

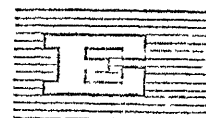
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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Report of the Secretary-General

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I. Introduction

1. In its resolution 1983/4 of 15 February 1983, the Commission on Human Rights, inter alia, reaffirmed the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movements by all available means as well as the inalienable right of the people of Namibia to self-determination, freedom and national independence. It also reaffirmed once again that the practice of using mercenaries against national liberation movements and sovereign States constituted a criminal act and that the mercenaries themselves were criminals, and called upon Governments to enact legislation declaring the recruitment, financing and training of mercenaries in their territory, and their transit through it, to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General.
2. The present report contains summaries of replies received as of 15 November 1983 from Governments on action taken pursuant to the above-mentioned resolution. ^{1/} Any additional replies will be reproduced as agenda to the present document.

II. Summaries of replies received from Governments under Commission resolution 1983/4

BAHAMAS

[Original: ENGLISH]

[19 August 1983]

3. While there are no laws at present in the Commonwealth of the Bahamas which deal solely with the subject of mercenaries, it is dealt with under legislation at present in force in the Bahamas. The issue of the recruitment of mercenaries is to some extent regulated by the United Kingdom Foreign Enlistment Act 1870 which was extended to the Bahamas. Section 4 of that Act could be said in essence to prohibit, under penalty, Bahamian from accepting or agreeing to accept any commission or engagement in the military or naval service of any foreign State at war with any foreign State at peace with Her Majesty in right of the Bahamas. That Act defines a "Foreign State" as "any person or persons exercising or assuming to exercise the powers of Government in or over any Foreign Country or people".
4. With respect to the aspect of the training of mercenaries in the Commonwealth of the Bahamas, the following sections of the Penal Code Act, chapter 48, are applicable:

- "442. If three or more persons meet or are together for the purposes of military training or exercise, without the permission of the Governor-General or of some officer or person authorized by law to give such permission, each of them is guilty of a misdemeanour.
- "443. (1) If any person is within the Bahamas obtaining or attempting to obtain recruits for the service of any foreign State in any capacity, the Governor-General may by Order, either prohibit such person from so doing, or permit him to do so subject to any **conditions which** the Governor-General thinks fit to impose.

^{1/} The full texts of the replies received are available for consultation in the files of the United Nations Secretariat.

- (2) The Governor-General may from time to time, by Order published in the Gazette, either prohibit recruiting for the service of any foreign States, or impose upon such recruiting any conditions which he thinks fit.
- (3) Whoever, in violation of the prohibition of the Governor-General or of any condition subject to which permission to recruit may have been accorded:
 - (a) induces, or attempts to induce, any person to accept, or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign State;
 - (b) knowingly aids in the engagement of any person so induced by forwarding or conveying him, or by advancing money, or in any other way whatever;

shall be liable to imprisonment for seven years, or to fine to such amount as the court thinks fit, or to both.

"444A. Any person who:

- (a) meets, or is together with, two or more persons any one or more of whom is armed with any explosive, firearm or other offensive weapon or dressed in uniform or with accoutrements of a military nature;
- (b) meets, or is together with, two or more persons for military training or exercise; or
- (c) collects, stores or distributes explosives, firearms or other offensive weapons, or uniforms, accoutrements or other stores of a military nature;

in such circumstances as to give rise to reasonable suspicion that his purpose is to coerce the Government of the Bahamas or the Government of any foreign State with which Her Majesty is at peace, or to make or facilitate an invasion or an armed attack upon the territories of such country of the Commonwealth or foreign State, and fails to satisfy the Court that such was not his purpose, shall be liable to imprisonment for a term not exceeding 20 years."

5. Furthermore the criminal offence of conspiracy may well be committed by persons who in the Bahamas conspire to commit a crime abroad which is one for which an indictment would lie here.

6. In addition the Firearms Act 1969 prohibits generally the possession of firearms by persons in the Bahamas unless they hold the relevant Bahamian licences.

