

Hoc Working Group to undertake its deliberations during the thirty-sixth session;

3. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Review of the implementation of the Declaration on the Strengthening of International Security".

94th plenary meeting
12 December 1980

35/169. Question of Palestine

A

The General Assembly,

Recalling and reaffirming its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A and B of 2 December 1977, 33/28 A to C of 7 December 1978, 34/65 A to D of 29 November and 12 December 1979 and ES-7/2 of 29 July 1980,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,³⁸

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,³⁹

1. *Expresses its grave concern* that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security, and that Security Council resolution 242 (1967) of 22 November 1967 does not provide for the future and for the inalienable rights of the Palestinian people, the attainment of which is a *conditio sine qua non* for a just solution of the question of Palestine;

2. *Reaffirms* that a just and lasting peace in the Middle East cannot be established without the achievement, *inter alia*, of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people, including the right of return and the right to self-determination, national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law;

3. *Stresses* the basic principle that the future of the Palestinian people cannot be discussed in their absence and, therefore, calls once more for the invitation of the Palestine Liberation Organization, the representative of the Palestinian people, to participate, on the basis of General Assembly resolution 3237 (XXIX) of 22 November 1974, in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties;

4. *Endorses* the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People contained in paragraphs 45 to 48 of its report and draws the attention of the Security Council to the need for urgent action thereon;

5. *Reaffirms* the inalienable right of the Palestinians to return to their homes and property in Palestine, from

which they have been displaced and uprooted, and calls for their return;

6. *Reaffirms also* the inalienable rights in Palestine of the Palestinian people, including:

(a) The right to self-determination without external interference, and to national independence and sovereignty;

(b) The right to establish its own independent sovereign State;

7. *Strongly reaffirms* its repeated endorsement of the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, as contained in paragraphs 59 to 72 of its report on its thirty-first session, and as reproduced in the annex to the present resolution;

8. *Demands* the complete and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, in conformity with the fundamental principle of the inadmissibility of the acquisition of territory by force;

9. *Demands* that Israel should fully comply with the provisions, in particular, of Security Council resolution 465 (1980) adopted unanimously on 1 March 1980;

10. *Further demands* that Israel should fully comply with all the resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980, and rejects the declaration of Israel that Jerusalem is its capital;

11. *Expresses its opposition* to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;

12. *Condemns* Israel for its non-compliance with the provisions of General Assembly resolution ES-7/2 and Security Council resolutions 465 (1980) and 478 (1980) and other relevant resolutions of the United Nations;

13. *Requests* the Security Council to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter;

14. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Question of Palestine".

95th plenary meeting
15 December 1980

ANNEX

Recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, endorsed by the General Assembly at its thirty-first session⁴⁰

I. BASIC CONSIDERATIONS AND GUIDELINES

59. The question of Palestine is at the heart of the Middle East problem, and, consequently, the Committee stressed its belief that no solution in the Middle East can be envisaged which does not fully take into account the legitimate aspirations of the Palestinian people.

60. The legitimate and inalienable rights of the Palestinian people to return to their homes and property and to achieve self-determination, national independence and sovereignty are endorsed by the Committee in the conviction that the full implementation of these rights will contribute decisively to a comprehensive and final settlement of the Middle East crisis.

⁴⁰The recommendations endorsed by the General Assembly in its resolution 31/20 were originally issued as part two of *Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35)*.

³⁸*Ibid.*, Thirty-fifth Session, Supplement No. 35 (A/35/35).

³⁹*Ibid.*, Thirty-fifth Session, Plenary Meetings, 75th meeting, paras. 85-141.

61. The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with other parties, on the basis of General Assembly resolutions 3236 (XXIX) and 3375 (XXX) is indispensable in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations.

62. The Committee recalls the fundamental principle of the inadmissibility of the acquisition of territory by force and stresses the consequent obligation for complete and speedy evacuation of any territory so occupied.

63. The Committee considers that it is the duty and the responsibility of all concerned to enable the Palestinians to exercise their inalienable rights.

64. The Committee recommends an expanded and more influential role by the United Nations and its organs in promoting a just solution to the question of Palestine and in the implementation of such a solution. The Security Council, in particular, should take appropriate action to facilitate the exercise by the Palestinians of their right to return to their homes, lands and property. The Committee, furthermore, urges the Security Council to promote action towards a just solution, taking into account all the powers conferred on it by the Charter of the United Nations.

65. It is with this perspective in view and on the basis of the numerous resolutions of the United Nations, after due consideration of all the facts, proposals and suggestions advanced in the course of its deliberations, that the Committee submits its recommendations on the modalities for the implementation of the exercise of the inalienable rights of the Palestinian people.

II. RIGHT OF RETURN

66. The natural and inalienable right of Palestinians to return to their homes is recognized by resolution 194 (III), which the General Assembly has reaffirmed almost every year since its adoption. This right was also unanimously recognized by the Security Council in its resolution 237 (1967); the time for the urgent implementation of these resolutions is long overdue.

