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### REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES

#### Report of the Sixth Committee

Rapporteur: Mr. Kenneth McKENZIE (Trinidad and Tobago)

#### I. INTRODUCTION

1. The item entitled "Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries" was included in the provisional agenda of the forty-second session of the General Assembly pursuant to resolution 41/80 of 3 December 1986.
2. At its 3rd plenary meeting, on 18 September 1987, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it the report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 1/ which was introduced by the Chairman of the Ad Hoc Committee at the 11th meeting of the Sixth Committee, on 1 October 1987.
4. The Committee also had before it the following communications:
  - (a) Letters dated 23 December 1986, 13, 16 and 23 January, 10 and 25 February, 2, 5, 9, 11, 26 and 30 March, 8, 13 and 28 April, 4, 12 and 21 May,

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1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 43 (A/42/43).

2, 8 and 26 June, 16 and 27 July and 17 and 21 August, 10 and 29 September, and 6, 9 and 30 October 1987 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Pakistan to the United Nations addressed to the Secretary-General (A/42/64-S/18543, A/42/84-S/18596, A/42/90-S/18611, A/42/96-S/18627, A/42/124-S/18684, A/42/154-S/18722, A/42/161-S/18734, A/42/162-S/18735, A/42/164-S/18737, A/42/165-S/18739, A/42/172-S/18747, A/42/175-S/18750, A/42/188-S/18764, A/42/190-S/18770, A/42/215-S/18789, A/42/221-S/18801, A/42/258-S/18830, A/42/274-S/18846, A/42/291-S/18861, A/42/303-S/18876, A/42/316-S/18891, A/42/330-S/18904, A/42/368-S/18950, A/42/406-S/18985, A/42/423-S/19000, A/42/486-S/19056, A/42/503-S/19069, A/42/558-S/19127, A/42/598-S/19168, A/42/624-S/19182, A/42/656-S/19207 and A/42/707-S/19247);

(b) Letters dated 31 December 1986, 6, 13 and 19 January, 2, 9 and 12 February, 4, 5, 26, 27 and 30 March, 1 and 23 April, 1 May, 15 June, 30 July and 26 and 27 August, 5, 22 and 23 October and 6 November 1987 from the Permanent Representative or the Chargé d'affaires a.i. of the Permanent Mission of Afghanistan to the United Nations addressed to the Secretary-General (A/42/66-S/18552, A/42/74-S/18564, A/42/86-S/18604, A/42/91-S/18612, A/42/117-S/18655, A/42/123-S/18683, A/42/128-S/18692, A/42/168-S/18742, A/42/169-S/18743, A/42/170-S/18745, A/42/187-S/18763, A/42/203-S/18775, A/42/205-S/18778, A/42/206-S/18780, A/42/240-S/18823, A/42/271-S/18845, A/42/347-S/18923, A/42/428-S/19007, A/42/510-S/19074, A/42/513-S/19077, A/42/619-S/19178, A/42/680-S/19229, A/42/686-S/19231 and A/42/767-S/19269);

(c) Letters dated 4 May and 9 and 13 July 1987 from the Chargé d'affaires a.i. of the Permanent Mission of Suriname to the United Nations addressed to the Secretary-General (A/42/270, A/42/393 and A/42/398);

(d) Notes verbales dated 16 June 1987 from the Permanent Mission of Mozambique to the United Nations addressed to the Secretary-General (A/42/351-S/18929 and A/42/352-S/18930);

(e) Letter dated 9 July 1987 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/42/309-S/18972);

(f) Letter dated 23 October 1987 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General (A/42/681).

5. The Sixth Committee considered the item at its 12th to 15th and 55th meetings, held from 2 to 6 October, and on 23 November. The summary records of those meetings contain the views of the representatives who spoke on the item (A/C.6/42/SR.12-15 and 55).

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/42/L.8

6. At the 55th meeting, on 23 November, the representative of Nigeria introduced a draft resolution (A/C.6/42/L.8) sponsored by Algeria, Angola, Benin, Cameroon, Cuba, Democratic Yemen, Egypt, Ethiopia, the German Democratic Republic, Ghana,

Guinea, India, Iraq, Jamaica, Kenya, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Romania, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Suriname, Swaziland, Togo, Tunisia, Uganda, the Ukrainian SSR, Viet Nam, Yugoslavia, Zaire and Zambia, later joined by Turkey.

7. The Committee had before it a statement submitted by the Secretary-General (A/C.6/42/L.14) on the programme budget implications of draft resolution A/C.6/42/L.8.

8. At the same meeting, the Committee adopted draft resolution A/C.6/42/L.8 without a vote (see para. 10).

9. Statements in explanation of position were made by the representatives of the Islamic Republic of Iran, Denmark (on behalf of the 12 members of the European Community), Iraq, the United States of America, Japan and Sweden (on behalf of the Nordic countries).

### III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

#### Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries

##### The General Assembly,

Recalling its resolutions, particularly 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, and its resolution 1514 (XV) of 14 December 1960, as well as Security Council resolutions 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the United Nations denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

Recalling in particular its resolution 41/80 of 3 December 1986, by which it decided to renew the mandate of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries,

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, 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,

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 form 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 the activities of mercenaries would contribute immensely to the implementation of the purposes and principles of the Charter,

Welcoming the wide and effective participation of members in the work of the Ad Hoc Committee and the participation of a large number of observers in the work of the Ad Hoc Committee,

Taking account of the progress achieved by the Ad Hoc Committee at its last session,

Reaffirming the need for the elaboration, at the earliest possible date, of an international convention against the recruitment, use, financing and training of mercenaries,

1. Takes note of the report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries; 2/
2. Decides to renew the mandate of the Ad Hoc Committee with a view to completing as soon as possible a draft international convention against the recruitment, use, financing and training of mercenaries;
3. Requests the Ad Hoc Committee, in the fulfilment of its mandate, to use the draft articles contained in section III of its report entitled "Second Revised Consolidated Negotiating Basis of a convention against the recruitment, use, financing and training of mercenaries" as a basis for future negotiation on the text of the proposed international convention;
4. Invites the Ad Hoc Committee to take into account the suggestions and proposals of Member States submitted to the Secretary-General on the subject and the views and comments expressed at the fortieth, 3/

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2/ Official Records of the General Assembly, Forty-second Session, Supplement No. 43 (A/42/43).

3/ Ibid., Fortieth Session, Sixth Committee, 13th to 17th, 44th and 48th meetings.

forty-first 4/ and forty-second 5/ sessions of the General Assembly during the debate in the Sixth Committee devoted to the consideration of the report of the Ad Hoc Committee;

5. Decides that the Ad Hoc Committee shall hold its seventh session early in 1988;

6. Also decides that the Ad Hoc Committee shall accept the participation of observers of Member States, including participation in the meetings of its drafting and working groups;

7. Requests the Secretary-General to provide, on a priority basis, the Ad Hoc Committee with any assistance and facilities it may require to hold its seventh session early in 1988;

8. Reaffirms the importance that pre-session consultations among the members of the Ad Hoc Committee and other interested States may have in facilitating the smooth conduct of its work towards the fulfilment of its task, inter alia, as regards the composition of the Bureau and the organization of work;

9. Invites the Ad Hoc Committee to make every effort to submit its final report containing a draft international convention against the recruitment, use, financing and training of mercenaries to the General Assembly if possible at its forty-third session;

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

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4/ Ibid., Forty-first Session, Sixth Committee, 25th, 26th, 46th and 47th meetings and corrigendum.

5/ Ibid., Forty-second Session, Sixth Committee, 12th to 15th and 55th meetings.