BELIZE

[Original: English]

[25 September 1983]

7. There is no legislation in Belize that directly addresses the mercenary question. However, certain sections of the laws of Belize can deal with such a situation should the need arise.

8. The following ordinances of the laws guarantee action against possible mercenary activities:

1. CRIMINAL CODE - ORDINANCE 13 1976

Section 18

"Every person who prepares or supplies or has in his possession, custody or control or is in the possession, custody or control of any other person on his behalf, any instruments, materials or means, with a purpose that such instruments, materials or means may be used by him or by any other person in committing any crime by which life is likely to be endangered ... shall be liable to punishment in like manner as if he had attempted to commit that crime, and any such instruments, materials and means shall be forfeited and applied as the law directs."

Section 226

"If three or more persons meet or be together for purposes of military training and exercise without the permission of the Government of Belize, or some officer or person authorized by the law to give such permission, each of them is guilty of a misdemeanour."

2. IMMIGRATION ORDINANCE CH. 163

Under this ordinance a prohibited immigrant include:

"any member of a class or persons deemed by the Minister on economic grounds or on account of standard or habits of life to be undesirable immigrants and so declared by order published in the Gazette".

3. WAR MATERIAL ORDINANCE CH, 175

Section 3

"It shall be lawful for the Minister from time to time by proclamation to prohibit absolutely the sale within Belize, and the importation, either by land or sea, or both, into Belize of any war material, for such time as may be specified in the proclamation, or to allow the sale or importation of any war material only on the conditions stated in the proclamation."

4. Section 1

"Every person who contravenes the provision of any proclamation ... shall be guilty of a misdemeanour.

9. In addition, this ordinance also prohibits the exportation of war material, authorizes the search of vessels trading to and from Belize and to stop and detain any vessel having on board war materials.

BENIN

[Original: French]

[4 July 1983]

10. The People's Republic of Benin has always condemned the practice of using mercenaries against national liberation movements and sovereign States (Benin was the victim of an invasion by mercenaries on Sunday, 16 January 1977).

11. The position of the People's Republic of Benin in this regard is reflected in its ratification of the OAU Convention for the Elimination of Mercenarism in Africa. Since being ratified, this Convention has had the force of law in Benin.

12. Please find attached a copy of Ordinance No. 79-4 of 17 January 1979 relating to Benin's ratification of this Convention.

CAPE VERDE

[Original: Portuguese]
[4 August 1983]

13. The Government stated that at present Cape Verde has no specific legislation concerning mercenaries but in the very near future such legislation would be drafted.

CENTRAL AFRICAN REPUBLIC

[Original: French]
[16 September 1983]

14. The Military Committee for National Recovery of the Central African Republic endorses all resolutions designed to ensure the progressive exercise of the right to self-determination by peoples subject to colonial, foreign or external domination and their accession to the status of sovereign, independent States.

15. It strongly reaffirms its solidarity with the independent countries and national liberation movements which have been the victims of murderous attacks by colonial regimes.

16. Lastly, the Government of the Central African Republic condemns and will always condemn the policy of using mercenaries against sovereign States and national liberation movements.

CUBA

[Original: Spanish]
[2 June 1983]

17. In this respect, I am pleased to confirm that the statement made by the Republic of Cuba in its note of 21 July 1982 regarding legislation enacted by governments declaring the recruitment, financing and training of mercenaries in their territory, and their transit through it, to be punishable offences, and prohibiting their nationals from serving as mercenaries, remains valid at the present time. It is believed that this information will be of use to the United Nations Secretary-General for the purposes of the report which he has to prepare.

18. The Republic of Cuba wishes to take the opportunity to reiterate its full support for the work being done by the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries and, at the same time, would like to stress the importance of declaring mercenary activity to be an offence under international law and the responsibility of States for the recruitment, financing and training of mercenaries as an instrument of imperialist aggression for maintaining oppression and exploitation in various countries of Asia, Africa and the Americas.

GERMAN DEMOCRATIC REPUBLIC

[Original: English]
[2 August 1983]

19. The Government referred to its reply of 4 June 1982 on the same matter and stated that that reply should be considered relevant to the present report. The summary of reply can be found in document E/CN.4/1982/13.

