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Chairman: Mr. GASTLI (Tunisia)

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MERCENARIES (continued)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 129: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES (continued) (A/38/43, A/38/106-S/15628, A/38/135-S/15678, A/38/327-S/15911, A/38/371-S/15944, A/38/432-S/15992, A/38/507-S/16044)

1. Mr. SHELLID (Libyan Arab Jamahiriya) said that the international community was well aware of the threat to the peace and security of countries, particularly developing countries, posed by the activities of mercenaries, who killed, committed acts of genocide, destabilized independent States and suppressed national liberation movements. Those atrocities had been condemned in numerous resolutions of the United Nations and the Organization of African Unity, and the majority of the States Members of the United Nations shared a desire to draft a convention against the recruitment, use, financing and training of mercenaries. African countries suffered from acts of sabotage intended to stem the struggle for liberation, while the imperialist countries, particularly the racist South African régime, employed mercenaries in violation of the principle of non-interference in the internal affairs of States, thus impeding the exercise of the right of self-determination.

2. The activities of mercenaries were contrary to the United Nations Charter and the norms of international law. His country therefore supported the drafting of a convention on the subject, welcomed the submission by Nigeria of a text aimed at prohibiting all such crimes and was prepared to co-operate with all peace-loving countries in promoting progress on the matter in the Sixth Committee and the two Working Groups established by the Ad Hoc Committee. It condemned the use of mercenaries, as well as all other methods employed by imperialism to frustrate the movement of peoples towards independence and had taken an active part in regional and international efforts to combat mercenarism, including the Security Council Special Mission to the People's Republic of Benin established under resolution 404 (1977), of which it had been a member.

3. The revised text of the Nigerian working paper provided a good basis for the work of the Ad Hoc Committee, and he hoped that it would enable the latter to complete the drafting of a convention which would take account of all relevant international instruments, including General Assembly and Security Council resolutions, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Definition of Aggression and the OAU Convention for the Elimination of Mercenarism in Africa.

4. The definition of the term "mercenary" should cover both situations of armed conflict and peace-time situations and should take into account the definition contained in article 47, paragraph 2, of Additional Protocol I to the Geneva Conventions of 1949. The future convention must also establish the responsibility of States involved in the recruitment, use, financing and training of mercenaries and should specify the obligations of States, including the obligation to adopt domestic legislation prohibiting and penalizing mercenary activities. In addition, mercenaries must not be accorded combatant or prisoner of war status.

(Mr. Shellid, Libyan Arab Jamahiriya)

5. Since the losses suffered by countries as a result of the activities of mercenaries were generally severe, the future convention must provide for damage reparation. That would be in keeping with international law and established practice, as reflected in, for example, Security Council resolution 527 (1982), which had required South Africa to compensate Lesotho for the damage to life and property resulting from its aggression against that country. His delegation also considered that the parties to a dispute should make every effort to avoid endangering international peace and security and should strive to resolve their differences peacefully, either bilaterally or within a regional framework.
6. In the view of his delegation, the mandate of the Ad Hoc Committee should be renewed so that it could complete its work of drafting a convention to be adopted at a future session of the General Assembly.
7. Mr. RASON (Madagascar) said that the articles on the use of terms would be the key provisions of the future convention. The definition of the term "mercenary" in article 47, paragraph 2, of Additional Protocol I to the Geneva Conventions of 1949 was inadequate, in that it related only to situations of armed conflict. Mercenaries were active in peace-time too. They were often involved in acts of aggression against sovereign States, subversion, interference in the internal affairs of States, attempts to destabilize Governments and attempts to neutralize liberation movements that were struggling against colonialism and foreign domination. The definitions in the future convention should encompass all those elements.
8. Some delegations had contended that the mercenaries themselves were solely and individually liable for their acts. His delegation disagreed. Any State from whose territory mercenaries organized raids into the territory of another State or which used mercenaries for armed attacks on another State was in violation of international law. Primary responsibility for the actions of mercenaries rested with the States and entities which recruited, trained, financed and dispatched them. Without such support, mercenaries could not exist. The future convention should therefore clearly define the obligation and responsibility of all States to prohibit the recruitment, financing and training of mercenaries in their territories, to punish both the participants and the organizers, to combat their activities and to co-operate in pursuing the goals of the convention by taking all necessary legislative and administrative measures.
9. His delegation hoped that the Ad Hoc Committee would be able to complete the definitions as soon as possible and to produce generally acceptable solutions in 1984.
10. Mr. ENKHASAIKHAN (Mongolia) expressed satisfaction at the outcome of the third session of the Ad Hoc Committee.
11. With the collapse of the colonial system, mercenaries had been increasingly used by imperialist Powers either to prolong certain colonial régimes or to keep newly independent States under their neo-colonialist exploitation and domination.

