

**CORRESPONDANCE**

**CORRESPONDENCE**

1. THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE COURT

[See p. 3, supra.]

2. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN<sup>1</sup>  
(télégramme)

3 mars 1988.

Ai l'honneur vous *informer*, conformément à l'article 66, paragraphe 1, du Statut de la Cour internationale de Justice, que le 2 mars 1988 l'Assemblée générale des Nations Unies a prié la Cour de donner un avis consultatif sur la question suivante:

« Etant donné les faits consignés dans les rapports du Secrétaire général (A/42/915 et Add.1), les Etats-Unis d'Amérique, en tant que partie à l'accord entre l'Organisation des Nations Unies et les Etats-Unis d'Amérique relatif au siège de l'Organisation des Nations Unies, sont-ils tenus de recourir à l'arbitrage conformément à la section 21 de l'accord ? »

Les rapports susmentionnés du Secrétaire général relatent les négociations avec le Gouvernement des Etats-Unis concernant l'applicabilité des dispositions légales des Etats-Unis (qui devraient entrer en vigueur le 21 mars 1988) au bureau de la mission permanente d'observation de l'OLP auprès de l'ONU.

(Signé) Eduardo VALENCIA-OSPINA.

3. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

9 March 1988.

I have the honour to transmit to Your Excellency herewith a copy of an Order made by the Court today in the proceedings on the request for an advisory opinion concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*. By that Order the Court first invites you to supply the documents contemplated by Article 65, paragraph 2, of the Statute of the Court at the earliest date possible.

The Court decided further that the United Nations and the United States of America are, pursuant to Article 66, paragraph 2, of the Statute, considered likely to be able to furnish information on the question. The present letter should therefore be regarded as the special and direct communication contemplated by that provision; the time-limit fixed by the Court for the submission of written statements by the United Nations, the United States of America, and any other State party to the Statute which desires to do so is 25 March 1988. The Court also

<sup>1</sup> Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

decided to hold hearings, opening on 11 April 1988, at which oral comments on written statements may be submitted to the Court by the United Nations, the United States of America, and such other States as have presented written statements, and reserved the subsequent procedure for further decision.

#### 4. THE REGISTRAR TO THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA

9 March 1988.

I have the honour to transmit to Your Excellency herewith a copy of an Order made by the Court today in the proceedings on the request for an advisory opinion concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*. By that Order the Court decided (*inter alia*) that the United Nations and the United States of America are, pursuant to Article 66, paragraph 2, of the Statute, considered likely to be able to furnish information on the question. The present letter should therefore be regarded as the special and direct communication contemplated by that provision; the time-limit fixed by the Court for the submission of written statements by the United States of America, the United Nations, and any other State party to the Statute which desires to do so is 25 March 1988. The Court also decided to hold hearings, opening on 11 April 1988, at which oral comments on written statements may be submitted to the Court by the United Nations, the United States of America, and such other States as have presented written statements, and reserved the subsequent procedure for further decision.

#### 5. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN<sup>1</sup> (télégramme)

9 mars 1988.

Suite à mon télégramme du 3 mars ai honneur vous informer que Cour a décidé aujourd'hui par ordonnance qu'Organisation Nations Unies et Etats-Unis Amérique sont susceptibles fournir renseignements (art. 66, par. 2, Statut) sur question soumise à Cour pour avis consultatif au sujet de l'applicabilité de l'obligation d'arbitrage en vertu de la section 21 de l'accord du 26 juin 1947 relatif siège ONU et qu'autres États parties au Statut qui le désireront pourront soumettre à Cour un exposé écrit sur la question le 25 mars 1988 au plus tard. Cour a aussi décidé tenir audiences s'ouvrant 11 avril 1988 au cours desquelles observations sur exposés écrits pourront être faites par ONU, Etats-Unis et autres Etats qui auront déposé exposés écrits. Suite procédure est réservée. Copie ordonnance sera transmise prochainement.