MEXICO

[Original: English]

[29 July 1983]

20. The Mexican State considers that its legislation contains adequate provisions covering the problem of mercenaries; although these provisions do not specify that the relevant penalties will be applied to "mercenaries", the point is clear.

21. The activities of mercenaries are illegal and hence contrary to international law. Accordingly, the Mexican State has included in its Constitution the following provisions applicable to such matters:

"Article 9. The right to associate or assembly peacefully for any lawful purpose cannot be restricted; however, only citizens of the Republic may so associate or assemble, in order to take part in the political affairs of the country. No armed meeting shall have the right to deliberate."

"..."

It may be seen from this provision that no armed group or band, whether or not formed of Mexicans, has the right to deliberate in the country.

"Article 10. The inhabitants of the United Mexican States are entitled to possess weapons in their home, for the purposes of their security and self-defence ..."

This article grants Mexicans alone the right to possess weapons, but only for the purpose of protecting their own lives and the lives of their families.

22. One of the obligations imposed on Mexicans by the Constitution is the following:

"To enlist and serve in the National Guard in accordance with the relevant Organizational Law, for the purpose of preserving and defending the independence, territory, honour, rights and interests of the country, as well as internal peace and order" (article 31, section III).

23. Article 35 of the Constitution mentions, among the prerogatives of Mexican citizens, that of "Serving in the Army or the National Guard for the defence of the Republic and its institutions ..." (section IV).

24. It can be seen from the foregoing provisions of the Constitution that the law seeks to protect "national sovereignty", and only when this is endangered may Mexicans enlist in the armed forces to defend it.

"Article 122. The Powers of the Union have a duty to protect the States against any invasion or violence from abroad ...

["...]

"Article 129. [Paragraph 1 states that] in time of peace, no military authority may exercise functions other than those directly related to military discipline ..."

25. With regard to secondary legislation, articles 29 and 30 of the Organizational Law for the Federal Civil Service provide that the Departments of National Defence and the Navy shall have exclusive responsibility for organizing, administering and

preparing the Army, the Air Force and the Navy, for planning, directing and managing national mobilization in the event of war, for drawing up and implementing, as appropriate, plans and orders necessary for the defence of the country, and for directing and advising on civil defence, as well as for matters connected with technical military training, the organization of military service and Army and Navy reserves. They are also responsible for matters pertaining to the possession of firearms and the issue of permits for trade in and transport, storage, import and export of all kinds of firearms, munitions, explosives, chemical weapons, incendiaries and strategic materials.

26. With regard to the regulations giving effect to the Mexican Constitution, article 31 of the Nationality and Naturalization Act provides that "foreigners shall be exempt from military service but those residing in Mexico shall be obliged to exercise vigilance in respect of the safety of property and the maintenance of order in the locality where they reside".

27. Article 160 of the Organizational Act for the Army and the Air Force states that "persons enrolling in military training institutions must be Mexican by birth, except in the case of foreigners who are admitted to carry out appropriate studies".

28. Article 216 of the Code of Military Justice states: "Anyone who, without authorization, recruits troops in the Republic or who mans and arms privateering vessels for the service of a foreign power shall be liable to a term of imprisonment".

29. Among offences against national security which are related to mercenaries' activities, the Mexican Criminal Code mentions the following:

"Article 123. The penalty of 5 to 40 years' imprisonment and a fine of up to 50,000 pesos shall be imposed on any Mexican who betrays his country in any of the following ways:

"I. Performing acts detrimental to the independence, sovereignty or integrity of the Mexican nation with the aim of subjecting it to a foreign individual, group or government;

"II. Participating in hostile acts directed against the nation through warlike actions carried out on the orders of a foreign State or co-operating with that State in some way which may be harmful to Mexico.

"In the case of Mexicans serving in the ranks of the armed forces, a penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos shall be imposed.

