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## REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Report of the Secretary-GeneralAddendum

1. In resolution 42/229 A of 2 March 1988, the General Assembly, inter alia, requested the Secretary-General to continue his efforts to resolve the dispute that has arisen between the United Nations and the United States concerning the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York, in pursuance of the provisions of the Headquarters Agreement between the United Nations and the United States, in particular section 21 thereof, and to report without delay to the General Assembly.
2. Following the adoption of resolution 42/229 A, the Secretary-General, on 4 March 1988, addressed a letter to the Permanent Representative of the United States to the United Nations in which, after drawing attention to the adoption of the resolution and noting that the General Assembly had requested him to continue his efforts to resolve the matter, he informed the Permanent Representative of the United States that he interpreted the request of the General Assembly to mean that he should continue to seek to exhaust the remedies available under section 21 of the Headquarters Agreement. In that connection, he observed that he had not received an official response to his letters of 14 January 1988 and 2 February 1988 in which he had sought assurances regarding the non-applicability or the deferral of the application of the Anti-Terrorism Act of 1987 to the Permanent Observer Mission of the Palestine Liberation Organization nor had the United Nations received a response to the Legal Counsel's letter of 11 February 1988 regarding the choice of an arbitrator by the United States.
3. Noting that the representative of the United States, at the 104th plenary meeting of the General Assembly, on 2 March 1988, had stated that the United States Government would consider carefully the views expressed during the resumed session and that it remained the intention of the United States to find an appropriate resolution to this problem in the light of the Charter of the United Nations, the

Headquarters Agreement and the laws of the United States, the Secretary-General expressed the hope that it would still prove possible for the United States to reconcile its domestic legislation with its international obligations. However, should this not be the case, the Secretary-General trusted that the United States would recognize the existence of the dispute and agree to the utilization of the dispute settlement procedure provided for in section 21 of the Headquarters Agreement and that in the interim period the status quo would be maintained.

4. On 11 March 1988 the Acting Permanent Representative of the United States, Mr. Herbert S. Okun, handed to the Secretary-General a letter that referred to the Secretary-General's letters of 14 January 1988, 11 February 1988 and 4 March 1988 as well as to General Assembly resolutions 42/229 A and B of 2 March 1988. In this letter the Acting Permanent Representative of the United States informed the Secretary-General that the Attorney General of the United States had determined that he is required by the Anti-Terrorism Act of 1987 to close the office of the Permanent Observer Mission of the Palestine Liberation Organization 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". The letter went on to say that if the Palestine Liberation Organization did not comply with the Act, the Attorney General would initiate legal action to close the Permanent Observer Mission of the Palestine Liberation Organization on or about 21 March 1988, the effective date of the Act. Finally, the letter stated that the United States would not take other actions to close the Observer Mission pending a decision in such litigation and concluded that "under the circumstances, the United States believes that submission of this matter to arbitration would not serve a useful purpose". The full text of this letter is reproduced in annex I.

5. On receiving the letter, the Secretary-General protested to the Acting Permanent Representative of the United States and stated that the decision taken by the United States Government as outlined in the letter was a clear violation of the Headquarters Agreement between the United Nations and the United States.

6. Also on 11 March 1988, the Permanent Observer of the Palestine Liberation Organization informed the Secretary-General that he had received a letter of the same date from the Attorney-General of the United States to the effect that as at 21 March 1988 the maintenance of a Palestine Liberation Organization Mission to the United Nations in New York would be unlawful and that should the Palestine Liberation Organization fail to comply with the requirements of the Anti-Terrorism Act of 1987 the Department of Justice would take action in United States Federal Court to ensure compliance (see annex II and appendix).

7. With regard to the request for an advisory opinion of the International Court of Justice contained in resolution 42/229 B of 2 March 1988, the Secretary-General wishes to inform the General Assembly that on the same day the Legal Counsel of the United Nations transmitted to the Court by facsimile the English and French texts of the resolution, which were received in the Registry of the Court on 3 March 1988. Also on 2 March 1988, the Secretary-General transmitted to the Court the request for the advisory opinion and certified copies of the English and French texts of the resolution.

8. On 9 March 1988, the Registrar of the Court transmitted to the Secretary-General by facsimile a copy of an order made by the Court in the proceedings on the request for the advisory opinion. By that order the Court invited the Secretary-General to supply the documents contemplated by Article 65, paragraph 2, of the Statute of the Court at the earliest possible date, fixed the time-limit for the submission of written statements by the United Nations, the United States and any other State party to the Statute that desires to do as at 25 March 1988, and decided to hold hearings at which oral comments on written statements might be submitted to the Court on 11 April 1988.

9. On 10 March 1988 documents relating to the question on which an advisory opinion has been requested were dispatched to the Court by special courier.

ANNEX I

Letter dated 11 March 1988 from the Acting Permanent Representative  
of the United States to the United Nations addressed to the  
Secretary-General

I have the honour to refer to your letters of January 14, February 11, and March 4, 1988 and to General Assembly resolutions 42/229 A and 42/229 B.

I wish to inform you 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 Observer Mission on or about March 21, 1988, the effective date of the Act. This course of action will allow the orderly enforcement of the Act. The United States will not take other actions to close the Observer Mission pending a decision in such litigation. Under the circumstances, the United States believes that submission of this matter to arbitration would not serve a useful purpose.

Herbert S. OKUN  
Ambassador  
Acting Permanent Representative

ANNEX II

Letter dated 11 March 1988 from the Permanent Observer of the  
Palestine Liberation Organization to the United Nations  
addressed to the Secretary-General

I have the honour to enclose for your information a letter dated 11 March 1988 addressed to me by His Excellency Mr. Edwin Meese III, Attorney General of the United States (see appendix).

(Signed) Zuhdi Labib TERZI •  
Permanent Observer

APPENDIX

Letter dated 11 March 1988 from the Attorney General of the  
United States of America to the Permanent Observer of the  
Palestine Liberation Organization to the United Nations

I am writing to notify you that on March 21, 1988, the provisions of the "Anti-Terrorism Act of 1987" (Title X of the Foreign Relations Authorization Act of 1988-89; Pub. L. No. 100-204, enacted by the Congress of the United States and approved Dec. 22, 1987 (the "Act")) will become effective. The Act prohibits, among other things, the Palestine Liberation Organization ("PLO") from establishing or maintaining an office within the jurisdiction of the United States. Accordingly, as of March 21, 1988, maintaining the PLO Observer Mission to the United Nations in the United States will be unlawful.

The legislation charges the Attorney General with the responsibility of enforcing the Act. To that end, please be advised that, should you fail to comply with the requirements of the Act, the Department of Justice will forthwith take action in United States federal court to ensure your compliance.

If you have any questions concerning this matter, you may contact the Department of Justice at (202) 633-2051.

(Signed) Edwin MEESE III  
Attorney General

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