

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,²⁵ particularly of the appointment of his Personal Representative,

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* for the efforts of the Secretary-General in the search for a solution to the problem and requests him 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 non-use of force, or threat of use 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;

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

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

62nd plenary meeting
18 November 1981

36/38. Twenty-fifth anniversary of the Asian-African Legal Consultative Committee

The General Assembly,

Noting with appreciation the contribution of the Asian-African Legal Consultative Committee in the field of progressive development and codification of international law.

Considering that the co-operation during the last twenty-five years between the United Nations and the Asian-African Legal Consultative Committee has been highly fruitful.

Desiring to strengthen further and to widen the scope of this mutually beneficial relationship between the two organizations,

1. *Extends its congratulations* to the Asian-African Legal Consultative Committee on its twenty-fifth anniversary for its highly commendable work in promoting interregional as well as international co-operation supportive of the efforts of the United Nations in this regard;

2. *Requests* the Secretary-General to carry out consultations with the Secretary-General of the Asian-African Legal Consultative Committee with a view to further strengthening the co-operation between the two organizations and widening the scope of this co-operation;

3. *Decides* to include in the provisional agenda of its thirty-seventh session an item entitled "Co-operation between the United Nations and the Asian-African Legal Consultative Committee".

63rd plenary meeting
18 November 1981

36/39. Enlargement of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission

The General Assembly,

Reaffirming the importance of the International Law Commission as the main permanent subsidiary organ of the General Assembly entrusted with the promotion of the progressive development of international law and its codification,

Recalling its resolution 1647 (XVI) of 6 November 1961, by which the membership of the International Law Commission was established at twenty-five members,

Noting that the membership of the United Nations has grown substantially since the adoption of that resolution,

Conscious of the increased interest shown by Member States, particularly those admitted to membership in the Organization since 1961, in the Commission's work on the progressive development of international law and its codification,

1. *Decides* to amend article 2, paragraph 1, of the Statute of the International Law Commission to read as follows:

"The Commission shall consist of thirty-four members who shall be persons of recognized competence in international law";

2. *Also decides* to amend article 9, paragraph 1, of the said Statute to read as follows:

"Those candidates, up to the maximum number prescribed for each regional group, who obtain the greatest

²⁵ A/36/653-S/14745. For the printed text, see *Official Records of the Security Council, Thirty-sixth Year, Supplement for October, November and December 1981*.

number of votes and not less than a majority of the votes of the Members present and voting shall be elected'';

3. *Decides further* that the thirty-four members of the International Law Commission shall be elected according to the following pattern:

- (a) Eight nationals from African States;
- (b) Seven nationals from Asian States;
- (c) Three nationals from Eastern European States;
- (d) Six nationals from Latin American States;
- (e) Eight nationals from Western European or other States;
- (f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the present resolution;
- (g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the present resolution;

4. *Decides*, by way of exception and in consequence of the enlargement of the Commission, to request the Secretary-General to include in the list of candidates for the election to be held at the current session, in addition to the nominations already received, such names as shall have been communicated to him in writing before 21 November 1981.

*63rd plenary meeting
18 November 1981*

36/64. 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 and 35/127 and 35/128 of 11 December 1980,

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,²⁶ adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Emphasizing that the cultural heritage of a people conditions the present and future flowering of its artistic values and its over-all development,

Taking note with satisfaction of the report submitted by the Secretary-General in co-operation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,²⁷

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 may constitute collections representative of their cultural heritage,

Noting with satisfaction that the countries of origin have already reinforced the steps they have taken for the organization and maintenance of their museums, in order to accommodate their cultural treasures, and for the classification, restoration and conservation of their *objets d'art* with national experts of international repute,

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

Deeply concerned at the persistence of the illicit traffic in cultural property, which continues to impoverish the cultural heritage of all peoples,

1. *Renews* its support for the solemn appeal launched on 7 June 1978 by the Director-General of the United Nations Educational, Scientific and Cultural Organization for the return to those who created it of an irreplaceable cultural heritage;

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. *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, particularly 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;

4. *Requests* the United Nations Educational, Scientific and Cultural Organization to intensify its efforts to help the countries concerned to find suitable solutions to the problem relating to the return or restitution of cultural property and urges Member States to co-operate with that organization in this area;

5. *Invites* Member States to take adequate measures to prohibit and prevent the illicit import, export and transfer of ownership of cultural property, and to put an end to the illicit trafficking in priceless *objets d'art* and museum pieces by all necessary measures within each country's jurisdiction with the full co-operation of the courts and customs authorities;

6. *Also 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 territories and of their cultural property abroad;

7. *Appeals* to museums and public and private collectors to return totally or partially, or make available to the countries of origin, particularly the items kept in the storehouses of such museums, and to help the countries of origin, with the co-operation of the United Nations Educational, Scientific and Cultural Organization, in their endeavours to prepare an inventory of those collections;

8. *Reminds* Member States of the need to strengthen museum infrastructures, in particular conservation techniques, museographic facilities and procedures adapted to local conditions and the training of qualified personnel;

9. *Calls upon* the United Nations Development Programme to continue to assist the development of national capacity in respect of museum infrastructures and invites Member States as well as national agencies and regional organizations to strengthen their technical co-operation in this area;

10. *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;

²⁶ United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Sixteenth Session*, vol. I, *Resolutions*, pp. 135-141.

²⁷ A/36/651.