

7. Expresses its appreciation for the report of the Secretary-General and approves the recommendations contained therein;

8. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on developments relating to the Convention and on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its thirty-ninth session an item entitled "Law of the Sea".

96th plenary meeting
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B

The General Assembly

Pays tribute to His Excellency Mr. Bernardo Zuleta, Special Representative of the Secretary-General for the Law of the Sea, recently deceased, whose services to the Third United Nations Conference on the Law of the Sea were decisive for the elaboration of the United Nations Convention on the Law of the Sea and for the progressive development of international law and international co-operation.

96th plenary meeting
14 December 1983

38/60. United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy

The General Assembly,

Reaffirming its resolution 32/50 of 8 December 1977,

Recalling its other resolutions regarding the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy,

Noting the work carried out so far by the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy,¹¹⁰

1. Decides that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy shall be held in 1986;

2. Requests the Chairman of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy and the Secretary-General of the Conference to undertake immediately appropriate consultations with Member States which could facilitate the resolution of pending issues relating to the Conference, including its provisional agenda and rules of procedure, as well as to the venue and the actual dates of the Conference, and to report thereon to the Preparatory Committee at its fifth session, and decides that the expenses incurred in this regard will be covered from existing budgetary resources;

3. Notes with appreciation that the Conference secretariat is proceeding with the preparations for the Conference and requests the Secretary-General of the Conference to continue those preparations;

4. Also decides that the Preparatory Committee will hold its fifth session at Vienna in June 1984, for a period of up to two weeks, in order to complete its work on an

¹¹⁰ See *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 48 (A/36/48)*; and *ibid., Thirty-seventh Session, Supplement No. 48(A/37/48)* and *Supplement No. 48A (A/37/48/Add.1)*.

agreed agenda as well as on other outstanding issues related to the Conference;

5. Requests the Preparatory Committee to submit a report to the General Assembly at its thirty-ninth session so that the Assembly may consider, in the light of this report, the venue and actual dates for the Conference in 1986, as also for further meetings of the Committee;

6. Urges the International Atomic Energy Agency, as well as the specialized agencies and other relevant organizations of the United Nations system, to continue to contribute effectively to the preparations for the Conference so as to achieve meaningful results from the Conference, in accordance with the objectives of General Assembly resolution 32/50;

7. Urges all States to co-operate actively in the preparation of the Conference;

8. Decides to include in the provisional agenda of its thirty-ninth session the item entitled "United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy".

96th plenary meeting
14 December 1983

38/180. The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 30 September 1983,¹¹¹

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982 and 37/123 A of 16 December 1982,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression";

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming *once more* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹¹² to the occupied Palestinian and other Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in

¹¹¹ A/38/458-S/16015. For the printed text, see *Official Records of the Security Council, Thirty-eighth Year, Supplement for July, August and September 1983*, document S/16015.

¹¹² United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

particular resolution 497 (1981), thus failing to carry out its obligations under the Charter.

1. *Strongly condemns* Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1 and 37/123 A;

2. *Declares once more* that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. *Declares once more* that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. *Declares* all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. *Determines once more* that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907,¹¹³ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

7. *Determines once more* that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. *Strongly deplores* the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. *Further deplores* any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. *Firmly emphasizes once more* its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. *Reaffirms once more* the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. *Determines once more* that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its

obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. *Calls once more upon* all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. *Reiterates its call* to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. *Urges* non-member States to act in accordance with the provisions of the present resolution;

16. *Calls upon* the specialized agencies and other international institutions to conform their relations with Israel to the terms of the present resolution;

17. *Requests* the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

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B

The General Assembly,

Recalling the relevant provisions of the Universal Declaration of Human Rights,¹¹⁴

Recalling also the Constitution of the United Nations Educational, Scientific and Cultural Organization¹¹⁵ and all other relevant international instruments concerning the right to cultural identity in all its forms,

Having learned that the Israeli army, during its occupation of Beirut, seized and took away archives and documents of every kind concerning Palestinian history and culture, including cultural articles belonging to Palestinian institutions—in particular the Palestine Research Centre—archives, documents, manuscripts and materials such as film documents, literary works by major authors, paintings, *objets d'art* and works of folklore, research works and so forth, serving as a foundation for the history, culture, national awareness, unity and solidarity of the Palestinian people.

