

3. *Considers* that this decision by the Government of the United States of America, the host country, constitutes a violation of the international legal obligations of the host country under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

4. *Urges* the host country to abide scrupulously by the provisions of the Agreement and to reconsider and reverse its decision;

5. *Requests* the Secretary-General to submit a report on the developments in this matter no later than 1 December 1988.

*65th plenary meeting  
30 November 1988*

**43/51. Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field**

*The General Assembly,*

*Recalling* its resolutions 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986 and 42/157 of 7 December 1987,

*Taking note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,<sup>4</sup> which met in New York from 22 February to 11 March 1988 and completed a draft Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,

*Convinced* that the adoption of the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field will contribute towards strengthening the role and enhancing the effectiveness of the United Nations in maintaining international peace and security,

*Considering* the need to ensure a wide dissemination of the text of the Declaration,

1. *Approves* the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, the text of which is annexed to the present resolution;

2. *Expresses its appreciation* to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration;

3. *Requests* the Secretary-General to inform the Governments of the States Members of the United Nations or members of specialized agencies, and the Security Council, of the adoption of the Declaration;

4. *Urges* that every effort be made to ensure that the Declaration becomes generally known and fully implemented.

*68th plenary meeting  
5 December 1988*

<sup>4</sup> *Official Records of the General Assembly, Forty-third Session, Supplement No. 33 (A/43/33).*

ANNEX

**Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field**

*The General Assembly,*

*Recognizing* the important role that the United Nations and its organs can play in the prevention and removal of international disputes and situations which may lead to international friction or give rise to an international dispute, the continuance of which may threaten the maintenance of international peace and security (hereafter: "disputes" or "situations"), within their respective functions and powers under the Charter of the United Nations,

*Convinced* that the strengthening of such a role of the United Nations will enhance its effectiveness in dealing with questions relating to the maintenance of international peace and security and in promoting the peaceful settlement of international disputes,

*Recognizing* the fundamental responsibility of States for the prevention and removal of disputes and situations,

*Recalling* that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

*Bearing in mind* the right of all States to resort to peaceful means of their own choice for the prevention and removal of disputes or situations,

*Reaffirming* the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,<sup>5</sup> the Manila Declaration on the Peaceful Settlement of International Disputes<sup>6</sup> and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations,<sup>7</sup>

*Recalling* that it is the duty of States to refrain in their international relations from military, political, economic or any other form of coercion against the political independence or territorial integrity of any State,

*Calling upon* States to co-operate fully with the relevant organs of the United Nations and to support actions taken by them in accordance with the Charter relating to the prevention or removal of disputes and situations,

*Bearing in mind* the obligation of States to conduct their relations with other States in accordance with international law, including the principles of the United Nations,

*Reaffirming* the principle of equal rights and self-determination of peoples,

*Recalling* that the Charter confers on the Security Council the primary responsibility for the maintenance of international peace and security, and that Member States have agreed to accept and carry out its decisions in accordance with the Charter,

*Recalling also* the important role conferred by the Charter on the General Assembly and the Secretary-General in the maintenance of international peace and security,

1. *Solemnly declares* that:

1. States should act so as to prevent in their international relations the emergence or aggravation of disputes or situations, in particular by fulfilling in good faith their obligations under international law;

2. In order to prevent disputes or situations, States should develop their relations on the basis of the sovereign equality of States and in such a manner as to enhance the effectiveness of the collective security system through the effective implementation of the provisions of the Charter of the United Nations;

3. States should consider the use of bilateral or multilateral consultations in order better to understand each other's views, positions and interests;

4. States party to regional arrangements or members of agencies referred to in Article 52 of the Charter should make every effort to prevent or remove local disputes or situations through such arrangements and agencies;

5. States concerned should consider approaching the relevant organs of the United Nations in order to obtain advice or recommendations on preventive means for dealing with a dispute or situation;

<sup>5</sup> Resolution 2625 (XXV), annex.

<sup>6</sup> Resolution 37/10, annex.

<sup>7</sup> Resolution 42/22, annex.

6. Any State party to a dispute or directly concerned with a situation, particularly if it intends to request a meeting of the Security Council, should approach the Council, directly or indirectly, at an early stage and, if appropriate, on a confidential basis;

7. The Security Council should consider holding from time to time meetings, including at a high level with the participation, in particular, of Ministers for Foreign Affairs, or consultations to review the international situation and search for effective ways of improving it;

8. In the course of the preparation for the prevention or removal of particular disputes or situations, the Security Council should consider making use of the various means at its disposal, including the appointment of the Secretary-General as rapporteur for a specified question;

9. When a particular dispute or situation is brought to the attention of the Security Council without a meeting being requested, the Council should consider holding consultations with a view to examining the facts of the dispute or situation and keeping it under review, with the assistance of the Secretary-General when needed; the States concerned should have the opportunity of making their views known;

