

ANNEX I

Chapter XI of the Charter of the United Nations

DECLARATION REGARDING
NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

ANNEX II

Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 (e) of the Charter (General Assembly resolution 1541 (XV) of 15 December 1960)

The General Assembly,

Considering the objectives set forth in Chapter XI of the Charter of the United Nations,

Bearing in mind the list of factors annexed to General Assembly resolution 742 (VIII) of 27 November 1953,

Having examined the report of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter, appointed under General Assembly resolution 1467 (XIV) of 12 December 1959 to study the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter and to report on the results of its study to the Assembly at its fifteenth session,

1. Expresses its appreciation of the work of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter;
2. Approves the principles set out in section V, part B, of the report of the Committee, as amended and as they appear in the annex to the present resolution;
3. Decides that these principles should be applied in the light of the facts and the circumstances of each case to determine whether or not an obligation exists to transmit information under Article 73 e of the Charter.

Annex to General Assembly resolution 1541 (XV)

Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter of the United Nations

Principle I

The authors of the Charter of the United Nations had in mind that Chapter XI should be applicable to territories which were then known to be of the colonial type. An obligation exists to transmit information under Article 73 e of the Charter in respect of such territories whose peoples have not yet attained a full measure of self-government.

Principle II

Chapter XI of the Charter embodies the concept of Non-Self-Governing Territories in a dynamic state of evolution and progress towards a "full measure of self-government". As soon as a territory and its peoples attain a full measure of self-government, the obligation ceases. Until this comes about, the obligation to transmit information under Article 73 e continues.

ANNEX II (cont.)

Principle III

The obligation to transmit information under Article 73 e of the Charter constitutes an international obligation and should be carried out with due regard to the fulfilment of international law.

Principle IV

Prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it.

Principle V

Once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, inter alia, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73 e of the Charter.

Principle VI

A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:

- (a) Emergence as a sovereign independent State;
- (b) Free association with an independent State; or
- (c) Integration with an independent State.

Principle VII

(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.

(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people. This does not preclude consultations as appropriate or necessary under the terms of the free association agreed upon.

Principle VIII

Integration with an independent State should be on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government.

ANNEX II (cont.)

Principle IX

Integration should have come about in the following circumstances:

(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes;

(b) The integration should be the result of the freely expressed wishes of the Territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes.

Principle X

The transmission of information in respect of Non-Self-Governing Territories under Article 73 e of the Charter is subject to such limitation as security and constitutional considerations may require. This means that the extent of the information may be limited in certain circumstances, but the limitation in Article 73 e cannot relieve a Member State of the obligations of Chapter XI. The "limitation" can relate only to the quantum of information of economic, social and educational nature to be transmitted.

Principle XI

The only constitutional considerations to which Article 73 e of the Charter refers are those arising from constitutional relations of the territory with the Administering Member. They refer to a situation in which the constitution of the territory gives it self-government in economic, social and educational matters through freely elected institutions. Nevertheless, the responsibility for transmitting information under Article 73 e continues, unless these constitutional relations preclude the Government or parliament of the Administering Member from receiving statistical and other information of a technical nature relating to economic, social and educational conditions in the territory.

Principle XII

Security considerations have not been invoked in the past. Only in very exceptional circumstances can information on economic, social and educational conditions have any security aspect. In other circumstances, therefore, there should be no necessity to limit the transmission of information on security grounds.

ANNEX III

Text of General Assembly resolution 1654 (XVI) of 27 November 1961 establishing the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Recalling the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960,

Bearing in mind the purposes and principles of that Declaration,

Recalling in particular paragraph 5 of the Declaration providing that:

"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",

Noting with regret that, with a few exceptions, the provisions contained in the aforementioned paragraph of the Declaration have not been carried out,

Noting that, contrary to the provisions of paragraph 4 of the Declaration, armed action and repressive measures continue to be taken in certain areas with increasing ruthlessness against dependent peoples, depriving them of their prerogative to exercise peacefully and freely their right to complete independence,

