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COMMISSION ON HUMAN RIGHTS  
Fifty-fifth session  
Agenda item 5

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO  
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Algeria\*, Angola\*, Congo, Cuba, Democratic People's Republic of Korea\*,  
Egypt\*, Ethiopia\*, Guinea\*, India, Iraq\*, Madagascar, Uganda\*,  
Viet Nam\*, Yemen\*: draft resolution

1999/... The use of mercenaries as a means of violating human rights  
and impeding the exercise of the right of peoples to  
self-determination

The Commission on Human Rights,

Noting General Assembly resolution 53/135 of 9 December 1998 and  
recalling its own resolution 1998/6 of 27 March 1998,

Recalling all of its relevant resolutions, in which, inter alia, it  
condemned any State that permitted or tolerated the recruitment, financing,  
training, assembly, transit and use of mercenaries with the objective of  
overthrowing the Governments of States Members of the United Nations,  
especially those of developing countries, or of fighting against national  
liberation movements, and recalling also the relevant resolutions of the  
General Assembly, the Security Council, the Economic and Social Council and  
the Organization of African Unity,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of  
the functional commissions of the Economic and Social Council.

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations among States in accordance with the Charter of the United Nations, all peoples have the right to determine freely, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Recognizing that mercenary activities are continuing to increase in many parts of the world and are taking on new forms, permitting mercenaries to operate in a better organized way, with increased pay, and that their numbers have grown and more persons are prepared to become mercenaries,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Takes note of the report of the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1999/11);

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purpose and principles enshrined in the Charter of the United Nations;

3. Recognizes that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, overthrow the Government of any State, or dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

5. Calls upon all States that have not yet done so to consider taking the necessary action to sign or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

6. Welcomes the cooperation extended by those countries that have invited the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

7. Also welcomes the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance;

9. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

10. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

11. Requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries, and in this regard, requests the High Commissioner for Human Rights to convene expert

meetings, as requested in General Assembly resolutions in the past, to study and update the international legislation in force and to put forward recommendations for a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities;

12. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-sixth session;

13. Decides to consider at its fifty-sixth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

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