(Mr. Enkhasaikhan, Mongolia)

Though previously used mainly against national liberation movements and newly independent States in Africa, mercenaries were now being employed against some countries of Asia and Latin America, including Afghanistan, Viet Nam, Laos and Nicaragua. Governmental agencies were directly involved in the use of mercenaries against other States, particularly where a Government was not willing to involve its own regular armed forces in acts of aggression, punitive actions or other hostile acts and thus conveniently shifted that role to mercenaries. The governmental agency recruited, financed, trained, equipped and ultimately used them in the erroneous belief that its Government would thus be disassociated from all responsibility for the acts committed.

12. Mongolia, having itself been a victim of mercenary attacks in the first years of the revolution, strongly condemned the use of mercenaries and all other means employed by imperialism and other reactionary forces to halt the process of national and social liberation of peoples. It was universally recognized that mercenaries were criminals who arbitrarily deprived others of the fundamental right to life and committed serious acts of violence. Mercenary activity was the most appalling form of human degradation and represented a grave threat to the very existence of many newly independent States and to international peace and security in general. Mercenarism was recognized as an international crime against mankind and constituted a gross violation of such fundamental principles of contemporary international law as the right of peoples to self-determination, sovereignty, independence and territorial integrity, non-use of force and non-interference in the internal affairs of States.

13. An international convention would be the most appropriate and effective legal means of finally outlawing and eradicating mercenarism. The international community had already taken a first positive step in that direction in article 47 of Additional Protocol I to the 1949 Geneva Conventions. The next logical step would be the conclusion of a universal convention outlawing all manifestations of mercenarism, whether or not they occurred during armed conflicts. Ironically, the zealous defenders of "human rights" in the West were the very ones that hired and made use of mercenaries to achieve their own imperialist, colonialist and neo-colonialist designs.

14. With regard to the report of the Ad Hoc Committee (A/38/43), his delegation supported the approach taken by Working Group A and considered that, when defining the term "mercenary", the convention should cover both situations of armed conflict and peace-time situations and should specify the offences or activities to be prohibited. The approach proposed by certain delegations whereby individuals operating in situations outside armed conflicts would be regarded as common criminals was unacceptable, since it would limit the scope of the convention and render it virtually meaningless. Article 2 of the draft contained in paragraph 56 of the report could serve as a good basis for defining those mercenaries who would not fall within the scope of article 47, paragraph 2, of Additional Protocol I to the Geneva Conventions. It should also be noted that, as recent events in Central America showed, the mercenary did not necessarily have to be a foreigner but could be a national or resident of a State against which hostile acts were carried out.

(Mr. Enkhasaikhan, Mongolia)

15. The definition of "hostile acts" should be as broad as possible, in order not to leave any loopholes. In that connection, his delegation suggested that "punitive actions" should be added to the five types of activities enumerated in draft article 2, paragraph 2. It welcomed the inclusion of paragraph 2 (e) in draft article 2, since it was not unusual for mercenaries to be used to destabilize a State by carrying out economic sabotage, as had been done by the CIA in Nicaragua.

16. Draft articles 3, 4 and 5 could serve as a good basis for the comprehensive prohibition of all possible acts and attempts that mercenaries could engage in. His delegation could not agree that a person should be considered to be a "mercenary" only when he had actually carried out the criminal activities specified in the future convention. If that was the case, individuals who for one reason or another, including technical reasons, had been unable or had failed to perpetrate a planned crime would be able to escape justice. Moreover, since the mercenaries would not be brought to justice, those who had hired, trained, financed and dispatched them would also evade responsibility.

17. Draft article 6 was one of the most important articles of the future convention, because, in order for the convention to be effective, it was essential to establish the responsibility of States which did not prevent their nationals from being hired as mercenaries, permitted persons to be recruited, trained, financed or transported within their territory or in any other way promoted their criminal activities. Before committing their crimes, mercenaries underwent special preparations, and States therefore had the possibility of taking preventive actions. Similarly, advertising and the publishing of information designed to facilitate the recruitment, use, financing or training of mercenaries should be banned completely. In cases like that of Central America, where a certain Government was engaged in overthrowing the Government of another State by recruiting, equipping, financing and training armed bands, the former Government should be held directly responsible for the acts of mercenaries, irrespective of their nationality. The future convention should specifically provide that States engaged in mercenary or related activities in any manner would be held responsible for those activities. In view of the fact that there were still in one particular country some statesmen who considered covert actions a "part of government" and a right which a State might exercise when it believed that its interests were best served by them, and others who, although recognizing such actions to be illegal and running counter to the international obligations of that country, seemed to feel that the latter should not be held responsible for them, the need for such an unequivocal provision was apparent. At its next session, the Ad Hoc Committee should concentrate greater attention on that important issue.

