

4. *Also invites* the Government of France to open the negotiations with the Government of the Comoros with a view to ensuring the effective and prompt return of the island of Mayotte to the Comoros;

5. *Requests* the Secretary-General of the United Nations to follow developments concerning this question, in conjunction with the Secretary-General of the Organization of African Unity, and to report thereon to the General Assembly at its thirty-ninth session;

6. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "Question of the Comorian island of Mayotte".

65th plenary meeting
21 November 1983

38/29. The situation in Afghanistan and its implications for international peace and security

The General Assembly,

Having considered the item entitled "The situation in Afghanistan and its implications for international peace and security",

Recalling its resolutions ES-6/2 of 14 January 1980, 35/37 of 20 November 1980, 36/34 of 18 November 1981 and 37/37 of 29 November 1982,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

Reaffirming further the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the continuing foreign armed intervention in Afghanistan, in contravention of the above principles, and its serious implications for international peace and security,

Noting the increasing concern of the international community over the continued and serious sufferings of the Afghan people and over the magnitude of social and economic problems posed to Pakistan and Iran by the presence on their soil of millions of Afghan refugees, and the continuing increase in their numbers,

Deeply conscious of the urgent need for a political solution of the grave situation in respect of Afghanistan,

Taking note of the report of the Secretary-General,³⁶ and the status of the diplomatic process initiated by him,

Recognizing the importance of the initiatives of the Organization of the Islamic Conference and the efforts of the Movement of Non-Aligned Countries for a political solution of the situation in respect of Afghanistan,

1. *Reiterates* that the preservation of the sovereignty, territorial integrity, political independence and non-aligned character of Afghanistan is essential for a peaceful solution of the problem;

2. *Reaffirms* the right of the Afghan people to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

³⁶ A/38/449-S/16005. For the printed text, see *Official Records of the Security Council, Thirty-eighth Year, Supplement for July, August and September 1983*, document S/16005.

3. *Calls* for the immediate withdrawal of the foreign troops from Afghanistan;

4. *Calls upon* all parties concerned to work for the urgent achievement of a political solution, in accordance with the provisions of the present resolution, and the creation of the necessary conditions which would enable the Afghan refugees to return voluntarily to their homes in safety and honour;

5. *Renews its appeal* to all States and national and international organizations to continue to extend humanitarian relief assistance with a view to alleviating the hardship of the Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;

6. *Expresses its appreciation and support* for the efforts and constructive steps taken by the Secretary-General, especially the diplomatic process initiated by him, in the search for a solution to the problem;

7. *Requests* the Secretary-General to continue those efforts with a view to promoting a political solution, in accordance with the provisions of the present resolution, and the exploration of securing appropriate guarantees for the non-use of force, or threat of force, against the political independence, sovereignty, territorial integrity and security of all neighbouring States, on the basis of mutual guarantees and strict non-interference in each other's internal affairs and with full regard for the principles of the Charter of the United Nations;

8. *Requests* the Secretary-General to keep Member States and the Security Council concurrently informed of progress towards the implementation of the present resolution and to submit to Member States a report on the situation at the earliest appropriate opportunity;

9. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "The situation in Afghanistan and its implications for international peace and security".

69th plenary meeting
23 November 1983

38/34. Return or restitution of cultural property to the countries of origin

The General Assembly,

Recalling its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980 and 36/64 of 27 November 1981,

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,³⁷ adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Taking note with satisfaction of the report of the Secretary-General submitted in co-operation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,³⁸

Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they

³⁷ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Sixteenth Session*, vol. I, *Resolutions*, p. 135.

³⁸ A/38/456.

may constitute collections representative of their cultural heritage.

Noting with satisfaction that some countries have taken positive steps towards the return or restitution of museum pieces, archives and *objets d'art* to their countries of origin.

Reaffirming the importance of inventories as an essential tool for the understanding and protection of cultural property and for the identification of dispersed heritage and as a contribution to the advancement of scientific and artistic knowledge and intercultural communication.

Deeply concerned at the clandestine excavations and the illicit traffic in cultural property that continue to impoverish the cultural heritage of all peoples.

Supporting the solemn appeal made on 7 June 1978 by the Director-General of the United Nations Educational, Scientific and Cultural Organization for the return of irreplaceable cultural heritage to those who created it.

1. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. *Reaffirms* that the restitution to a country of its *objets d'art*, monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries;

3. *Invites* Member States to draw up, in co-operation with the United Nations Educational, Scientific and Cultural Organization, systematic inventories of cultural property existing in their territory and of their cultural property abroad;

4. *Also invites* Member States engaged in seeking the recovery of cultural and artistic treasures from the sea-bed, in accordance with international law, to facilitate by mutually acceptable conditions the participation of States having a historical and cultural link with those treasures;

5. *Appeals* to Member States to co-operate closely with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation and to conclude bilateral agreements for this purpose;

6. *Also appeals* to Member States to encourage the mass information media and educational and cultural institutions to strive to arouse a greater and more general awareness with regard to the return or restitution of cultural property to its country of origin;

7. *Takes note with satisfaction* of the importance accorded by the World Conference on Cultural Policies, held at Mexico City from 26 July to 6 August 1982, to the question of the return or restitution of cultural property during the debate on cultural policies;

8. *Endorses* the opinion expressed at the World Conference on Cultural Policies that the return of cultural property to its country of origin should be accompanied by

the training of key personnel and technicians and the provision of the necessary facilities for the satisfactory conservation and presentation of the property restored;³⁹

9. *Invites once again* those Member States that have not yet done so to sign and ratify the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

10. *Requests* the Secretary-General, in co-operation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fortieth session a report on the implementation of the present resolution;

11. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Return or restitution of cultural property to the countries of origin".

71st plenary meeting
25 November 1983

38/36. Question of Namibia

A

SITUATION IN NAMIBIA RESULTING FROM THE ILLEGAL OCCUPATION OF THE TERRITORY BY SOUTH AFRICA

The General Assembly,

Having examined the report of the United Nations Council for Namibia⁴⁰ and the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁴¹

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling, in particular, its resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967 and subsequent resolutions of the General Assembly and the Security Council relating to Namibia, as well as the advisory opinion of the International Court of Justice of 21 June 1971,⁴² delivered in response to the request addressed to it by the Security Council in its resolution 284 (1970) of 29 July 1970,

Recalling also its resolutions 3111 (XXVIII) of 12 December 1973 and 31/146 and 31/152 of 20 December 1976, by which it, *inter alia*, recognized the South West Africa People's Organization as the sole and authentic representative of the Namibian people and granted observer status to it,

Recalling further its resolutions ES-8/2 of 14 September 1981 and 36/121 B of 10 December 1981, by which it called upon States to cease forthwith, individually and collectively, all dealings with South Africa in order totally to isolate it politically, economically, militarily and culturally,

Recalling the Political Declaration adopted by the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983,⁴³

Recalling the Paris Declaration on Namibia and the report of the Committee of the Whole and the Programme of Action on Namibia adopted at the International Confer-

³⁹ See A/38/456, p. 12, para. 17.

⁴⁰ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 24 (A/38/24).

⁴¹ *Ibid.*, Supplement No. 23 (A/38/23), chaps. I-VI and VIII.

⁴² *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16.

⁴³ A/38/132-S/15675 and Corr.1 and 2, annex, sect. 1.