

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,<sup>32</sup> 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;

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 forty-second session the item entitled "The situation in Afghanistan and its implications for international peace and security".

57th plenary meeting  
5 November 1986

#### 41/34. Law of the sea

*The General Assembly,*

*Reaffirming* its resolutions 37/66 of 3 December 1982, 38/59 A of 14 December 1983, 39/73 of 13 December 1984 and 40/63 of 10 December 1985, regarding the law of the sea,

*Recognizing* that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea,<sup>33</sup> the problems of ocean space are closely interrelated and need to be considered as a whole,

*Convinced* that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to refrain from any action to apply their provisions selectively, in a manner inconsistent with their object and purpose,

*Emphasizing* the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

*Considering* that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind,

*Recalling* that the Convention provides the régime to be applied to the Area and its resources,

*Seriously concerned* at any attempt to undermine the Convention and related resolutions of the Third United Nations Conference on the Law of the Sea,

*Recognizing also* the need for co-operation in the early and effective implementation by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea of resolution II of the Third United Nations Conference on the Law of the Sea,<sup>34</sup>

*Noting* the developments within the Preparatory Commission in 1985 and in 1986 and the significant progress made by the Preparatory Commission through its unanimous decision of 5 September 1986 to facilitate the registration of applicants as pioneer investors for deep sea-bed mining,<sup>35</sup>

*Noting also* that the Preparatory Commission has decided to hold its fifth regular session at Kingston from 30 March to 24 April 1987 and its summer meeting in 1987 at Geneva, Kingston or New York,<sup>36</sup>

*Noting* the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal régime established by the Convention,

*Recognizing* that the United Nations Convention on the Law of the Sea encompasses all uses and resources of the sea and that all related activities within the United Na-

<sup>32</sup> A/41/619-S/18347. For the printed text, see *Official Records of the Security Council, Forty-first Year, Supplement for July, August and September 1986*, document S/18347.

<sup>33</sup> *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

<sup>34</sup> *Ibid.*, document A/CONF.62/121, annex I.

<sup>35</sup> See LOS/PCN/L.41/Rev.1, annex.

<sup>36</sup> See A/41/742, para. 115. In the light of the decision taken by the General Assembly at its 101st plenary meeting, on 11 December 1986, concerning the current financial crisis of the United Nations, the schedule of meetings for the fifth regular session of the Preparatory Commission has been modified. The Preparatory Commission will meet at Kingston from 30 March to 16 April 1987.

tions system need to be implemented in a manner consistent with it,

*Taking note* of activities carried out in 1986 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989,<sup>37</sup> in accordance with the report of the Secretary-General<sup>38</sup> as approved in General Assembly resolution 38/59 A,

*Recalling* its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

*Taking special note* of the report of the Secretary-General prepared in pursuance of paragraph 13 of General Assembly resolution 40/63,<sup>39</sup>

1. *Recalls* the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. *Expresses its satisfaction* at the increasing and overwhelming support for the Convention, as evidenced, *inter alia*, by the one hundred and fifty-nine signatures and thirty-two of the sixty ratifications or accessions required for entry into force of the Convention;

3. *Calls upon* all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal régime for the uses of the sea and its resources;

4. *Calls upon* all States to safeguard the unified character of the Convention and related resolutions adopted therewith;

5. *Also calls upon* States to observe the provisions of the Convention when enacting their national legislation;

6. *Further calls upon* States to desist from taking actions which undermine the Convention or defeat its object and purpose;

7. *Notes* the progress being made by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea in all areas of its work;

8. *Expresses its satisfaction* at the important decision of the Preparatory Commission on 5 September 1986 that has created conditions for the early implementation of the régime for pioneer investors, contained in resolution II of the Third United Nations Conference on the Law of the Sea, thus facilitating the process of registration of applicants for pioneer investor status at the next session of the Preparatory Commission;

9. *Expresses its appreciation* for the effective execution by the Secretary-General of the central programme in law of the sea affairs under chapter 25 of the medium-term plan for the period 1984-1989;

10. *Further expresses its appreciation* for the report of the Secretary-General prepared in pursuance of General Assembly resolution 40/63 and requests him to continue to carry out the activities outlined therein, as well as those aimed at the strengthening of the new legal régime of the sea, special emphasis being placed on the work of the Preparatory Commission, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea;

11. *Calls upon* the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the new legal régime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom and invites the organs and organizations of the United Nations system to co-operate and lend assistance in these endeavours;

12. *Approves* the programme of meetings of the Preparatory Commission for 1987;<sup>36</sup>

13. *Requests* the Secretary-General to report to the General Assembly at its forty-second session on developments relating to the Convention and on the implementation of the present resolution;

14. *Decides* to include in the provisional agenda of its forty-second session the item entitled "Law of the sea".

58th plenary meeting  
5 November 1986

#### 41/35. Policies of apartheid of the Government of South Africa<sup>40</sup>

##### A

##### SITUATION IN SOUTH AFRICA AND ASSISTANCE TO THE LIBERATION MOVEMENTS

*The General Assembly,*

*Having considered* the report of the Special Committee against Apartheid,<sup>41</sup>

*Recalling* its resolution 40/64 B of 10 December 1985,

*Reaffirming* that the international community, and the United Nations in particular, have a special responsibility to assist the people of South Africa and their liberation movements in their heroic struggle against apartheid and for the full exercise of their right to self-determination within a united, democratic and non-racial South Africa,

*Gravely concerned* at the institutionalized and continuing escalation of the reign of repressive and increasing state terror by the racist régime, the maintenance of the state of emergency, the virtually limitless powers of the police and security forces to arrest, detain, torture and kill opponents of apartheid, the use of régime-sponsored death squads and vigilantes to spread fear as well as the establishment and operation of "reorientation camps" by the racist régime to attempt brainwashing former detainees into acquiescence,

*Gravely concerned* at the increasing use of capital punishment by the racist régime against freedom fighters and patriots and their execution in defiance of international protests and appeals, and alarmed that the racist régime is now applying collective death penalties as in the case of the six Sharpeville patriots sentenced for opposing the imposition of the "new constitution" in September 1984,

*Noting with indignation* that the apartheid régime is persisting with its policy of "bantustanization" aimed at further uprooting the oppressed people of South Africa, dispossessing it of its inalienable rights, depriving it of citizenship and fragmenting the country,

<sup>37</sup> Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 6A (A/37/6/Add.1), annex II.

<sup>38</sup> A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

<sup>39</sup> A/41/742.

<sup>40</sup> See also sect. I, footnote 7, and sect. X.B.3, decision 41/412.

<sup>41</sup> Official Records of the General Assembly, Forty-first Session, Supplement No. 22 (A/41/22).