#### 6. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

10 March 1988.

Further to the Secretary-General's letter of 2 March 1988 transmitting the request of the General Assembly for an advisory opinion, we dispatch to you

<sup>1</sup> Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

herewith by courier service, Part I of the Dossier (30 copies in English and 5 copies in French). This Part contains all relevant United Nations documents connected with the proceedings leading to the request by the General Assembly, correspondence between the United Nations and the Permanent Mission of the United States to the United Nations and materials relating to the United States legislation (i.e., the Anti-Terrorism Act of 1987). As you will note, the United States legislation materials have not been translated into French.

Parts II and III of the Dossier will contain materials relevant to the Observer Status of the Palestine Liberation Organization and to the Headquarters Agreement. They are still under preparation and will be sent as soon as possible. Meanwhile, I am enclosing the following documents which will form part of the Dossier to be sent to you in the next instalment:

- (a) The Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (*United Nations Treaty Series*, Vol. 11, pp. 11-40, in English and French).
- (b) Public Law 357, 80th Congress, Chapter 482, 1st Session (Treaties and other International Acts Series 1676, pp. 25-30) in English only.
- (c) Admission of representatives of non-governmental organizations enjoying consultative status. Memorandum by the Legal Department. E/2397, dated 10 April 1953, 4 pp., particularly paragraphs 9 to 13 (in English and French).

(Signed) Carl-August FLEISCHHAUER.

#### 7. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

11 March 1988.

Please find in the attachment the text of a letter which was received from the office of the United States Attorney General by the PLO Observer Mission to the United Nations.

*The Attorney General of the United States of America to the Palestine Liberation Organization Observer Mission 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.

## 8. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

11 March 1988.

Please see attached letter addressed to the Secretary General dated 11 March 1988 from the Acting Permanent Representative of the United States of America. This letter was delivered by hand by the Acting Permanent Representative to the Secretary-General this morning, Friday, 11 March 1988 at 10.15. The Secretary-General accepted receipt thereof under protest.

An announcement is scheduled to be made by the United States Attorney General at 4.30 p.m. today.

*The Acting Permanent Representative of the United States in the United Nations Security Council to the Secretary-General of the United Nations*

I have the honor 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.

(Signed) Herbert S. OKUN.

9. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN<sup>1</sup>

14 mars 1988.

Le Greffier de la Cour internationale de Justice a l'honneur de transmettre ci-joint un exemplaire imprimé de la requête pour avis consultatif que l'Assemblée générale des Nations Unies a présentée à la Cour au sujet de l'*Applicabilité de l'obligation d'arbitrage en vertu de la section 21 de l'accord du 26 juin 1947 relatif au siège de l'Organisation des Nations Unies* et que le Secrétaire général des Nations Unies a transmise à la Cour par lettre du 2 mars 1988, ainsi qu'un exemplaire imprimé de l'ordonnance rendue en l'espèce par la Cour le 9 mars 1988.

Le Greffier a en outre l'honneur d'appeler l'attention des Etats parties au Statut de la Cour sur le paragraphe 3 du dispositif de l'ordonnance, dans lequel la Cour décide, ainsi qu'ils en ont été informés par télégramme, que ceux d'entre eux qui en auront exprimé le désir pourront soumettre à la Cour un exposé écrit sur la

<sup>1</sup> Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

question, le 25 mars 1988 au plus tard. Les Etats qui se proposent de lui soumettre un tel exposé, lequel devra être rédigé dans l'une des deux langues officielles de la Cour, le français ou l'anglais, voudront bien en informer le Greffier aussitôt que possible.

**10. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS**

14 March 1988.

I have the honour to acknowledge receipt of your letter of 10 March 1988 concerning transmission of the Secretary-General's dossier of the documents contemplated by Article 65, paragraph 2, of the Statute in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*, and to confirm that we have now received by courier Part I of the Dossier and the three additional documents listed in your letter.

**11. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR**

18 March 1988.

Further to my letter of 10 March 1988, I am sending you herewith Parts II and III of the Dossier (30 copies in English and 15 in French). You will note that the U.S. Congressional materials have not been translated into French.

As you are aware, the General Assembly has resumed its session today to consider the developments since the adoption of Assembly resolutions 42/229 A and B. Accordingly, Part IV of the Dossier will cover materials of that period. I trust we will be able to send them to you shortly after the meetings of the Assembly.

