

Nations,⁴⁷ as well as the study on the role of the International Court of Justice⁴⁸ and other efforts of the Committee in the continuation of its programme of support to the work of the United Nations in several areas;

4. *Requests* the Secretary-General to submit to the General Assembly at its forty-first session a report on co-operation between the United Nations and the Asian-African Legal Consultative Committee;

5. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Co-operation between the United Nations and the Asian-African Legal Consultative Committee".

*108th plenary meeting
9 December 1985*

40/62. 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, 37/65 of 3 December 1982, 38/13 of 21 November 1983 and 39/48 of 11 December 1984, 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,

Convinced further that a speedy solution of the problem is essential for the preservation of the peace and security which prevail in the region,

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

Taking note of the repeated wish of the Government of the Comoros to initiate as soon as possible a frank and serious dialogue with the French Government with a view to accelerating the return of the Comorian island of Mayotte to the Islamic Federal Republic of the Comoros,

Taking note of the report of the Secretary-General,⁴⁹

Bearing in mind the decisions of the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference on 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 seek actively a just solution to the question of Mayotte;

4. *Urges* the Government of France to open 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 maintain continuous contact with the Secretary-General of the Organization of African Unity with regard to this problem and to make available his good offices in the search for a peaceful negotiated solution to the problem;

6. *Further requests* the Secretary-General to report on this matter to the General Assembly at its forty-first session;

7. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Question of the Comorian island of Mayotte".

*109th plenary meeting
9 December 1985*

40/63. Law of the sea

The General Assembly,

Recalling its resolutions 37/66 of 3 December 1982, 38/59 A of 14 December 1983 and 39/73 of 13 December 1984, regarding the law of the sea,

Taking note of the increasing and overwhelming support for the United Nations Convention on the Law of the Sea,⁵⁰ as evidenced, *inter alia*, by the one hundred and fifty-nine signatures as of 9 December 1984, the closing date for signature, and twenty-four of the sixty ratifications or accessions required for entry into force 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,

Further recalling the Declaration adopted by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea on 30 August 1985,⁵¹

Seriously concerned at any attempt to undermine the Convention and the related resolutions adopted at the Third United Nations Conference on the Law of the Sea,⁵²

Recognizing that, as stated in the third preambular paragraph of the Convention, 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

⁴⁷ A/40/726 and Corr. I. annex

⁴⁸ A/40/682, annex.

⁴⁹ A/40/619.

⁵⁰ *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.

⁵¹ LOS/PCN/72; see also A.40:923, paras. 109-112, on the Declaration and the Chairman's statement at its adoption.

⁵² *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.62/121, annex I.

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,

Recognizing also the need for co-operation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea,⁵²

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,

Noting also that the Preparatory Commission has decided to hold its fourth regular session at Kingston from 17 March to 11 April 1986 and its summer meeting in 1986 at Geneva, Kingston or New York as it may decide,⁵³

Taking note of activities carried out in 1985 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989,⁵⁴ in accordance with the report of the Secretary-General⁵⁵ as approved in General Assembly resolution 38/59 A,

Recognizing that the United Nations Convention on the Law of the Sea encompasses all uses and resources of the oceans and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

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 response to paragraph 10 of General Assembly resolution 39/73,⁵⁶

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 number of ratifications deposited with the Secretary-General;

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. *Takes note* of the Declaration adopted by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea on 30 August 1985;

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

7. *Calls upon* States to observe the provisions of the Convention when enacting their national legislation;

8. *Calls* for an early adoption of the rules for registration of pioneer investors in order to ensure the effective implementation of resolution II of the Third United Nations Conference on the Law of the Sea, including the registration of pioneer investors;

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 response to General Assembly resolution 39/73 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 for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea;

11. *Approves* the programme of meetings of the Preparatory Commission for 1986;⁵³

12. *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 cooperate and lend assistance in these endeavours;

13. *Requests* the Secretary-General to report to the General Assembly at its forty-first 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-first session the item entitled "Law of the sea".

110th plenary meeting
10 December 1985

40/64. Policies of apartheid of the Government of South Africa⁵⁷

A

COMPREHENSIVE SANCTIONS AGAINST THE RACIST RÉGIME OF SOUTH AFRICA

The General Assembly,

Recalling and reaffirming its resolution 39/72 A of 13 December 1984,

Recalling its relevant resolutions and those of the Security Council calling for concerted international action to force the racist régime to start eliminating apartheid by putting an immediate end to repressive practices against the black majority, releasing all political prisoners, abrogating all racist laws and regulations, dismantling bantustans and finding a political solution to the crisis in South Africa through the full participation of the black majority in determining their future,

Taking note of the declarations adopted at the following meetings organized by the Special Committee against Apartheid:

(a) The special session of the Committee in commemoration of the twenty-fifth anniversary of the Sharpeville massacre, held at Headquarters on 22 March 1985,⁵⁸

(b) The International Conference on Women and Children under Apartheid, held at Arusha, United Republic of Tanzania, from 7 to 10 May 1985,⁵⁹

⁵³ See A/40/923, para. 108.

⁵⁴ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 6A (A/37/6/Add.1), annex II.

⁵⁵ A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

⁵⁶ A/40/923.

⁵⁷ See also sect. I, footnote 9, and sect. X.B.3, decision 40/407.

⁵⁸ A/40/213 and Corr.1, annex.

⁵⁹ A/40/319-S/17197, annex.