18. It was clear from section III of the report that Working Group B had done much useful work on questions relating to preventive measures, damage reparation and settlement of disputes, and he hoped that it would be able to complete that work in the near future.

19. His delegation supported the view that the Committee's mandate should be renewed and that the Committee should be asked to speed up its work of drafting an international convention outlawing the use of mercenaries and mercenarism.

20. Mr. SANGSOMSAK (Lao People's Democratic Republic) said that mercenarism had become a particularly serious problem as a result of the aggressive policies of the colonialist and imperialist Powers against national liberation movements and developing countries which had chosen the road of justice, equality and social progress. Nursing illusions of regaining their lost positions and re-establishing their former domination, those Powers used mercenarism as a new means of subverting and destabilizing Governments whose policy was not acceptable to them. Mercenarism was the most abominable manifestation of the use of force and represented a constant danger for the small and medium-sized countries of the third world. Several African and Asian countries had been the victims of aggression in recent years, while, in Central America, Cuba and Nicaragua were threatened by an imminent invasion of mercenaries trained and organized in the territory of their large neighbour. His own country had been subjected to hostile acts on the part of mercenaries financed by certain Powers, including subversion and acts of sabotage against its economic and social infrastructures. It therefore vigorously condemned mercenarism and stressed the urgent need for an international convention to eliminate it for ever. However, certain Western countries, despite hypocritical statements in favour of such a convention, continued to employ all sorts of pretexts to obstruct the drafting of one, or at least to limit its scope.

21. The Ad Hoc Committee had made some satisfactory progress, and his delegation was particularly encouraged by the draft articles submitted by Working Group A as contained in paragraph 56 of the report. That draft was a balanced text and could serve as a basis for future discussion. His delegation welcomed the fact that two articles were devoted to defining the term "mercenary", both in relation to international armed conflicts and in peace-time, which meant that the convention could cover the question of mercenaries in its entirety, since it was a fact that mercenary activities against developing countries and peoples fighting for national independence had been carried out in peace-time. Since it was not necessary to specify the nationality of mercenaries, his delegation felt that paragraph 1 (d) of article 2 should be deleted, especially as paragraph 1 (a) dealt comprehensively with the same question. The deletion of paragraph 1 (d) would extend the scope of the future convention to cover mercenaries of every kind, including those recruited among exiles to carry out acts of destabilization and subversion against their country of origin.

22. His delegation was gratified that it had finally been recognized that any person guilty in peace-time of the crimes set forth in articles 2 and 3 would be punished as a mercenary. That provision had thwarted the efforts of certain countries to treat mercenaries acting in situations other than armed conflicts as common criminals. According to that logic, there was no need to draft a convention on mercenarism, since it was not necessary to be a mercenary in order to be prosecuted for violent crimes. It was no secret why those countries protected mercenaries: they were the tools with which they carried out their policy of intervention, domination and exploitation.

23. Draft article 6 was the corner-stone of the future convention because it imposed a number of obligations on States, which should be strictly prohibited from carrying out illegal or hostile activities against other States or tolerating

(Mr. Sangsomsak, Lao People's
Democratic Republic)

preparations within their territory for mercenary operations abroad. The future convention should establish not only the criminal responsibility of the mercenary but also the international responsibility of States, since the individual could not act without the co-operation of the State. That was the only effective way of discouraging States from involvement in mercenary activities, and it would also oblige States to take the necessary legislative and administrative measures to prevent and prohibit the crime of mercenarism. It was interesting to note that the countries opposed to that crucial provision were those which had most frequently used the services of mercenaries or which allowed them to be recruited and trained in their territory.

24. His delegation was encouraged by the discussion in Working Group B and hoped that the Group would make further progress at the next session of the Ad Hoc Committee. In view of the progress achieved by the two Working Groups, the Committee's mandate should be renewed so that it could complete the task entrusted to it by the General Assembly.