Deeply concerned that, contrary to the provisions of paragraph 6 of the Declaration, acts aimed at the partial or total disruption of national unity and territorial integrity are still being carried out in certain countries in the process of decolonization,

Convinced that further delay in the application of the Declaration is a continuing source of international conflict and disharmony, seriously impedes international co-operation, and is creating an increasingly dangerous situation in many parts of the world which may threaten international peace and security,

Emphasizing that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence,

1. Solemnly reiterates and reaffirms the objectives and principles enshrined in the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960;

2. Calls upon States concerned to take action without further delay with a view to the faithful application and implementation of the Declaration;

3. Decides to establish a Special Committee of seventeen members to be nominated by the President of the General Assembly at the present session;

ANNEX III (cont.)

4. Requests the Special Committee to examine the application of the Declaration, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration, and to report to the General Assembly at its seventeenth session;
5. Directs the Special Committee to carry out its task by employment of all means which it will have at its disposal within the framework of the procedures and modalities which it shall adopt for the proper discharge of its functions;
6. Authorizes the Special Committee to meet elsewhere than at United Nations Headquarters, whenever and wherever such meetings may be required for the effective discharge of its functions, in consultation with the appropriate authorities;
7. Invites the authorities concerned to afford the Special Committee their fullest co-operation in carrying out its tasks;
8. Requests the Trusteeship Council, the Committee on Information from Non-Self-Governing Territories and the specialized agencies concerned to assist the Special Committee in its work within their respective fields;
9. Requests the Secretary-General to provide the Special Committee with all the facilities and the personnel necessary for the implementation of the present resolution.

ANNEX IV

Programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 2621 (XXV) of 12 October 1970)

The General Assembly,

Having decided to hold a special commemorative session on the occasion of the tenth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Considering that, by arousing world public opinion and promoting practical action for the speedy liquidation of colonialism in all its forms and manifestations, the Declaration has played and will continue to play an important role in assisting the peoples under colonial domination in their struggle for freedom and independence,

Conscious of the fact that, although many colonial countries and peoples have achieved freedom and independence in the last ten years, the system of colonialism continues to exist in many areas of the world,

Reaffirming that all peoples have the right to self-determination and independence and that the subjection of the peoples to alien domination constitutes a serious impediment to the maintenance of international peace and security and the development of peaceful relations among nations,

1. Declares the further continuation of colonialism in all its forms and manifestations a crime which constitutes a violation of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law;
2. Reaffirms the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial Powers which suppress their aspiration for freedom and independence;
3. Adopts the following programme of action to assist in the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples :

(1) Member States shall do their utmost to promote, in the United Nations and the international institutions and organizations within the United Nations system, effective measures for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in all Trust Territories, Non-Self-Governing Territories and other colonial Territories, large and small, including the adoption by the Security Council of effective measures against Governments and régimes which engage in any form of repression of colonial peoples, which would seriously impede the maintenance of international peace and security.

(2) Member States shall render all necessary moral and material assistance to the peoples of colonial Territories in their struggle to attain freedom and independence.

ANNEX IV (cont.)

(3) (a) Member States shall intensify their efforts to promote the implementation of the resolutions of the General Assembly and the Security Council relating to Territories under colonial domination.

(b) In this connexion, the General Assembly draws the attention of the Security Council to the need to continue to give special attention to the problems of southern Africa by adopting measures to ensure the full implementation of General Assembly resolution 1514 (XV) of 14 December 1960 and its own resolutions, and in particular :

- (i) To widen the scope of the sanctions against the illegal régime of Southern Rhodesia by declaring mandatory all the measures laid down in Article 41 of the Charter of the United Nations;
- (ii) To give careful consideration to the question of imposing sanctions upon South Africa and Portugal, in view of their refusal to carry out the relevant decisions of the Security Council;
- (iii) To give urgent consideration, with a view to promoting the speedy elimination of colonialism, to the question of imposing fully and unconditionally, under international supervision, an embargo on arms of all kinds to the Government of South Africa and the illegal régime of Southern Rhodesia;
- (iv) To consider urgently the adoption of measures to prevent the supply of arms of all kinds to Portugal, as such arms enable that country to deny the right of self-determination and independence to the peoples of the Territories under its domination.

