

Basic principles of the legal status of the combatants struggling against colonial and alien domination and racist régimes (General Assembly resolution 3103 (XXVIII) of 12 December 1973).

The General Assembly,

Recalling that the Charter of the United Nations reaffirms faith in the dignity and worth of the human person,

Recalling resolution 2444 (XXIII) of 19 December 1968 in which the General Assembly, inter alia, recognized the need for applying basic humanitarian principles in all armed conflicts.

Recognising further the importance of respecting the Hague Convention of 1907, a/ the Geneva Protocol of 1925, b/ the Geneva Conventions of 1949 c/ and other universally recognized norms of modern international law for the protection of human rights in armed conflicts,

Reaffirming that the continuation of colonialism in all its forms and manifestations, as noted in General Assembly resolution 2621 (XXV) of 12 October 1970, is a crime and that colonial peoples have the inherent right to struggle by all necessary means at their disposal against colonial Powers and alien domination in exercise of their right of self-determination recognized in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, d/

Stressing that the policy of apartheid and racial oppression has been condemned by all countries and peoples, and that the pursuing of such a policy has been recognized as an international crime, - *reparations for that*

Reaffirming the declarations made in General Assembly resolutions 2048 (XXIV) of 11 December 1969 and 2708 (XXV) of 14 December 1970 that the practice of using mercenaries against national liberation movements in the colonial Territories constitutes a criminal act,

Recalling the numerous appeals of the General Assembly to the colonial Powers and those occupying foreign territories as well as to the racist régimes set forth, inter alia, in resolutions 2383 (XXIII) of 7 November 1968, 2508 (XXIV) of 21 November 1969, 2547 (XXIV) of 11 December 1969, 2652 (XXV) of 3 December 1970, 2678 (XXV) of 9 December 1970, 2707 (XXV) of 14 December 1970, 2795 (XXVI) and 2796 (XXVI) of 10 December 1971 and 2871 (XXVI) of 20 December 1971, to ensure the application to the fighters for freedom and self-determination of the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, e/ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, f/

a/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

b/ League of Nations, Treaty Series, vol. XCIV, No. 2138, p. 65.

c/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

d/ Resolution 2621 (XXV), annex.

e/ United Nations, Treaty Series, vol. 75, No. 972, p. 135.

f/ Ibid., No. 973, p. 287.

ANNEX V (cont.)

Deeply concerned at the fact that, despite the numerous appeals of the General Assembly, compliance with the provisions of the said Conventions has not yet been ensured,

Noting that the treatment of the combatants struggling against colonial and alien domination and racist régimes captured as prisoners still remains inhuman,

Recalling its resolutions 2674 (XXV) of 9 December 1970 and 2852 (XXVI) of 20 December 1971, in which it pointed out the need for the elaboration of additional international instruments and norms envisaging, inter alia, the increase of the protection of persons struggling for freedom against colonial and alien domination and racist régimes,

Solemnly proclaims the following basic principles of the legal status of the combatants struggling against colonial and alien domination and racist régimes without prejudice to their elaboration in future within the framework of the development of international law applying to the protection of human rights in armed conflicts :

1. The struggle of peoples under colonial and alien domination and racist régimes for the implementation of their right to self-determination and independence is legitimate and in full accordance with the principles of international law.
2. Any attempt to suppress the struggle against colonial and alien domination and racist régimes is incompatible with the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples g/ and constitutes a threat to international peace and security.
3. The armed conflicts involving the struggle of peoples against colonial and alien domination and racist régimes are to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions, and the legal status envisaged to apply to the combatants in the 1949 Geneva Conventions and other international instruments is to apply to the persons engaged in armed struggle against colonial and alien domination and racist régimes.
4. The combatants struggling against colonial and alien domination and racist régimes captured as prisoners are to be accorded the status of prisoners of war and their treatment should be in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949.
5. The use of mercenaries by colonial and racist régimes against the national liberation movements struggling for their freedom and independence from the yoke of colonialism and alien domination is considered to be a criminal act and the mercenaries should accordingly be punished as criminals.
6. The violation of the legal status of the combatants struggling against colonial and alien domination and racist régimes in the course of armed conflicts entails full responsibility in accordance with the norms of international law.

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DECLARATION

on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in trust and non-self-governing territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty, and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social and educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in trust and non-self-governing territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All states shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States and respect for the sovereign rights of all peoples and their territorial integrity.