67. Without prejudice to the right of all Palestinians to return to their homes, lands and property, the Committee considers that the programme of implementation of the exercise of this right may be carried out in two phases.

Phase one

68. The first phase involves the return to their homes of the Palestinians displaced as a result of the war of June 1967. The Committee recommends that:

(a) The Security Council should request the immediate implementation of its resolution 237 (1967) and that such implementation should not be related to any other condition;

(b) The resources of the International Committee of the Red Cross and/or of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, suitably financed and mandated, may be employed to assist in the solution of any logistical problems involved in the resettlement of those returning to their homes. These agencies could also assist, in co-operation with the host countries and the Palestine Liberation Organization, in the identification of the displaced Palestinians.

Phase two

69. The second phase deals with the return to their homes of the Palestinians displaced between 1948 and 1967. The Committee recommends that:

(a) While the first phase is being implemented, the United Nations in co-operation with the States directly involved, and the Palestine Liberation Organization as the interim representative of the Palestinian entity, should proceed to make the necessary arrangements to enable Palestinians displaced between 1948 and 1967 to exercise their right to return to their homes and property, in accordance with the relevant United Nations resolutions, particularly General Assembly resolution 194 (III);

(b) Palestinians not choosing to return to their homes should be paid just and equitable compensation as provided for in resolution 194 (III).

III. RIGHT TO SELF-DETERMINATION, NATIONAL INDEPENDENCE AND SOVEREIGNTY

70. The Palestinian people has the inherent right to self-determination, national independence and sovereignty in Palestine. The Committee considers that the evacuation of the territories occupied by force and in violation of the principles of the Charter and relevant resolutions of the United Nations is a *conditio sine qua non* for the exercise by the Palestinian people of its inalienable rights in Palestine. The Committee considers, furthermore, that upon the return of the Palestinians to their homes and property and with the establishment of an independent Palestinian entity, the Palestinian people will be able to exercise its rights to self-determination and to decide its form of government without external interference.

71. The Committee also feels that the United Nations has a historical duty and responsibility to render all assistance necessary to promote the economic development and prosperity of the Palestinian entity.

72. To these ends, the Committee recommends that:

(a) A time-table should be established by the Security Council for the complete withdrawal by Israeli occupation forces from those areas occupied in 1967; such withdrawal should be completed no later than 1 June 1977;

(b) The Security Council may need to provide temporary peace-keeping forces in order to facilitate the process of withdrawal;

(c) Israel should be requested by the Security Council to desist from the establishment of new settlements and to withdraw during this period from settlements established since 1967 in the occupied territories; Arab property and all essential services in these areas should be maintained intact;

(d) Israel should also be requested to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁴¹ and to declare, pending its speedy withdrawal from these territories, its recognition of the applicability of that Convention;

(e) The evacuated territories, with all property and services intact, should be taken over by the United Nations, which, with the co-operation of the League of Arab States, will subsequently hand over these evacuated areas to the Palestine Liberation Organization as the representative of the Palestinian people;

(f) The United Nations should, if necessary, assist in establishing communications between Gaza and the West Bank;

(g) As soon as the independent Palestinian entity has been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should, taking into account General Assembly resolution 3375 (XXX), make further arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions;

(h) The United Nations should provide the economic and technical assistance necessary for the consolidation of the Palestinian entity.

B

The General Assembly.

Recalling and reaffirming its resolutions 34/65 A to D of 29 November and 12 December 1979,

Taking note of paragraphs 31 and 47 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,⁴²

1. *Reaffirms* its rejection of those provisions of the accords which ignore, infringe, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law, and

⁴¹United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

⁴²*Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 35 (A/35/35).*

which envisage and condone continued Israeli occupation of the Palestinian territories occupied by Israel since 1967;

2. *Expresses its strong opposition* to all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law, and declares that all agreements and separate treaties have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967;

3. *Declares* that no State has the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, its inalienable rights and the occupied Palestinian territories without the participation of the Palestine Liberation Organization on an equal footing, in accordance with the relevant United Nations resolutions, and rejects all such actions, measures and negotiations.

