



General Assembly

Distr.
GENERAL

A/36/727
1 December 1981
ENGLISH
ORIGINAL: SPANISH

Thirty-sixth session
Agenda item 115

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. Antonio VIÑAL (Spain)

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 thirty-sixth session of the General Assembly pursuant to paragraph 7 of General Assembly resolution 35/48 of 4 December 1980.
2. On the recommendation of the General Committee, the General Assembly decided at its 4th plenary meeting, on 18 September 1981, 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 Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries. 1/
4. The Sixth Committee considered the item at its 16th to 23rd and 57th meetings, held between 8 and 16 October and on 24 November 1981. The summary records of those meetings (A/C.6/36/SR.16-23 and 57) contain the views of representatives who spoke during the consideration of the item.
5. At the 57th meeting, on 24 November, the representative of Nigeria introduced a draft resolution (A/C.6/36/L.8) sponsored by Afghanistan, Algeria, Angola, the Bahamas, Barbados, Benin, Burundi, Chad, the Congo, Cuba, Cyprus, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Guinea, Guyana, India, the Ivory Coast,

1/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 43 (A/36/43).

Jamaica, Kenya, the Lao Peoples's Democratic Republic, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, the Niger, Nigeria, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, the Sudan, Suriname, Swaziland, Togo, Tunisia, Turkey, Uganda, Viet Nam, Yugoslavia, Zaire, Zambia, and Zimbabwe. These countries were subsequently joined by Irag, Panama, Saint Lucia, Trinidad and Tobago, the United Republic of Cameroon and the United Republic of Tanzania.

6. The Sixth Committee had before it a statement submitted by the Secretary-General (A/C.6/36/L.9 and Add.1) on the administrative and financial implications of draft resolution A/C.6/36/L.8.

7. At its 57th meeting, the Committee adopted draft resolution A/C.6/36/L.8 by consensus (see para. 10).

8. The representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States members of the European Community), Spain, Norway (on behalf of the Nordic countries), the United States of America and Austria explained the position of their delegations on the decision taken.

9. The representative of Nigeria, supported by the representatives of Brazil and the United Kingdom (on behalf of the States members of the European Community), observed that the dates approved by the Committee on Conferences for the next session of the Ad Hoc Committee (11 January-5 February 1981) were not suitable. In their view, holding the session so soon after the close of the thirty-sixth session of the General Assembly would not allow members of the Committee adequate time for the necessary preparation. They therefore suggested that the session should be postponed to an appropriate later date, as might be decided by the Committee on Conferences.

RECOMMENDATION OF THE SIXTH COMMITTEE

10. 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 the 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,

Recalling its resolutions, notably 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 United Nations denounced the practice of using mercenaries against developing countries and national liberation movements,

Recalling in particular its resolution 35/48 of 4 December 1980, whereby it established 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,

Having considered the report of the Ad Hoc Committee, 2/

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,

Taking account of the fact that the Ad Hoc Committee has not completed the mandate entrusted to it,

Reaffirming the need for the elaboration at the earliest possible date of an international convention to prohibit 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. Decides that the Ad Hoc Committee shall continue its work with the goal of drafting, at the earliest possible date, an international convention against the recruitment, use, financing and training of mercenaries;
3. Requests the Committee, while accomplishing its mandate, to examine the suggestions and proposals of Member States, bearing in mind the views and comments submitted to the Secretary-General and those having been expressed during the

thirty-sixth session of the General Assembly in the course of the debates in the Sixth Committee devoted to the consideration of the report of the Ad Hoc Committee;

4. Requests the Secretary-General to make available to the Committee at its next session the texts of the conventions elaborated by international and regional organizations dealing with mercenaries, as well as any other relevant documentation;

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

6. Requests the Committee to present its report to the General Assembly at its thirty-seventh session;

7. Decides to include in the provisional agenda of its thirty-seventh 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".
