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UN-Resolution 3103

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3103 (XXVIII). Basic principles of the legal status of the combatants struggling against colonial and alien domination and racist régimes

The General Assembly,

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

Recognizing further the importance of respecting the Hague Convention of 1907,¹⁵ the Geneva Protocol of 1925,¹⁶ the Geneva Conventions of 1949¹⁷ and other universally recognized norms of modern international law for the protection of human rights in armed conflict,

Reaffirming that the continuation of the colonianism in all its forms and manifestations, as noted in General Assembly resolution 2661 (XXV) of 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,¹⁸

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

Reaffirming the declarations made in General Assembly resolutions 2548 (XXIV) of December 1969 and 2708 (XXV) of 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 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 1949,¹⁹ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,²⁰

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 the 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 the international law applying to the protection of the 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 Peoples²¹ 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 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.

*2197th plenary meeting
12 December 1973*

¹⁵ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

¹⁶ League of Nations, *Treaty Series*, vol. XCIV, No. 2138, p. 65.

¹⁷ League of Nations, *Treaty Series*, vol. 75, Nos. 970-973.

¹⁸ Resolutions 2625 (XXV), annex.

¹⁹ United Nations, *Treaty Series*, vol. 75, No. 972, p. 135.

²⁰ *ibid.*, No. 973, p. 287.

²¹ Resolution 1514 (XV).