**12. THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE**

24 March 1988.

I have the honour to inform you that I have designated Mr. Carl-August Fleischhauer, Under Secretary-General, the Legal Counsel, as the representative of the Secretary-General in the proceedings of the Court concerning the request by the General Assembly for an advisory opinion concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

Mr. Fleischhauer is authorized to present written and oral statements on behalf of the Secretary-General in the matter before the Court.

(Signed) Javier PÉREZ DE CUÉLLAR.

## 13. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

24 March 1988.

I have the honour to transmit herewith a letter<sup>1</sup> from the Secretary-General, addressed to the President of the International Court of Justice, authorizing me to present written and oral statements on his behalf in the matter of the Advisory Opinion concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

Pursuant to the above-mentioned authorization, I have the honour to transmit herewith for communication to the Court thirty copies in English of the written statement on behalf of the Secretary-General.

Copies of this letter, of the above-mentioned letter of the Secretary-General and of the English text of the written statement, have been transmitted to you today by facsimile.

Thirty copies of French translations of the Secretary-General's written statement will be despatched under separate cover within the next few days.

## 14. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

25 March 1988.

In view of time constraints, and pending formal acknowledgements and transmissions, I have the honour to transmit herewith the written statements of the Syrian Arab Republic and the United States of America in the advisory proceedings on the question of the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

## 15. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF THE SYRIAN ARAB REPUBLIC

25 March 1988.

In view of time constraints, and pending formal acknowledgments and transmissions, I have the honour to transmit herewith the written statements of the United States of America and of the Secretary-General of the United Nations in the advisory proceedings on the question of the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

## 16. THE REGISTRAR TO THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA

25 March 1988.

In view of time constraints, and pending formal acknowledgments and transmissions, I have the honour to transmit herewith the written statements of

<sup>1</sup> See No: 9, *supra*.

the Syrian Arab Republic and of the Secretary-General of the United Nations in the advisory proceedings on the question of the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

17. THE DEPUTY TO THE UNDER-SECRETARY-GENERAL AND DIRECTOR, GENERAL LEGAL DIVISION, OFFICE OF LEGAL AFFAIRS OF THE UNITED NATIONS TO THE REGISTRAR  
(telex)

28 March 1988.

Part IV of Dossier, containing 15 documents relating to the period subsequent to the request by the General Assembly for an advisory opinion, will be pouched on Monday, 28 March.

(Signed) Paul C. SZÁSZ.

18. THE DEPUTY TO THE UNDER-SECRETARY-GENERAL AND DIRECTOR, GENERAL LEGAL DIVISION, OFFICE OF LEGAL AFFAIRS OF THE UNITED NATIONS TO THE REGISTRAR  
(telex)

28 March 1988.

Attached addendum to General Assembly document A/42/L.18 (Dossier No. 108) was distributed here today, 28 March, in English and French. We will number it 108a, and eventually include it in a formal corrigendum/addendum to Dossier, Part IV.

19. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

28 March 1988.

Further to my informal letter of 25 March 1988, I am now sending by facsimile herewith a formal letter of acknowledgment and transmittal of written statements under Article 105, paragraph 1, of the Rules of Court. The copies of the Syrian and United States written statements are not being included in the facsimile transmission, as you already have these, but I am including the brief statement from the German Democratic Republic, which arrived after my letter to you of 25 March 1988 had been transmitted.

20. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

28 March 1988.

I have the honour to acknowledge receipt of your letter of 24 March 1988 and the written statement of the Secretary-General of the United Nations in the case



concerning the request by the United Nations General Assembly for an advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*, received by facsimile on 25 March 1988.

In accordance with Article 105, paragraph 1, of the Rules of Court, I have the honour to communicate to you herewith the text of the written statements submitted to the Court, within the time-limit fixed by the Court's Order dated 9 March 1988, by the following States:

German Democratic Republic  
 Syrian Arab Republic  
 United States of America.