25. Mr. ECONOMIDES (Greece), speaking on behalf of the 10 States members of the European Economic Community, said that those States strongly condemned the use of mercenaries and hoped that the ongoing negotiations would soon lead to the drafting of a universally acceptable convention.

26. At its last session, the Ad Hoc Committee had made encouraging progress towards reaching agreement on the definition of the term "mercenary" and establishing the scope of the future convention, particularly with regard to reprehensible activities taking place outside armed conflicts. The States members of EEC welcomed the increasingly clear distinction that was being made between the responsibility of individuals and the responsibility of States, and also the proposal by the Italian delegation that the future convention should not affect existing humanitarian law as a whole. Together with the working paper submitted by Nigeria, the draft convention submitted by France (A/38/43, annex) would provide a good basis for the Ad Hoc Committee's future work.

27. However, it must be recognized that there were still political and legal difficulties ahead. For example, provisions that were to be incorporated in domestic criminal legislation must be worded as precisely as possible. In addition, as a number of delegations had noted, there was beginning to be an increasing interplay among the draft provisions, so that from now on it would be difficult to deal with political and technical issues separately. However, the prospects for reaching agreement on the outstanding issues were good, and the States members of EEC were therefore in favour of extending the Ad Hoc Committee's mandate.

28. Mr. BIZIMANA (Rwanda) said that his delegation was in favour of extending the Ad Hoc Committee's mandate and hoped that its next session would constitute a decisive step forward in the drafting of the future convention, which would help to reinforce the efforts undertaken at the regional level, particularly within the Organization of African Unity.

(Mr. Bizimana, Rwanda)

29. The definition of the term "mercenary" should be both flexible and precise and should take account of mercenary acts in peace-time and in situations of both international and non-international armed conflict. Furthermore, the measures to be adopted by States with a view to preventing mercenary acts should be specified in the future convention. Particular attention should also be paid to the question of damage reparation following violations by States of their obligations under the convention. His delegation would endorse any proposal or initiative aimed at deterring and eliminating mercenary acts.

30. Mr. CONNELL (Barbados) said that a disturbingly large number of new States in Africa, Asia and the Caribbean had already been the targets either of mercenary attacks or threats of such attacks, the manner of which had sometimes been unique. Mercenary attacks were inspired and facilitated by the economic, strategic and infrastructural vulnerability of the newly independent States.

31. In view of the growing complexity of the issue, his delegation was in favour of retaining the dichotomy in the definition of a mercenary reflected in articles 1 and 2 of the text contained in conference room paper A/AC.207/1983/CRP.5 (A/38/43, para. 30). The definition of a "hostile act" laid down in article 3 of that text should be expanded to cover, as proposed by the delegation of the Bahamas, "armed violence to bring about the secession of part or parts of a State's territory" (*ibid.*, para. 23). In some instances, articles 2 to 6 in conference room paper A/AC.207/1983/CRP.5 contained no more than a bare outline of the relevant concepts, but drafting niceties should not be permitted to hold the Ad Hoc Committee back unduly in its work.

32. On the other hand, where the liberty of the human person was involved, every word should be carefully weighed; one example of that was the word "knowingly". Careful reflection was called for before creating crimes of strict liability that did not require a mental element to accompany the actus reus. At the broader level of the convention as a whole, it was necessary to decide how specific the Ad Hoc Committee needed to be in preparing its draft.

33. A close reading of article 15 of the draft submitted by Nigeria indicated that damage reparation was not unreasonable, since it was the ultimate recourse. That article was in keeping with the well-established principle that breach of an international obligation entailed international responsibility. Perhaps some delegations believed that the statement of that principle in the draft text would serve no practical purpose. However, the International Law Commission had recently reaffirmed a similar principle in its draft articles on State responsibility.

34. His delegation hoped that an appropriate sense of urgency would lead to early agreement on a draft acceptable to all concerned, and believed that the Ad Hoc Committee's mandate should be renewed.

35. Mr. AMORIN (Uruguay) said that little substantive progress had been made in the Ad Hoc Committee's work owing to the fact that there were two basically different approaches to the drafting of the future convention. Those who favoured

(Mr. Amorin, Uruguay)

a comprehensive approach believed that the convention should cover all issues related to mercenary activities, while others considered that, basically, only mercenary acts proper and recruitment should be punishable under the convention and that a secondary status should be accorded to related activities. His delegation, which was in favour of the comprehensive approach, was willing to co-operate with other delegations in an endeavour to establish common ground and reach agreement on the most controversial issues.