"III. Forming part of armed groups directed or advised by foreigners and organized inside or outside the country, when their aim is to undermine the independence, sovereignty, freedom or territorial integrity of the Republic or to invade Mexican territory, even where war has not been declared;

"IV. Destroying or fraudulently removing signs marking the borders of Mexico or creating confusion in their regard, when such action gives rise to conflicts for the Republic or the Republic is in a state of war;

"V. Recruiting individuals to make war on Mexico with the assistance or under the protection of a foreign government;

"VI. Maintaining relations or being in collusion with a foreign individual, group or government, whether in peacetime or wartime, or giving them instructions, information or advice with the aim of guiding a possible invasion of Mexican territory or disturbing internal peace;

"VII. Fraudulently and without permission supplying documents, instructions or information regarding military institutions or possible military activities to a foreign individual, group or government, whether in peacetime or wartime;

"VIII. Concealing or abetting a person committing acts of espionage in the knowledge that such acts are being committed;

"IX. Providing a foreign State or armed groups directed by foreigners with human or material resources to invade Mexican territory, or facilitating their entry into military premises or handing over to them or arranging to be handed over to them combat units or stores of victuals or war supplies, or preventing Mexican troops from receiving such assistance;

"X. Requesting a foreign State to intervene or establish a protectorate or requesting such State to make war on Mexico; if the action requested is not taken, the penalty shall be four to eight years' imprisonment and a fine of up to 10,000 pesos;

"XI. Calling upon individuals from another State to take up arms against Mexico or to invade Mexican territory, for whatever reason; if no such action is taken, the penalty of four to eight years' imprisonment and a fine of up to 10,000 pesos shall be applied.

"XII. Attempting to alienate or encumber Mexican territory or facilitating its dismemberment;

"XIII. Receiving or accepting a promise of a consideration for carrying out any of the acts referred to in this article;

"XIV. Accepting a post, office or assignment from the invader and suggesting, agreeing to or voting for measures designed to strengthen the intruder government and weaken the national government; and

"XV. Having war declared or hostilities terminated, sedition, mutiny, rebellion, terrorism, sabotage or conspiracy.

"Article 124. The penalty of 5 to 20 years' imprisonment and a fine of up to 25,000 pesos shall be imposed on any Mexican who:

"I. In contravention of the provisions of the Constitution, concludes or executes treaties or agreements for an offensive alliance with another State which lead or may lead Mexico into war with another State, or admitting foreign troops or military units into the country;

"II. In the event of a foreign invasion, helping to set up a de facto Government in places occupied by the enemy, whether by his vote, by participating in committees, by signing records or representations or by any other means;

"III. Accepting a post, office or assignment from the invader or, having lawfully obtained such a post, office or assignment in an occupied place, using it to further the interests of the invader; and

"IV. Involving Mexico in a foreign war through acts not authorized or approved by the Government, or exposing Mexicans to harassment or reprisals for this reason.

"Article 125. The penalty of 2 to 12 years' imprisonment and a fine of 1,000 to 20,000 pesos shall be imposed on anyone who incites the people to recognize the Government imposed by the invader or who accepts a foreign invasion or protectorate.

"Article 126. The same penalties shall be imposed on foreigners involved in the commission of the offences referred to in this chapter, apart from those provided for in article 123, subparagraphs VI and VII.

"Article 127. The penalty of 5 to 20 years' imprisonment and a fine of up to 50,000 pesos shall be imposed on any foreigner who in peacetime, with the aim of guiding a possible invasion of Mexican territory or disturbing internal peace, maintains relations or connives with a foreign individual, group or Government or gives them instructions, information or advice.

"The same penalty shall be imposed on a foreigner who, in peacetime, furnishes a foreign individual, group or Government with documents, instructions or any information concerning military institutions or possible military activities, without being authorized to do so.

"The penalty of 5 to 40 years' imprisonment and a fine of up to 50,000 pesos shall be imposed on any foreigner who, war having been declared against Mexico, or hostilities terminated, maintains relations or connives with the enemy or provides him with information, instructions or documents or any assistance which is in some way harmful or potentially harmful to the Mexican nation.
"...

