

called "constitutional proposals" and to take all necessary measures, in accordance with the Charter, to avert the further aggravation of tension and conflict in South Africa and in southern Africa as a whole.

*56th plenary meeting
15 November 1983*

38/12. Question of the Falkland Islands (Malvinas)³³

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976 and 37/9 of 4 November 1982,

Recalling also Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Having received the report of the Secretary-General on his mission of good offices,³⁴

Regretting the lack of progress in the implementation of resolution 37/9,

Aware of the interest of the international community in the resumption by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful and just solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Taking into account the existence of a *de facto* cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them,

Reaffirming the need for the parties to take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII) and 37/9,

Reaffirming also the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

1. *Reiterates* its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas);

2. *Takes note* of the report of the Secretary-General on the implementation of General Assembly resolution 37/9;³⁴

3. *Requests* the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;

4. *Requests* the Secretary-General to submit a report to the General Assembly at its thirty-ninth session on the progress made in the implementation of the present resolution;

5. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "Question of the Falkland Islands (Malvinas)".

*59th plenary meeting
16 November 1983*

38/13. Question of the Comorian Island of Mayotte

The General Assembly,

Recalling its resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration,

Recalling also its previous resolutions, in particular resolutions 3161 (XXVIII) of 14 December 1973, 3291 (XXIX) of 13 December 1974, 31/4 of 21 October 1976, 32/7 of 1 November 1977, 34/69 of 6 December 1979, 35/43 of 28 November 1980, 36/105 of 10 December 1981 and 37/65 of 3 December 1982, in which it, *inter alia*, affirmed the unity and territorial integrity of the Comoros,

Recalling, in particular, its resolution 3385 (XXX) of 12 November 1975 on the admission of the Comoros to membership in the United Nations, in which it reaffirmed the necessity of respecting the unity and territorial integrity of the Comoro Archipelago, composed of the islands of Anjouan, Grande-Comore, Mayotte and Mohéli,

Recalling further that, in accordance with the agreements between the Comoros and France, signed on 15 June 1973, concerning the accession of the Comoros to independence, the results of the referendum of 22 December 1974 were to be considered on a global basis and not island by island,

Convinced that a just and lasting solution to the question of Mayotte is to be found in respect for the sovereignty, unity and territorial integrity of the Comoro Archipelago,

Bearing in mind the wish expressed by the President of the French Republic to seek actively a just solution to that problem,

Taking note of the talks opened between the Government of the Islamic Federal Republic of the Comoros and the Government of the French Republic,

Taking note also of the wish of the Government of the Comoros to activate the dialogue with the Government of France with a view to encouraging the prompt return of the Comorian island of Mayotte to the Islamic Federal Republic of the Comoros as a whole,

Taking note of the report of the Secretary-General,³⁵

Bearing in mind the decisions of the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference concerning this question,

1. *Reaffirms* the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte;

2. *Invites* the Government of France to honour the commitments entered into prior to the referendum on the self-determination of the Comoro Archipelago of 22 December 1974 concerning respect for the unity and territorial integrity of the Comoros;

3. *Calls* for the translation into practice of the wish expressed by the President of the French Republic to see a just solution to the question of Mayotte adopted as soon as possible;

³³ See also sect. I, footnote 6, and sect. X.B.5, decision 38/405.

³⁴ A/38/532.

³⁵ A/38/517.

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.