I should be obliged if you would inform me in due course whether the Secretary-General will wish to make oral comments on these written statements at the hearing to be held for the purpose on 11 April 1988.

21. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF THE GERMAN  
 DEMOCRATIC REPUBLIC

28 March 1988.

I have the honour to acknowledge receipt of Your Excellency's telex message of 25 March 1988, constituting the written statement of the German Democratic Republic in the case concerning the request by the United Nations General Assembly for an advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

In accordance with Article 105, paragraph 1, of the Rules of Court, I have the honour to communicate to you herewith the text of the written statements submitted to the Court, within the time-limit fixed by the Court's Order dated 9 March 1988, by the Secretary-General of the United Nations and by the following States:

Syrian Arab Republic  
 United States of America.

I should be obliged if Your Excellency would inform me whether the Government of the German Democratic Republic will wish to make oral comments on these written statements at the hearing to be held for the purpose on 11 April 1988.

22. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF THE SYRIAN ARAB  
 REPUBLIC

28 March 1988.

I have the honour to acknowledge receipt of Your Excellency's letter of 25 March 1988 and the written statement of the Syrian Arab Republic in the case concerning the request by the United Nations General Assembly for an advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the*

*United Nations Headquarters Agreement of 26 June 1947*, received by facsimile on 25 March 1988.

In accordance with Article 105, paragraph 1, of the Rules of Court, I have the honour to communicate to you herewith the text of the written statements submitted to the Court, within the time-limit fixed by the Court's Order dated 9 March 1988, by the Secretary-General of the United Nations and by the following States:

German Democratic Republic  
United States of America.

I should be obliged if Your Excellency would inform me in due course whether the Government of the Syrian Arab Republic will wish to make oral comments on these written statements at the hearing to be held for the purpose on 11 April 1988.

**23. THE REGISTRAR TO THE AMBASSADOR OF THE UNITED STATES OF AMERICA TO THE NETHERLANDS**

28 March 1988.

I have the honour to acknowledge receipt of Your Excellency's letter of 25 March 1988, constituting the written statement of the United States of America in the case concerning the request by the United Nations General Assembly for an advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*, received on 25 March 1988.

In accordance with Article 105, paragraph 1, of the Rules of Court, I have the honour to communicate to you herewith the text of the written statements submitted to the Court, within the time-limit fixed by the Court's Order dated 9 March 1988, by the Secretary-General of the United Nations and by the following States:

German Democratic Republic  
Syrian Arab Republic.

I note from Your Excellency's letter that the Government of the United States does not intend to make oral comments on these written statements at the hearing to be held for the purpose on 11 April 1988.

**24. THE REGISTRAR TO THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA**

28 March 1988.

Further to my facsimile communication of 25 March 1988, I have the honour to transmit to Your Excellency herewith a copy of a letter I have today addressed to the United States Ambassador in The Hague, and a copy of the communication from the Government of the German Democratic Republic referred to in that letter. The other statements there referred to were transmitted to you with my previous communication.

## 25. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

28 March 1988.

Further to my letter of 18 March 1988 and Mr. Szász's cable of 25 March 1988, I am herewith sending you Part IV of the Dossier (30 copies in English and 15 copies in French) containing materials relating to the proceedings subsequent to the request by the General Assembly for an advisory opinion. Please note that in the French version, the Introductory Note, table of contents and the document No. 116 are not yet available in that language; these will be sent to you by facsimile on 29 March.

Accordingly, the entire Dossier sent to you comprises 124 documents. A table showing a summary of the contents of the entire Dossier is enclosed herewith.

Should the General Assembly reconvene before 11 April 1988, as envisaged in its decision taken at the 109th plenary meeting held on 23 March 1988, we will send you, without delay, all relevant materials emanating from that resumed session.

## 26. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

*(telex)*

30 March 1988.

As previously announced I am transmitting herewith a facsimile of the French translation of the Secretary-General's Written Statement. Thirty additional copies will be dispatched by courier on 31 March 1988.

I am also sending the originals of the letters of 24 March from the Secretary-General to the President of the Court and from me to you.

I would also appreciate your making known to Members of the Court the following corrigenda to the English statement only: footnote 42 should read document 106; footnote 44 should read document 115.

27. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS<sup>1</sup>

31 March 1988.

I have the honour to inform your Excellency that the Court will hold a hearing on Monday, 11 April 1988, at 10 a.m. for the purpose of enabling the States and the organization which have submitted written statements on the request for advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*, to comment on the other statements presented (Statute, Article 66, paragraph 4).

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<sup>1</sup> A communication in the same terms was sent to the Secretary of State of the United States of America and to the Minister for Foreign Affairs of the German Democratic Republic and the Syrian Arab Republic.

28. THE DEPUTY TO THE UNDER-SECRETARY-GENERAL AND DIRECTOR, GENERAL LEGAL DIVISION, OFFICE OF LEGAL AFFAIRS OF THE UNITED NATIONS TO THE REGISTRAR  
(telex)

31 March 1988.

Please find here by facsimile the English and French versions of document A/INF/42/8/Add.1, setting out, *inter alia*, the texts of the decisions (now numbered 42/461 and 42/462) of the General Assembly referred to respectively in document No. 15, page 64 and document No. 113, page 23 of the Dossier.

29. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

5 April 1988.

I have the honour to transmit to Your Excellency herewith a copy of the French translation, prepared by the Registry for the use of Members of the Court, of the written statements submitted to the Court in connection with the request for an advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947* by the Governments of the German Democratic Republic, the Syrian Arab Republic and the United States of America. This translation has however no official character.

30. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF THE GERMAN DEMOCRATIC REPUBLIC<sup>1</sup>

5 April 1988.

I have the honour to transmit to Your Excellency herewith a copy of the French text of the written statements submitted to the Court in connection with the request for an advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947* by the Secretary-General of the United Nations, Your Excellency's Government and the Governments of the Syrian Arab Republic and the United States of America. The French text of the Secretary-General's statement was prepared by the United Nations Secretariat; the translation of the other statements was made by the Registry for the use of the Members of the Court, and has no official character.

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<sup>1</sup> A similar communication was also sent to the Minister for Foreign Affairs of the Syrian Arab Republic and to the Secretary of State of the United States of America.

31. THE MINISTER FOR FOREIGN AFFAIRS OF THE GERMAN DEMOCRATIC REPUBLIC TO  
THE REGISTRAR

(*telex*)

7 April 1988.

In reply to your letter dated 28 March 1988 I have the honour to inform you that the Government of the German Democratic Republic does not consider it necessary to make oral comments on its Written Statements of 25 March last.

(*Signed*) Oskar FISCHER.

32. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

(*telex*)

7 April 1988.

Reference Dossier of documents concerning Assembly's request (resolution 42/229 B) for advisory opinion, resolution 42/210 B in sixth preambular paragraph quotes statement by Secretary-General dated 22 October 1987, which statement is apparently not included in Dossier. Grateful if text could be supplied with indication of form and forum in which made.

33. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

(*telex*)

7 April 1988.

Re your cable requesting statement by Secretary-General dated 22 October 1987, partially quoted in Assembly resolution 42/210 B. Please find herewith by facsimile text of statement in fifth paragraph. It was made in a UN daily press briefing by Mr. François Giuliani, spokesman for the Secretary-General and was published in the form contained in the attachment.

Annex

*For Information of United Nations Secretariat only*

22 October 1987.

UNITED NATIONS DAILY PRESS BRIEFING

"Mr. Giuliani then read out the following statement, attributable to the Spokesman, describing the Secretary-General's position on the Observer Mission of the Palestine Liberation Organization (PLO): 'The members of the PLO Observer Mission are, by virtue of resolution 3237 (XXIX), invitees to the United Nations. As such, they are covered by sections 11, 12 and 13 of the Headquarters Agreement of 26 June 1947. There is therefore a treaty obligation on the host

country to permit PLO Observer Mission personnel to enter and remain in the United States to carry out their official functions at United Nations Headquarters.'

