

6. *Requests* the Secretary-General to submit to the Conference all relevant documentation and recommendations relating to its methods of work and procedures and to arrange for the necessary staff, facilities and services which it will require, including the provision of summary records;

7. *Decides* to determine at its twenty-ninth session the question of participation in the United Nations Conference on the Representation of States in Their Relations with International Organizations, to be held in 1975, and to include in the provisional agenda of that session an item entitled "Participation in the United Nations Conference on the Representation of States in Their Relations with International Organizations, to be held in 1975".

2186th plenary meeting  
30 November 1973

### 3102 (XXVIII). Respect for human rights in armed conflicts

*The General Assembly,*

*Reaffirming* that only complete respect for the Charter of the United Nations and general and complete disarmament under effective international control can bring about full guarantees against armed conflicts and the suffering caused by such conflicts, and determined to continue all efforts to these ends,

*Conscious* of the fact that armed conflicts continue to cause untold human suffering and material devastation,

*Convinced* that in all such conflicts rules designed to reduce the suffering as much as possible and to increase the protection of non-combatants and civilian objects are needed,

*Reaffirming* the urgent need to ensure full and effective application by all parties to armed conflicts of existing legal rules relating to such conflicts, in particular the Hague Conventions of 1899 and 1907,<sup>7</sup> the Geneva Protocol of 1925<sup>8</sup> and the Geneva Conventions of 1949,<sup>9</sup> and to supplement these rules by new ones which take into account the modern developments in methods and means of warfare and which are practicable,

*Welcoming* the convocation by the Swiss Federal Council of the first session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, to be held at Geneva from 20 February to 29 March 1974, with a possible second session in 1975,

*Welcoming* as an excellent basis for discussion at this Conference the draft Additional Protocols to the Geneva Conventions of 1949 prepared by the International Committee of the Red Cross after thorough consultations with government experts, particularly during conferences held at Geneva in 1971 and 1972,

*Recalling* the successive resolutions adopted in the preceding years by the United Nations relating to human rights in armed conflicts, in particular General Assembly resolutions 2852 (XXVI) and 2853 (XXVI) of 20 December 1971 and 3032 (XXVII) of 18 December 1972,

<sup>7</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>8</sup> League of Nations, *Treaty Series*, vol. XCIV, No. 2138, p. 65.

<sup>9</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

*Noting* resolution XIII adopted by the twenty-first International Conference of the Red Cross, held at Istanbul in 1969,<sup>10</sup> and the resolution on the reaffirmation and development of international humanitarian law adopted by the twenty-second International Conference of the Red Cross, held at Teheran in 1973,<sup>11</sup>

*Noting with appreciation* the report of the Secretary-General on respect for human rights in armed conflicts,<sup>12</sup>

*Recalling* resolution 3058 (XXVIII) of 2 November 1973 in which the General Assembly invited the Diplomatic Conference to submit its comments and advice regarding the draft articles on the protection of journalists engaged in dangerous missions in areas of armed conflict,

*Recalling* its resolution 3076 (XXVIII) of 6 December 1973 concerning napalm and other incendiary weapons and all aspects of their possible use as well as the resolution on the prohibition or restriction of use of certain weapons adopted by the twenty-second International Conference of the Red Cross, held at Teheran in 1973,<sup>13</sup> inviting the Diplomatic Conference to take up the question of rules on the prohibition or restriction of use of specific conventional weapons which may cause unnecessary suffering or have indiscriminate effects,

*Welcoming*, in this regard, the survey prepared by the Secretariat on existing rules of international law concerning the prohibition or restriction of use of specific weapons,<sup>14</sup>

1. *Expresses its appreciation* to the Swiss Federal Council for convoking in 1974 the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and to the International Committee of the Red Cross for the extensive work it has performed in preparing the draft Additional Protocols to the Geneva Conventions of 1949;

2. *Urges* that the national liberation movements recognized by the various regional intergovernmental organizations concerned be invited to participate in the Diplomatic Conference as observers in accordance with the practice of the United Nations;

3. *Urges* all participants in the Diplomatic Conference to do their utmost to reach agreement on additional rules which may help to alleviate the suffering brought about by armed conflicts and to protect non-combatants and civilian objects in such conflicts;

4. *Calls upon* all parties to armed conflicts to acknowledge and to comply with their obligations under the humanitarian instruments and to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

5. *Urges* that instruction concerning such rules be provided to armed forces and information concerning the same rules be given to civilians everywhere, with a view to securing their strict observance;

6. *Requests again* the Secretary-General to encourage the study and teaching of principles of international humanitarian rules applicable in armed conflicts;

<sup>10</sup> See A/7720, annex I, sect. D.

<sup>11</sup> A/9123/Add.2, annex, sect. IV.

<sup>12</sup> A/9123 and Corr.1 and Add.1 and 2.

<sup>13</sup> A/9123/Add.2, annex, sect. III.

<sup>14</sup> A/9215.

7. *Requests* the Secretary-General to report to the General Assembly at its twenty-ninth session on relevant developments concerning human rights in armed conflicts, in particular on the proceedings and results of the 1974 session of the Diplomatic Conference;

8. *Decides* to include in the provisional agenda of its twenty-ninth session the item entitled "Respect for human rights in armed conflicts".

2197th plenary meeting  
12 December 1973

**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 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,

*Recognizing further* the importance of respecting the Hague Convention of 1907,<sup>15</sup> the Geneva Protocol of 1925,<sup>16</sup> the Geneva Conventions of 1949<sup>17</sup> 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,<sup>18</sup>

*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,

*Reaffirming* the declarations made in General Assembly resolutions 2548 (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 of 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,<sup>19</sup> and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,<sup>20</sup>

*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<sup>21</sup> 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.

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

<sup>16</sup> League of Nations, *Treaty Series*, vol. XCIV, No. 2138, p. 65.

<sup>17</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

<sup>18</sup> Resolution 2625 (XXV), annex.

<sup>19</sup> United Nations, *Treaty Series*, vol. 75, No. 972, p. 135.

<sup>20</sup> *Ibid.*, No. 973, p. 287.

<sup>21</sup> Resolution 1514 (XV).