not intend to comply with the norms of international law if these were unfavourable to the United States or considered by it to be unnecessary.

Our delegation feels that this is a dangerous precedent the consequences of which can be felt far beyond the effects upon the Mission concerned, and can effect the functioning of the United Nations as a whole. Therefore, we fully support the actions of the Secretary-General who, as noted in his report A/42/915/Add.2, voiced a protest to the United States Mission and pointed out that the decision of the United States Government, as set forth in the letter of the Attorney General, is a clear violation of the 1947 Agreement on the location of the Headquarters of the United Nations.

The entry into force of Title X of the United States Foreign Relations Authorization Act is a gross violation by the host country - a permanent member of the Security Council responsible for maintaining international peace and security - of its international legal obligations under the United Nations Charter and the 1947 Agreement. It is clear that these arbitrary actions threaten the integrity and inviolability of the existing international legal norms as a whole and undermine the authority and viability of the United Nations.

As a result of these actions, there exists a legal dispute between the United States and the United Nations on the application and interpretation of the 1947 Agreement, which should be settled by arbitration, as stipulated in section 21 of the Agreement precisely for such purposes. The United States position that arbitration will not be useful in this issue seems strange to us. According to the 1947 Agreement, the United States is obligated to fulfil this requirement for the institution of arbitration and to agree to resolving such disputes fully in accordance with international law.

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In considering the closing of the PLO Mission, we cannot but view the context of this illegal action by the United States as being closely related to this main problem: the fate of the entire Palestinian people and the establishment of a just and lasting peace in the Middle East. The actions of the host country against the PLO Mission are part of a broader anti-Palestinian campaign which has been carried on for a long time now by certain circles in this country. This campaign has a definite goal: the complete removal of the Palestinian people from a Middle East settlement.

At a meeting with the delegates of the Yugoslav Parliament a few days ago, M. S. Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, stated the following:

"Democratization of international relations is the imperative of our times, and this requires, first and foremost, unconditional recognition by the international community of the right of every people to choose its own destiny and its right to its own resources. This is a universal right which cannot be monopolized by any particular people. Every people has its own interest which cannot be subordinated to those of other States. They must be shared".

(Mr. Oudovenko, Ukrainian SSR)

The delegation of the Ukrainian SSR wishes once again to stress that there can be no solution to the Middle East problem behind the backs of the Palestinian people, without the participation of its sole, legitimate representative, the PLO, and without the speedy convening, under United Nations auspices, of a plenipotentiary international conference.

The Ukrainian SSR fully supports the proposed draft resolution, and feels that the General Assembly and the Secretary-General must do everything possible to prevent the closing of the PLO Mission. We call once again upon the host country strictly to meet its obligations under the 1947 Headquarters Agreement and to guarantee normal conditions for the functioning of the PLO Mission.

PROGRAMME OF WORK

The PRESIDENT: Taking into account the fact that a number of speakers have yet to be heard on this item, we shall hold our next plenary meeting tomorrow afternoon to conclude the debate and, if possible and agreeable to members, to take action.

The meeting rose at 6.20 p.m.