"Article 131. The penalty of six months to seven years' imprisonment and a fine of up to 5,000 pesos shall be imposed on any persons who, with a view to exercising a right or on the pretext of exercising it or in order to avoid compliance with a law, hold a riotous gathering and disturb public order with the use of violence against persons or property, or threaten the authorities in order to intimidate them or compel them to take a particular decision.

"The penalty of 2 to 10 years' imprisonment and a fine of 15,000 pesos shall be imposed on anyone directing, organizing, inciting, compelling or providing economic backing to others with a view to the commission of the offence of mutiny.

"Article 132. The penalty of 2 to 20 years' imprisonment and a fine of 5,000 to 50,000 pesos shall be imposed on persons who, not being serving members of the armed forces, resort to armed violence in an attempt to:

"I. Abolish or reform the Political Constitution of the United Mexican States;

"II. Reform, destroy or prevent the formation of the constitutional institutions of the Federation, or their free exercise, and

"III. Remove from office any of the senior officials of the Federation mentioned in article 2 of the Act on the Responsibilities of Officials and Employees of the Federation and the Federal District and of the Senior Officials of the States or prevent them from exercising their functions.

"Article 133. The penalties prescribed in the preceding article shall be imposed on anyone residing in territory occupied by the Federal Government who, without being subjected to physical or psychological coercion, provides rebels with weapons, munitions, money, supplies and means of transport or communication or prevents Government troops from receiving such assistance. If the person concerned resides in territory occupied by the rebels, the prison term shall be six months to five years.

"Any official or public employee of the Federal or State Governments, the Municipalities, decentralized public bodies, enterprises partly owned by the State, or public, federal or local services who, being in possession of documents or reports of strategic interest by reason of his office, supplies them to rebels shall be liable to a penalty of 5 to 40 years imprisonment and a fine of 5,000 to 50,000 pesos.

"Article 134. The penalty of 2 to 20 years' imprisonment and a fine of 5,000 to 50,000 pesos shall be imposed on anyone who, not being a serving member of the armed forces, resorts to armed violence in order to attack the Government of one of the States of the Federation or its constitutional institutions or with the aim of removing from office a senior official of the State when, the Powers of the Union having taken the action prescribed in article 122 of the Political Constitution of the United Mexican States, the rebels do not lay down their arms.

"Article 135. The penalty of 1 to 20 years' imprisonment and a fine of up to 50,000 pesos shall be imposed on anyone who:

- I. In any way or by any means incites a rebellion;
- II. Being resident in territory occupied by the Government;
 - (a) Conceals or abets spies or scouts of the rebels, knowing them to be such;
 - (b) Maintains relations with the rebels with a view to providing them with information concerning military or other operations which is useful to them.
- III. Voluntarily serves in a post, holds an office or performs an assignment in a place occupied by the rebels, unless he has done so under coercion or for humanitarian reasons.

"...

"Article 139. Without prejudice to the penalties applicable to the resultant offences, the penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos shall be imposed on anyone who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, commits acts against individuals, property or public services which create alarm, fear or terror among the population or a group or sector thereof, with the aim of disturbing the public peace or impairing the authority of the State or exerting pressure on the authorities to induce them to take a particular decision.

"A penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos shall be imposed on anyone who, knowing of the activities and identity of a terrorist, fails to disclose them to the authorities.

"Article 140. A penalty of 2 to 20 years' imprisonment and a fine of 1,000 to 50,000 pesos shall be imposed on anyone who damages, destroys or unlawfully obstructs lines of communication, decentralized public services or enterprises partly owned by the State or installations thereof; iron and steel plants; electricity plant or plant of essential industries; centres for the production or distribution of necessities, weapons, munitions or military devices, with the aim of disrupting the country's economy or impairing its capacity to defend itself.

"A penalty of six months to five years' imprisonment and a fine of up to 5,000 pesos shall be imposed on anyone who, knowing of the activities and identity of a saboteur, fails to disclose them to the authorities."

30. In addition to the penalties laid down in the relevant provisions, the offenders, if Mexican, shall have their political rights suspended for a period of up to 10 years reckoned from the completion of their sentence; for the offences of treason and espionage, such rights shall be suspended for up to 40 years.