95th plenary meeting
15 December 1980

C

The General Assembly,

Recalling its resolutions 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A and B of 2 December 1977, 33/28 A to C of 7 December 1978, 34/65 A to D of 29 November and 12 December 1979 and ES-7/3 of 29 July 1980,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,⁴²

1. *Expresses its appreciation* to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Requests* the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

3. *Authorizes* the Committee to continue to exert all efforts to promote the implementation of its recommendations, to send delegations or representatives to international conferences where such representation would be considered by it to be appropriate, and to report thereon to the General Assembly at its thirty-sixth session and thereafter;

4. *Requests* the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III) of 11 December 1948, as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and to make available to the Committee, at its request, the relevant information and documentation which they have at their disposal;

5. *Decides* to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

6. *Requests* the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

95th plenary meeting
15 December 1980

D

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,⁴²

Noting, in particular, the information contained in paragraphs 20 to 29 and 38 to 44 of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978 and 34/65 D of 12 December 1979,

1. *Notes with appreciation* the action taken by the Secretary-General in compliance with General Assembly resolution 34/65 D;

2. *Requests* the Secretary-General to ensure that the Special Unit on Palestinian Rights of the Secretariat, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance, continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B and paragraph 2 (b) of resolution 34/65 D;

3. *Also requests* the Secretary-General to keep under constant review the question of the strengthening of the Special Unit on Palestinian Rights and to provide it with the resources necessary to discharge the responsibilities assigned to it by the General Assembly as well as the redesignation of the Special Unit as requested in paragraph 1 of resolution 34/65 D;

4. *Further requests* the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Special Unit on Palestinian Rights to perform its tasks;

5. *Invites* all Governments and organizations to lend their co-operation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights in the performance of their tasks;

6. *Notes with appreciation* the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

95th plenary meeting
15 December 1980

E

The General Assembly,

Recalling and reaffirming its resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967,

Recalling the resolutions of the Security Council relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 298 (1971) of 25 September 1971, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

Reaffirming that the acquisition of territory by force is inadmissible,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Expressing its satisfaction at the decision taken by the States which have responded to Security Council resolution 478 (1980) and withdrawn their diplomatic representatives from the Holy City of Jerusalem,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁴³

Deploing the persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem,

Deeply concerned over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

1. *Censures* in the strongest terms the enactment by Israel of the "Basic Law" on Jerusalem;

2. *Affirms* that the enactment of the "Basic Law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular, the recent "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, are null and void and must be rescinded forthwith;

4. *Affirms also* that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

5. *Decides* not to recognize that "Basic Law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon all States, specialized agencies and other international organizations to comply with the present resolution and other relevant resolutions and urges them not to conduct any business which is not in conformity with the provisions of the present resolution and the other relevant resolutions.

95th plenary meeting
15 December 1980

35/206. Policies of *apartheid* of the Government of South Africa⁴⁴

A

SITUATION IN SOUTH AFRICA

The General Assembly,

Conscious of the responsibility of the United Nations and the international community towards the oppressed people of South Africa and their national liberation movement, as proclaimed, in particular, in General Assembly resolution 3411 C (XXX) of 28 November 1975,

Having considered the reports of the Special Committee against *Apartheid*,⁴⁵

Recalling Security Council resolution 473 (1980) of 13 June 1980,

Taking note of the great advance in the struggle of the oppressed people of South Africa and their national liberation movement,

Gravely concerned at the further aggravation of the situation in South Africa, resulting from the policies and actions of the *apartheid* régime,

Considering that the policy of "bantustanization" aggravates the situation in the region,

Reaffirming that the policies and actions of the *apartheid* régime, the strengthening of its military forces and the escalating acts of aggression and subversion of that régime against independent African States constitute a grave threat to international peace and security,

Considering that the acquisition of nuclear capability by the *apartheid* régime constitutes a grave menace to Africa and the world,

Condemning all military, nuclear and other collaboration by certain States with South Africa,

Condemning also the collaboration by transnational corporations and financial institutions with South Africa,

Reaffirming that *apartheid* is a crime against humanity,

Recognizing that the so-called constitutional and other reforms by the racist minority régime are no more than mere adjustments within the framework of *apartheid*,

Convinced that it is incumbent on the international community to provide all necessary assistance to the oppressed people of South Africa and their national liberation movement in their legitimate struggle for the establishment of a democratic society in accordance with their inalienable human and political rights, as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,⁴⁶

Recalling and reaffirming the Declaration on South Africa contained in resolution 34/93 O of 12 December 1979,

1. *Reaffirms* the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movement by all available means, including armed struggle, for the seizure of power by the people, the elimination of the *apartheid* régime and the exercise of the right of self-determination by the people of South Africa as a whole;

2. *Strongly condemns* the racist minority régime for its brutal repression and indiscriminate torture and killings of workers, schoolchildren and other opponents of *apartheid*;

3. *Vehemently condemns* the Pretoria régime's persistent attempts at destabilization of neighbouring States and its repeated acts of aggression and subversion;

4. *Further condemns* that régime for its defiance of Security Council resolution 473 (1980);

5. *Urges* the Security Council to determine that the situation in South Africa, and in southern Africa as a whole, resulting from the policies and actions of the

⁴³United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

⁴⁴See also sect. I, foot-note 8, and sect. X.B.2, decision 35/415.

⁴⁵*Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 22 (A/35/22) and Supplement No. 22 A (A/35/22/Add.1-3).*

⁴⁶Resolution 217 A (III).