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INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel. 92 44 41. Cables: Intercourt, The Hague

Telex 32323

Communiqué

*unofficial
for immediate release*

English distributed to Members
of the Court 4-3-88 (17.45)
Press called - Mrs. El-Erian
Staff and Post Office (E + F)
Monday 7-3-88 at 11 a.m.

No. 88/3
4 March 1988

New request for advisory opinion
received by the Court

The following information is made available to the press by the Registry of the International Court of Justice:

The Secretary-General of the United Nations has transmitted to the International Court of Justice a request by the General Assembly for an advisory opinion on the following question:

"In the light of facts reflected in the reports of the Secretary-General, is the United States of America, as a party to the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, under an obligation to enter into arbitration in accordance with section 21 of the Agreement?"

The principal subject of the reports to which the question alludes is an exchange between the Secretary-General and the United States Government concerning the possible consequences of the United States Anti-Terrorism Act of 1987 for the maintenance in New York of an office of the Palestine Liberation Organization, which was granted observer status at the United Nations in 1974. The Act is due to take effect ninety days after its enactment, which took place on 22 December 1987.

The relevant provision of the United Nations Headquarters Agreement referred to in the question reads:

"Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third person to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice."

Article 96 of the United Nations Charter authorizes the General Assembly to request an advisory opinion of the Court on any legal question. The Assembly acted in this instance by adopting, on 2 March 1988, resolution 42/229 B by 143 votes to one. The United States of America did not participate in the vote.

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The Court has been convened to consider at once the procedure to be adopted, which is governed by Chapter IV of its Statute and Part IV of its Rules.



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Distributed Judges and Staff 8-3-88 (9.30)

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No. 88/3 bis

7 March 1988

Corrigendum

On page 2 of I.C.J Press Communiqué No. 88/3, voting figures of "143 to one" were incorrectly given for the adoption of General Assembly resolution 42/229B. These were in fact the figures for resolution 42/229A. Resolution 42/229B was adopted by 143 votes to none. The United States of America did not participate in either vote.
