

IX. RESOLUTIONS ADOPTED ON THE REPORTS OF THE SIXTH COMMITTEE¹

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35/48. Drafting of an international convention against the recruitment, use, financing and training of mercenaries

The General Assembly,

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,²

Recalling, in particular, its resolutions 2395 (XXIII) of 29 November 1968, 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970 and 3103 (XXVIII) of 12 December 1973, as well as its resolution 1514 (XV) of 14 December 1960, and also Security Council resolutions 405 (1977) of 14 April 1977 and 419 (1977) of 24 November 1977, in which the Council denounced the practice of using mercenaries against developing countries and national liberation movements,

Recalling also its resolution 34/140 of 14 December 1979, in which it urged States to consider effective measures to prohibit the recruitment, training, assembly, transit and use of mercenaries,

Recognizing that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and *apartheid* and all forms of foreign domination,

Bearing in mind the pernicious impact that the activities of mercenaries have on international peace and security,

Considering that the progressive development and codification of the rules of international law on mercenaries would contribute immensely to the implementation of the purposes and principles of the Charter,

Having taken note of the views and comments expressed by Member States on the item,

1. *Decides* to establish an *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, composed of thirty-five Member States;

¹ For the decisions adopted on the reports of the Sixth Committee, see sect. X.B.7.

² Resolution 2625 (XXV), annex.

2. *Requests* the President of the General Assembly, after due consultation with the chairmen of the regional groups, to appoint the members of the Committee on the basis of equitable geographical distribution and representing the principal legal systems of the world;

3. *Requests* the Committee to elaborate at the earliest possible date an international convention to prohibit the recruitment, use, financing and training of mercenaries;

4. *Authorizes* the Committee in the fulfilment of its mandate to take into account suggestions and proposals from any State, bearing in mind the views and comments communicated to the Secretary-General³ and those expressed during the debate on this item at the thirty-fifth session of the General Assembly;

5. *Requests* the Secretary-General to compile a list of all relevant legislation of Member States and any other conventions and protocols additional thereto of international and regional organizations on mercenaries and to place such materials at the disposal of the Committee;

6. *Requests* the Secretary-General to provide the Committee with any assistance and facilities it may require for the performance of its work;

7. *Requests* the Committee to present its report to the General Assembly at its thirty-sixth session;

8. *Decides* to include in the provisional agenda of its thirty-sixth session an item entitled "Report of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries".

81st plenary meeting
4 December 1980

* * *

The President of the General Assembly subsequently informed the Secretary-General⁴ that he had appointed as members of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries thirty-four of the thirty-five States to be appointed by him in accordance with paragraphs 1 and 2 of the above resolution.

As a result, the Ad Hoc Committee is composed of the following Member States: ALGERIA, ANGOLA, BAHAMAS, BANGLADESH, BARBADOS, BENIN, BULGARIA, CANADA, DEMOCRATIC YEMEN, ETHIOPIA, FRANCE, GERMAN DEMOCRATIC REPUBLIC, GERMANY, FEDERAL REPUBLIC OF, GUYANA, INDIA, ITALY, JAMAICA, JAPAN, MONGOLIA, NIGERIA, PORTUGAL, SENEGAL, SEYCHELLES, SPAIN, SURINAME, TURKEY, UKRAINIAN SOVIET SOCIALIST REPUBLIC, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, UNITED STATES OF AMERICA, URUGUAY, YUGOSLAVIA, ZAIRE and ZAMBIA.

35/49. Draft Code of Offences against the Peace and Security of Mankind

The General Assembly,

Recalling the draft Code of Offences against the Peace and Security of Mankind prepared by the International Law Commission in 1954,⁵

Bearing in mind its resolution 33/97 of 16 December 1978, by which it decided to accord priority and the

³ A/35/366 and Add.1-3.

⁴ A/35/793 and Add.1.

⁵ *Official Records of the General Assembly, Ninth Session, Supplement No. 9 (A/2693), para. 54.*

fullest possible consideration to the item entitled "Draft Code of Offences against the Peace and Security of Mankind",

Recalling the belief that the elaboration of a Code of Offences against the Peace and Security of Mankind could contribute to strengthening international peace and security and thus to promoting and implementing the purposes and principles set forth in the Charter of the United Nations,

Having considered the report of the Secretary-General submitted pursuant to General Assembly resolution 33/97,⁶

Noting that further comments and observations on the draft Code of Offences against the Peace and Security of Mankind are yet to be submitted by Member States and relevant international intergovernmental organizations,

Taking into account the statements made during the debate on this item,⁷

1. *Requests* the Secretary-General to reiterate his invitation to Member States and relevant international intergovernmental organizations to submit or update, not later than 30 June 1981, their comments and observations on the draft Code of Offences against the Peace and Security of Mankind and, in particular, to inform him of their views on the procedure to be followed in the future consideration of that item, including the suggestion of having the item referred to the International Law Commission;

2. *Requests* the Secretary-General, on the basis of the replies submitted by Member States and relevant international intergovernmental organizations and the statements made during the debate on this item, to prepare an analytical paper in order to facilitate the further consideration of the item;

3. *Further requests* the Secretary-General to submit a report to the General Assembly at its thirty-sixth session;

4. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Draft Code of Offences against the Peace and Security of Mankind" and to accord it priority and the fullest possible consideration.

81st plenary meeting
4 December 1980

35/50. Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations

The General Assembly,

Recalling its resolution 31/9 of 8 November 1976, in which it invited Member States to examine further the draft World Treaty on the Non-Use of Force in International Relations submitted by the Union of Soviet Socialist Republics,⁸ as well as other proposals made during the consideration of this item,

Recalling also its resolution 32/150 of 19 December 1977, whereby it established the Special Committee on

⁶ A/35/210 and Add.1 and 2 and Add.2/Corr.1.

⁷ See *Official Records of the General Assembly, Thirty-fifth Session, Sixth Committee, 10th-15th and 40th meetings; and ibid., Sixth Committee, Sessional Fascicle, corrigendum.*

⁸ *Ibid., Thirty-fourth Session, Supplement No. 41 (A/34/41 and Corr.1.), annex.*