(c) Member States shall also intensify their efforts to oppose collaboration between the régimes of South Africa and Portugal and the illegal racist régime of Southern Rhodesia for the preservation of colonialism in southern Africa and to end the political, military, economic and other forms of aid received by the above-mentioned régimes, which enables them to persist in their policy of colonial domination.

(4) Member States shall wage a vigorous and sustained campaign against activities and practices of foreign economic, financial and other interests operating in colonial Territories for the benefit and on behalf of colonial Powers and their allies, as these constitute a major obstacle to the achievement of the goals embodied in resolution 1514 (XV). Member States shall consider the adoption of necessary steps to have their nationals and companies under their jurisdiction discontinue such activities and practices; these steps should also aim at preventing the systematic influx of foreign immigrants into colonial Territories, which disrupts the integrity and social, political and cultural unity of the peoples under colonial domination.

(5) Member States shall carry out a sustained and vigorous campaign against all military activities and arrangements by colonial Powers in Territories under their administration, as such activities and arrangements constitute an obstacle to the full implementation of resolution 1514 (XV).

ANNEX IV (cont.)

(6) (a) All freedom fighters under detention shall be treated in accordance with the relevant provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949. ^{a/}

(b) The specialized agencies and international institutions associated with the United Nations shall intensify their activities related to the implementation of resolution 1514 (XV).

(c) Representatives of liberation movements shall be invited, whenever necessary, by the United Nations and other international organizations within the United Nations system to participate in an appropriate capacity in the proceedings of those organs relating to their countries.

(d) Efforts shall be intensified to provide increased educational opportunities for the inhabitants of Non-Self-Governing Territories. All States shall render greater assistance in this field, both individually through programmes in the countries concerned and collectively by contributions through the United Nations.

(7) All States shall undertake measures aimed at enhancing public awareness of the need for active assistance in the achievement of complete decolonization and, in particular, creating satisfactory conditions for activities by national and international non-governmental organizations in support of the peoples under colonial domination.

(8) The United Nations as well as all States shall intensify their efforts in the field of public information in the area of decolonization through all media, including publications, radio and television. Of special importance will be programmes relating to United Nations activities on decolonization, the situation in colonial Territories and the struggle being waged by colonial peoples and the national liberation movements.

(9) The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples shall continue to examine the full compliance of all States with the Declaration and with other relevant resolutions on the question of decolonization. The question of territorial size, geographical isolation and limited resources should in no way delay the implementation of the Declaration. Where resolution 1514 (XV) has not been fully implemented with regard to a given Territory, the General Assembly shall continue to bear responsibility for that Territory until such time as the people concerned has had an opportunity to exercise freely its right to self-determination and independence in accordance with the Declaration. The Special Committee is hereby directed :

(a) To continue to assist the General Assembly in finding the best ways and means for the final liquidation of colonialism;

(b) To continue to give special consideration to the views expressed orally or in written communications by representatives of the peoples in the colonial Territories;

^{a/} United Nations, Treaty Series, vol. 75 (1950), N° 972.

ANNEX IV (cont.)

(c) To continue to send visiting missions to the colonial Territories and to hold meetings at places where it can best obtain first-hand information on the situation in colonial Territories, as well as to continue to hold meetings away from Headquarters as appropriate;

(d) To assist the General Assembly in making arrangements, in co-operation with the administering Powers, for securing a United Nations presence in the colonial Territories to participate in the elaboration of the procedural measures for the implementation of the Declaration and to observe the final stages of the process of decolonization in the Territories;

(e) To prepare draft rules and regulations for visiting missions for approval by the General Assembly.

ANNEX V

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,

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 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 2625 (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.

g/ Resolution 1514 (XV).

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.