36. In his delegation's view, article 1 of the draft introduced by the Chairman of Working Group A (A/38/43, para. 56) concerned international conflicts, within the meaning of the Geneva Conventions of 1949 and the Additional Protocols to those Conventions. His delegation also believed that mercenary acts committed outside the context of armed conflicts should be punishable under the future convention, since they were acts that had a serious impact on a great number of developing countries. Furthermore, it endorsed the views reflected in draft article 2, paragraph 2 concerning mercenary acts and believed that the Ad Hoc Committee should define such acts more specifically. It was most important to identify precisely the legal rights affected by mercenary acts, especially the sovereignty of States and the self-determination of peoples, the safeguarding of which should be the primary purpose of the future convention. The principal offences made punishable under the convention should include, in addition to mercenarism, the recruitment, use, financing and training of mercenaries, while the acts referred to in draft article 4 should be regarded as acts constituting aggravating circumstances.

37. With regard to the matters dealt with by Working Group B, his delegation was in favour of recourse to the International Court of Justice as a means of settling disputes. However, if a State would not accept judicial recourse, it should be required to use the means of settling disputes provided for in Article 33 of the Charter of the United Nations. Furthermore, his delegation shared the views expressed in article 15 of the working paper submitted by Nigeria.

38. In view of the considerations to which he had referred, his delegation considered it desirable that the Ad Hoc Committee's mandate should be extended.

39. Mr. WABUGE (Kenya) noted that the Ad Hoc Committee had dispensed with a general debate and that most negotiations had taken place within the Working Groups. That was a trend to be encouraged.

40. Perpetrators of the crime of mercenarism were clearly identifiable by the international community. Mercenary activities, which had had a devastating effect in Africa, included the indiscriminate massacre of innocent civilians, destabilization of States and wanton destruction of property.

41. The Ad Hoc Committee had made marginal progress at its 1983 session, and his delegation believed that it should not be an insurmountable task for it to arrive at a viable definition of a mercenary. For the purposes of the future convention, the definition provided in Additional Protocol I to the Geneva Conventions of 1949 should be expanded, and it should be made clear that that definition was not

(Mr. Wabuge, Kenya)

applicable in the case of internal armed conflicts. Article 47, paragraph 2, of the Protocol should in fact be used simply as a point of reference. Furthermore, rather than actual participation in hostilities, the primary criterion for determining whether an individual or an entity was involved in mercenary activities should be the intention to participate in such activities or the provision of assistance in that connection. With regard to the commission of offences constituting a crime against the peace and security of a State, his delegation supported the views expressed in paragraph 47 of the Ad Hoc Committee's report.

42. His delegation also endorsed the view expressed in the report of Working Group B that, upon becoming parties to the future convention, States should prohibit mercenary activities through legislative, administrative and other measures. States should be able to apprehend any person in transit who was reasonably believed to be involved in mercenary activities. In that connection, his delegation still preferred the formulation in article 8 of the Nigerian draft. On the question of damage reparation, it endorsed the views expressed in paragraph 74 of the report. Lastly, the Ad Hoc Committee should concentrate on the controversial substantive matters before deciding what type of machinery should be adopted for the settlement of disputes.

43. His delegation was in favour of extending the Ad Hoc Committee's mandate and would like that Committee to be expressly instructed to complete its work as soon as possible.

44. Mr. KOLONA (Mozambique) noted that the Ad Hoc Committee had examined, inter alia, document A/AC.207/1983/CRP.5, which was reproduced in paragraph 30 of its report (A/38/43), and said that Mozambique would welcome an international legal instrument aimed at halting activities such as those referred to in article 3 of that conference room paper. It could not be denied that the recruitment, financing, training and use of persons to carry out such activities, particularly against developing countries and national liberation movements, seriously threatened international peace, security and stability. The apartheid régime of South Africa, in pursuing its policy of destabilization and aggression against its neighbours, often resorted to such methods, and there were many other examples of the phenomenon in Asia and Latin America, particularly Nicaragua. No doubt the proponents of an international convention were concerned about that kind of situation.

45. The choice of the term "mercenary" in reference to any person engaged in the activities referred to in article 3 of the conference room paper was unfortunate and had created serious difficulties for the Ad Hoc Committee. The definition of that term contained in article 47, paragraph 2, of Additional Protocol I to the Geneva Conventions of 1949 did not cover situations other than those of armed conflict. Such other situations were of major concern to most developing countries, which were often the victims of the activities referred to in article 3 of the conference room paper. Given the tenor of General Assembly resolution 35/48 and the existence of an international legal régime relating to mercenaries in situations of armed conflict, it was clear that the primary aim of the future

(Mr. Koloma, Mozambique)

convention should be to provide an international legal régime relating to mercenaries in other situations. The main problem facing the Ad Hoc Committee was how to harmonize aspects relating to the two types of situation.

