

# News Release

# Communiqué

Department of  
External  
Affairs



Ministère des  
Affaires  
extérieures

No. 051

February 29, 1988.

STATEMENT BY MR. STEPHEN LEWIS, AMBASSADOR AND PERMANENT  
REPRESENTATIVE OF CANADA TO THE UNITED NATIONS,  
ON THE STATUS OF THE OBSERVER MISSION OF THE PALESTINE  
LIBERATION ORGANIZATION (PLO) TO THE  
UNITED NATIONS IN NEW YORK

Speaking on behalf of the governments of Australia, Canada and New Zealand and referring to legislation passed by the USA Congress which would, if implemented, force the closure of the Palestine Liberation Organization's (PLO) United Nations Observer office in New York, Mr. Lewis noted that the host government is under a legal obligation to allow the PLO to maintain its United Nations office. He expressed the hope of all three governments that the matter would be resolved quickly by the host government and the PLO's office would be permitted to remain open. This would avoid setting an unfortunate precedent for the status of all observer missions at the United Nations. He noted that, if it proves necessary, the procedure for dispute settlement, set out in the Headquarters Agreement between the UN and the host government could be utilized. Mr. Lewis expressed the hope that the participants would not politicize this issue and would seek the broadest possible consensus on the legal issues involved.

The statement by Ambassador Lewis is attached.

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Secretary of State  
for  
External Affairs

Secrétaire d'État  
aux  
Affaires extérieures

Canada

Statement by Mr. Stephen Lewis, Ambassador and Permanent Representative of Canada, on behalf of the delegations of Australia, Canada and New Zealand

Item 136: Report of the Committee on Relations with the Host Country

Status of the Observer Mission of the Palestine Liberation Organization (PLO) to the United Nations in New York

New York, 29 February, 1988

CHECK AGAINST DELIVERY

Mr. President,

I will be addressing these remarks to you and this Assembly on behalf of my own government as well as those of Australia and New Zealand.

Our position on this question is clear. We believe that the combined effect of Article IV of the Headquarters Agreement and subsequent state practice imposes a legal obligation on the host government to allow the Palestine Liberation Organization (PLO) to maintain a United Nations office in New York, which we see as essential to the carrying out of its functions as an invitee of the General Assembly. Moreover, we are concerned that implementation of legislative action recently taken by the host government as it affects the PLO Observer Mission could set a most unfortunate precedent for the status of all observer missions at the United Nations. At stake at this point is the effective functioning of the United Nations and the right of the Organization to hear the views of those invited to attend as observers.

The three Governments on whose behalf I speak had hoped that, following the adoption last December of General Assembly Resolution 42/210 B, the legislative branch of the United States Government would not proceed with any action directed at closing the PLO Observer Mission. These hopes have not been realized and the date for implementation of legislation to close the PLO office approaches. It is essential that consultations within the United States Administration resolve this matter quickly and satisfactorily, in accordance with United States obligations under the Headquarters Agreement.

Given the current situation, it is opportune to consider the mechanism specifically provided for the resolution of such disputes between the United Nations and the host country. The procedures for dispute settlement are set out in section 21 of the Headquarters Agreement. These provide for the establishment of an arbitral tribunal, and, if necessary, the seeking of an advisory opinion from the International Court of Justice.

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Should the circumstances require it, the utilization of an arbitral tribunal would not only be a practical solution to the problem at hand but be evidence of member states' determination to govern their activities by adherence to the principle of the rule of law in international relations. In this context, we are grateful for the useful information contained in the Secretary General's report (A/42/915 of 10 February) and its addendum of 25 February, 1988. For our part, we have a strong and enduring commitment to international dispute settlement procedures and mechanisms, especially when they are part and parcel of an international treaty or legal instrument.

I wish to close with the hope that our work here will avoid politicization and reference to wider issues. We should instead seek the broadest possible consensus on the legal issues involved and reaffirm respect for the rule of law in international relations.