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DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT,
USE, FINANCING AND TRAINING OF MERCENARIES

Report of the Sixth Committee

Rapporteur: Mr. Wolfgang HAMPE (German Democratic Republic)

1. The item entitled "Drafting of an international convention against the recruitment, use, financing and training of mercenaries: report of the Secretary-General" was included in the provisional agenda of the thirty-fifth session of the General Assembly pursuant to paragraph 4 of Assembly resolution 34/140 of 14 December 1979.
2. On the recommendation of the General Committee, the General Assembly decided at its 3rd plenary meeting, on 19 September 1980, to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connexion with the item, the Sixth Committee had before it a report of the Secretary-General (A/35/366 and Add.1-3) containing views and comments submitted by Member States pursuant to paragraph 3 of General Assembly resolution 34/140.
4. The Sixth Committee considered the item at its 20th to 24th, 51st and 56th meetings, held between 14 and 20 October and on 17 and 20 November 1980. The summary records of those meetings (A/C.6/35/SR.20-24, 51 and 56) contain the views of representatives who spoke during the consideration of the item.
5. At the 51st meeting, on 17 November, the representative of Nigeria introduced a draft resolution (A/C.6/35/L.14 and Corr.1) (see para. 9) sponsored by Afghanistan, Algeria, Angola, Barbados, Benin, Burundi, Cuba, Democratic Yemen, Egypt, Ethiopia, Ghana, Guinea, Guyana, India, Jamaica, the Libyan Arab Jamahiriya, Mali, Mexico, Mongolia, Morocco, the Niger, Nigeria, Panama, Papua New Guinea, Romania, Rwanda, Senegal, Sierra Leone, the Sudan, Togo, Trinidad and Tobago, Tunisia, Uganda, the Ukrainian Soviet Socialist Republic, Viet Nam, Yugoslavia, Zaire and Zambia, later joined by Bangladesh, the Congo, the Lao People's Democratic Republic, Madagascar, Mauritania, Sao Tome and Principe, Seychelles, Suriname and Zimbabwe.

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6. The Sixth Committee had before it a statement submitted by the Secretary-General (A/C.6/35/L.15) on the administrative and financial implications of draft resolution A/C.6/35/L.14 and Corr.1.
7. At its 56th meeting, on 20 November, the Committee adopted draft resolution A/C.6/35/L.14 and Corr.1 by consensus (see para. 9).
8. The representatives of the United States of America, Sweden (also on behalf of Denmark, Finland, Iceland and Norway), the Federal Republic of Germany, France, the United Kingdom of Great Britain and Northern Ireland, Canada, Italy, Australia, Austria, New Zealand and Spain explained their delegations' position in respect to the decision taken.

RECOMMENDATION OF THE SIXTH COMMITTEE

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

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, 1/

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

1/ General Assembly resolution 2625 (XXV).

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 of the United Nations,

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;
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-General ^{2/} 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".

2/ A/35/366 and Add.1-3.