1. *Condemns* those acts of plundering of the Palestinian cultural heritage;

2. *Calls upon* the Government of Israel to make full restitution, through the United Nations Educational, Scientific and Cultural Organization, of all cultural property belonging to Palestinian institutions, including the archives and documents removed from the Palestine Research Centre and arbitrarily seized by the Israeli forces;

3. *Requests* the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

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¹¹³ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100.

¹¹⁴ Resolution 217 A (III).

¹¹⁵ See *Manual of the General Conference*, 1981 edition (Paris, UNESCO, 1981).

C

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981 and 37/123 C of 16 December 1982, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

1. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980);
3. Calls once again upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

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D

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982 and 37/123 F of 16 December 1982,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

Taking note of the report of the Secretary-General of 12 October 1982,¹¹⁶

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

Gravely concerned that the Arab and Palestinian territories occupied since 1967, including Jerusalem, still remain

under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹¹² to all the occupied Palestinian and other Arab territories, including Jerusalem,

Reiterating all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at recent Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Recognizing the great importance of the time factor in the endeavours to achieve a comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982 and 37/86 E of 20 December 1982;

4. Welcomes the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982;¹¹⁷

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in

¹¹⁶ A/37/525-S/15451. For the printed text, see *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15451.

¹¹⁷ See A/37/696-S/15510, annex.

violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since June 1967;

6. *Rejects* all agreements and arrangements which violate the recognized rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area;

7. *Deplores* Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981, determines that Israel's decision to annex Jerusalem and to declare it its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions, including Assembly resolutions 37/86 A to E;

8. *Condemns* Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. *Strongly condemns* the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relating to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. *Considers* that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, together with the recent accords concluded in this context, would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

11. *Calls upon* all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. *Strongly condemns* the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. *Reaffirms* the call for the convening of an international peace conference on the Middle East—as specified in paragraph 5 of the Geneva Declaration on Palestine,¹¹⁸ adopted on 7 September 1983 by the International Conference on the Question of Palestine—under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations;

14. *Requests* the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-ninth session a comprehensive report covering the developments in the Middle East in all their aspects.

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E

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Recalling its resolutions 36/226 A of 17 December 1981 and 37/123 F of 20 December 1982, in which it stated, *inter alia*, its concern over certain factors which exacerbate the situation in the Middle East,

Deeply concerned at recent developments in the Middle East and the critical situation confronting the region resulting from the continued escalation of Israel's policy of aggression, expansion and annexation in the region,

Expressing grave concern over the continued supply of modern arms and war materials to Israel, augmented by substantial economic aid, without which Israel's policy of aggression and of flouting United Nations resolutions could not be maintained,

Deeply aware that the recent reported agreements following the memorandum of understanding between the United States of America and Israel will increase Israel's intransigence and its war potential and escalate its expansionist and annexationist policies in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, at a time when it is defying United Nations resolutions,

1. *Declares*, accordingly, the international responsibility of any party or parties that supply Israel with arms or economic aid that augment its war potential;

2. *Expresses deep concern* at and condemns all steps which may result in augmenting the capability of Israel and contributing to its policy of aggression against countries in the region;

3. *Demands* that all States, particularly the United States of America, in the light of the said agreements, refrain from taking any step that would support Israel's war capabilities and consequently its aggressive acts, whether in the Palestinian and other Arab territories occupied since 1967 or against countries in the region;

4. *Calls upon* all States to review, in the light of the present resolution, any agreement, whether military, economic or otherwise, concluded with Israel.

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¹¹⁸ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. A.