To a series of questions on that statement, Mr. Giuliani said it had been made in light of recent moves in the United States Congress to close the PLO offices in Washington and New York. The PLO Mission had been in touch with both the Legal Office and the Secretary-General. To his knowledge, it was the first time that an Observer Mission to the United Nations was being asked to close its offices in a host country, he said in answer to a question. The United States State Department was expected to make a statement on that issue today. Asked what exactly the United Nations could and would do, Mr. Giuliani said he would have to check, he mentioned that the issue had also been taken up in the Committee on Relations with the Host Country ..."

#### 34. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

7 avril 1988.

Me référant au paragraphe V des principes généraux de l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, à l'audience qui se tiendra le 11 avril 1988 en l'affaire de l'*Applicabilité de l'obligation d'arbitrage en vertu de la section 21 de l'accord du 26 juin 1947 relatif au siège de l'Organisation des Nations Unies* (requête pour avis consultatif), l'Organisation des Nations Unies sera représentée comme suit :

M. Carl-August Fleischhauer, secrétaire général adjoint, conseiller juridique;  
M. Ralph Zacklin, juriste principal;  
M<sup>me</sup> Marcia Constable, assistante administrative.

#### 35. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

8 April 1988.

Article 71 of the Rules of Court provides, in paragraph 1, that a verbatim record shall be made by the Registrar of every hearing, in the official language of the Court which has been used, and (paragraph 4) that copies of the transcript thereof shall be circulated to the parties. The rule further provides that the parties "may, under the supervision of the Court, correct the transcripts of the speeches and statements made on their behalf, but in no case may corrections affect the sense and bearing thereof". In advisory proceedings, the transcript is similarly made available to the representatives of States or organizations making oral statements before the Court.

The transcript of the sitting on Monday 11 April 1988 to hear oral statements or comments in respect of the request for advisory opinion on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947* will be made available on the same day.

In order to facilitate any supervision which the Court may feel it proper to exercise, any correction or revision which you may wish to make to the transcript

should be handed to the Registrar's Secretary as early as possible on the day following the sitting; in any event, corrections should be handed in not later than 6 p.m. on that day.

36. THE REGISTRAR TO THE SECRETARY-GENERAL AND TO THE LEGAL COUNSEL OF THE UNITED NATIONS<sup>1</sup>

(telex)

21 April 1988.

I have the honour to inform your Excellency that the advisory opinion requested of the International Court of Justice on a question concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947* will be delivered at a public sitting in the Peace Palace, The Hague, at 16 hours on Tuesday, 26 April 1988.

37. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

26 April 1988.

I have the honour to transmit to you herewith the official signed and sealed copy, provided for in Article 109 of the Rules of Court, of the Advisory Opinion given today by the Court, at the request of the General Assembly, on *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

I also enclose ten additional copies of the text for your use; the printed version of the Opinion will be available shortly.

38. THE REGISTRAR TO THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA<sup>2</sup>

26 April 1988.

I have the honour to transmit to Your Excellency herewith a copy of the Advisory Opinion given by the Court today, at the request of the United Nations General Assembly, on the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

I also take this opportunity to transmit, for Your Excellency's information, a copy of the verbatim records of the two public hearings held in this case, on 11 and 12 April 1988, and of the translation thereof prepared by the Registry for the use of Members of the Court.

<sup>1</sup> A communication in the same terms was also sent to the Ministers for Foreign Affairs of the German Democratic Republic and the Syrian Arab Republic and to the Secretary of State of the United States of America.

<sup>2</sup> A communication in the same terms was also sent to the Ministers for Foreign Affairs of the German Democratic Republic and the Syrian Arab Republic.

39. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN<sup>1</sup>

30 mai 1988.

Conformément à l'article 109 du Règlement de la Cour, le Greffier de la Cour internationale de Justice a l'honneur de transmettre sous ce pli un exemplaire de l'avis consultatif rendu par la Cour le 26 avril 1988 au sujet de l'*Applicabilité de l'obligation d'arbitrage en vertu de la section 21 de l'accord du 26 juin 1947 relatif au siège de l'Organisation des Nations Unies*.

D'autres exemplaires seront expédiés ultérieurement par la voie ordinaire.

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<sup>1</sup> Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.



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