46. One possible solution to that problem would be to prepare a completely new definition of the term "mercenary" that would take into account the dimensions of the activities referred to in article 3 of document A/AC.207/1983/CRP.5. A second possible solution would be to retain the definition contained in Additional Protocol I and to formulate a second definition to cover situations other than those of armed conflict. A third solution would be to designate by a different term persons who carried out the activities referred to in article 3 of the conference room paper and to outlaw such activities in a completely different international legal instrument.

47. The second solution would lead to two international legal régimes: one applicable to situations of armed conflict, the second applicable to other situations. Should that solution be adopted, special care would have to be taken to prevent interference between the two international régimes.

48. If it proved impossible to apply the third solution, Mozambique, which was fully aware that a compromise might be necessary would go along with the Nigerian draft.

49. The draft articles reproduced in paragraph 56 of the Ad Hoc Committee's report had been proposed as a basis for future work. As far as article 2 was concerned, his delegation believed that the words "or a resident" should be deleted from paragraph 1 (d). While it welcomed paragraph 2 (b) of article 3, it would like to see the retention of the words "a person or group of persons" and the deletion of the words "a mercenary".

50. An international convention on the question of mercenaries should not remain silent on the legal status of mercenaries. His delegation therefore welcomed article 5 of the Nigerian draft (A/38/43, para. 77).

51. A mercenary was an agent who was paid to carry out orders. From the legal standpoint, the employer or employers of the mercenary bore the greatest responsibility for the mercenary's actions. His delegation hoped that the future convention would take into account that very important aspect of legal responsibility. The establishment of legal responsibility required a determination as to the legal status of the actions of the mercenary. That requirement was met in the Nigerian and French draft conventions, but not in the draft articles reproduced in paragraph 56 of the Ad Hoc Committee's report. It was not too late for those draft articles to be improved.

52. Mozambique would like to see the Ad Hoc Committee's mandate renewed.

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53. Mr. ROMANOV (Secretary of the Committee) said that, according to the Committee's programme of work (A/C.6/38/2), item 121 (Progressive development of the principles and norms of international law relating to the new international economic order) was to be considered on 25 and 26 October. The Executive Director of UNITAR would be prepared to introduce the item at the 25th meeting of the Committee.

54. Mr. CALERO RODRIGUES (Brazil) said that his delegation had no objection to the introduction of item 121 at the next meeting. It was a good idea to allow delegations some time after the introduction of an item to prepare for the actual debate.

55. Brazil believed that the Committee should review its recent practice of discussing two very different items at the same meeting. The debate on item 120 (Consideration of the draft articles on most-favoured-nation clauses) had been adversely affected by consideration of the more interesting item 129 (Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries). In future, the Committee should try to avoid discussing such unrelated items at one and the same meeting.

56. The General Assembly was approaching the mid-point of its current session, and yet the Sixth Committee had elected only one Vice-Chairman. Every effort must be made to persuade the States concerned to submit their nominations as soon as possible.

57. His delegation was interested in knowing when the Working Group on the Review of the Multilateral Treaty-Making Process would begin its meetings. If the Working Group was to be truly productive, it should meet early in the session.

58. The CHAIRMAN said he was sure that the Committee attached equal importance to items 120 and 129. Although more delegations had addressed themselves to the question of mercenaries, those that had made statements on the most-favoured-nation clause had covered a wide range of political, economic and legal aspects. The purpose of discussing two items at the same meeting was to expedite progress on both of them. By hearing the introduction of item 121 at the 25th meeting, the Committee would be adhering to its programme of work and allowing members sufficient time to prepare their statements.

59. With respect to the election of the second Vice-Chairman, he had on three occasions appealed to the groups concerned to continue their consultations with a view to submitting their nominations as soon as possible. In the hope that the nominations would be forthcoming, he had not asked the President of the General Assembly to intervene. He again appealed to those concerned to make haste.

60. Consultations were under way with regard to the Working Group on the Review of the Multilateral Treaty-Making Process. The African Group in the Committee had held a meeting on the question, and he hoped to be able to report on the outcome of that meeting shortly.

The meeting rose at 12.45 p.m.