10. In such consultations, consideration should be given to employing such informal methods as the Security Council deems appropriate, including confidential contacts by its President;

11. In such consultations, the Security Council should consider, *inter alia*:

(a) Reminding the States concerned to respect their obligations under the Charter;

(b) Making an appeal to the States concerned to refrain from any action which might give rise to a dispute or lead to the deterioration of the dispute or situation;

(c) Making an appeal to the States concerned to take action which might help to remove, or to prevent the continuation or deterioration of, the dispute or situation;

12. The Security Council should consider sending, at an early stage, fact-finding or good offices missions or establishing appropriate forms of United Nations presence, including observers and peace-keeping operations, as a means of preventing the further deterioration of the dispute or situation in the areas concerned;

13. The Security Council should consider encouraging and, where appropriate, endorsing efforts at the regional level by the States concerned or by regional arrangements or agencies to prevent or remove a dispute or situation in the region concerned;

14. Taking into consideration any procedures that have already been adopted by the States directly concerned, the Security Council should consider recommending to them appropriate procedures or methods of settlement of disputes or adjustment of situations, and such terms of settlement as it deems appropriate;

15. The Security Council, if it is appropriate for promoting the prevention and removal of disputes or situations, should, at an early stage, consider making use of the provisions of the Charter concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question;

16. The General Assembly should consider making use of the provisions of the Charter in order to discuss disputes or situations, when appropriate, and, in accordance with Article 11 and subject to Article 12 of the Charter, making recommendations;

17. The General Assembly should consider, where appropriate, supporting efforts undertaken at the regional level by the States concerned or by regional arrangements or agencies, to prevent or remove a dispute or situation in the region concerned;

18. If a dispute or situation has been brought before it, the General Assembly should consider including in its recommendations making more use of fact-finding capabilities, in accordance with Article 11 and subject to Article 12 of the Charter;

19. The General Assembly, if it is appropriate for promoting the prevention and removal of disputes or situations, should consider making use of the provisions of the Charter concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question;

20. The Secretary-General, if approached by a State or States directly concerned with a dispute or situation, should respond swiftly by urging the States to seek a solution or adjustment by peaceful means of their own choice under the Charter and by offering his good offices or other means at his disposal, as he deems appropriate;

21. The Secretary-General should consider approaching the States directly concerned with a dispute or situation in an effort to prevent it from becoming a threat to the maintenance of international peace and security;

22. The Secretary-General should, where appropriate, consider making full use of fact-finding capabilities, including, with the consent of the host State, sending a representative or fact-finding missions to areas where a dispute or a situation exists; where necessary, the Secretary-General should also consider making the appropriate arrangements;

23. The Secretary-General should be encouraged to consider using, at as early a stage as he deems appropriate, the right that is accorded to him under Article 99 of the Charter;

24. The Secretary-General should, where appropriate, encourage efforts undertaken at the regional level to prevent or remove a dispute or situation in the region concerned;

25. Should States fail to prevent the emergence or aggravation of a dispute or situation, they shall continue to seek a settlement by peaceful means in accordance with the Charter;

2. *Declares* that nothing in the present Declaration shall be construed as prejudicing in any manner the provisions of the Charter, including those contained in Article 2, paragraph 7, thereof, or the rights and duties of States, or the scope of the functions and the powers of United Nations organs under the Charter, in particular those relating to the maintenance of international peace and security;

3. *Also declares* that nothing in the present Declaration could in any way prejudice the right to self-determination, freedom and independence of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,<sup>5</sup> particularly peoples under colonial or racist régimes or other forms of alien domination.

#### 43/160. Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States

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*The General Assembly,*

*Recalling* its resolutions 35/167 of 15 December 1980, 37/104 of 16 December 1982, 39/76 of 13 December 1984 and 41/71 of 3 December 1986,

*Taking note* of the report of the Secretary-General,<sup>8</sup>

*Recalling also* its resolution 3237 (XXIX) of 22 November 1974, by which it granted observer status to the Palestine Liberation Organization,

*Recalling further* its resolution 31/152 of 20 December 1976, by which it granted observer status to the South West Africa People's Organization,

*Desirous* of enhancing the effective role played by these national liberation movements,

*Bearing in mind* the necessity of facilitating the work of these organizations,

1. *Decides* that the Palestine Liberation Organization and the South West Africa People's Organization are entitled to have their communications relating to the sessions and work of the General Assembly issued and circulated directly, and without intermediary, as official documents of the Assembly;

2. *Decides also* that the Palestine Liberation Organization and the South West Africa People's Organization are entitled to have their communications relating to the sessions and work of all international conferences convened under the auspices of the General Assembly of the United

<sup>8</sup> A/43/528 and Add.1 and 2.