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REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Report of the Secretary-General

Addendum

1. In his report to the General Assembly of 11 March 1988 (A/42/915/Add.2), the Secretary-General informed the Assembly of a letter dated 11 March 1988, handed to him by the Acting Permanent Representative of the United States of America, in which he was informed of the determination by the Attorney General of the United States 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".

2. On 15 March 1988, the Secretary-General handed to the Acting Permanent Representative of the United States a letter in reply to the communication that he had received. The full text of the Secretary-General's letter is reproduced in annex I.

ANNEX I

Letter dated 15 March 1988 from the Secretary-General addressed to the Acting Permanent Representative of the United States to the United Nations

I wish to refer to your letter dated 11 March 1988 in which you informed me of the determination made by the Attorney General of the United States 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.

As I told you at our meeting on 11 March 1988 on receiving this letter, I did so under protest because in the view of the United Nations 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. In particular, I cannot accept the statement contained in the letter that the United States may act irrespective of its obligations under the Headquarters Agreement, and I would ask you to reconsider the serious implications of this statement given the responsibilities of the United States as the host country.

I must also take issue with the conclusion reached in your letter that the United States believes that submission of this matter to arbitration would not serve a useful purpose. The United Nations continues to believe that the machinery provided for in the Headquarters Agreement is the proper framework for the settlement of this dispute and I cannot agree that arbitration would serve no useful purpose. On the contrary, in the present case, it would 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.

(Signed) Javier PEREZ DE CUELLAR