31. On 1 March 1983, the Government of Mexico deposited its instrument of accession to Additional Protocol I (1977) to the Geneva Conventions of 12 August 1949 relating to the protection of victims of international armed conflict in which a definition of mercenaries is given and their activities are punished. In accordance with article 133 of the Political Constitution of Mexico, treaties already concluded or to be concluded by the President of the Republic and approved by the Senate of the Republic shall be the supreme law of the land and consequently must be enforced.

32. It may be seen from the foregoing that the Mexican legal order prescribes several penalties for conduct which in any way endangers the internal or external security of the Mexican Republic, and such penalties adequately cover any activity for the recruitment, financing or training of mercenaries with the aim of attacking another nation.

ST. VINCENT AND THE GRENADINES

[Original: English]

[19 July 1983]

33. St. Vincent and the Grenadines have no legislation concerning the recruitment, financing and training of mercenaries. However, the Attorney General proposes to examine the documents submitted on the subject with a view to preparing legislation relevant to St. Vincent and the Grenadines.

SUDAN

[Original: English]

[5 September 1983]

34. The Government of the Democratic Republic of the Sudan ratified on 5 April 1983 the OAU Convention of 1983 on Combating Mercenary Practices.

SYRIAN ARAB REPUBLIC

[Original: Arabic]

[22 September 1983]

35. Syrian Arab Republic, believing in human brotherhood, regards the principle of the right of peoples to self-determination as one of the basic objectives for the achievement of which our country is struggling. Ample testimony to the active concern and endeavours of the Syrian Arab Republic in this respect is provided by the statements that our country has made at various international fora.

36. While emphasizing our condemnation of South Africa's policy of apartheid and racial segregation, which the Syrian Arab Republic regards as fundamentally incompatible with human rights and dignity and inconsistent with the right of the people of Namibia to self-determination, we wish it to be known that, in addition to severing all political and economic relations with South Africa, the Syrian Arab Republic fully supports the right of the people of Namibia to self-determination and condemns the acts of aggression committed by South Africa against the African front-line States.

37. The Syrian Arab Republic reaffirms the rights of the Palestinian people, including their right to self-determination in the same way as other peoples whose right to self-determination has also been affirmed by relevant resolutions.

38. The Syrian Arab Republic emphasizes its firm commitment to the principle of the right of self-determination and its condemnation of all forms of racial discrimination, aggression against peoples, and denial of their right to self-determination.

39. The Syrian Arab Republic strongly denounces the practice of using mercenaries against sovereign States and national liberation movements and regards such practices as criminal acts. In effect, under Syrian law, the recruitment of mercenaries is equivalent to the establishment of a criminal association and, as such, is punishable under article 325 of the Penal Code which stipulates that:

"If two or more persons establish an association or enter into an agreement with a view to the commission of crimes against other people, or the property of other people, they shall be punished by hard labour for a prescribed period. This penalty shall be for a period of not less than seven years if the objective of the criminals includes attempted murder."

40. Since the objective of mercenaries involves the murder of other people with a view to the achievement of political ends, or in return for remuneration, they are liable to the penalties prescribed in the above-mentioned article.

TONGA

[Original: English]

[29 July 1983]

41. The provisions of general legislations e.g. Criminal Offences Act, Immigration Act would adequately cover this area.

UNITED REPUBLIC OF TANZANIA

[Original: English]

[17 August 1983]

42. Tanzania believes that the practice of using mercenaries against national liberation movements and sovereign States is tantamount to a criminal act, and that mercenaries are criminals. It is imperative, in the interest of protection of human rights, that there should be a strict adherence to 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. Thus the call to enact legislation declaring the recruiting, financing and training of mercenaries to be punishable offences is of utmost importance to all nations.

43. Tanzania does not have a principal legislation on mercenaries, but there is a chapter in the Penal Code, chapter 16 of the Laws of Tanzania, which relates to offences affecting relations with foreign States and external tranquility. However, there is no express provision dealing with National Liberation Movements but they are protected by administrative regulations based on the Government's belief in the principles of human rights and through regulations geared to implement the country's immigration policy.

44. The relevant section of the Penal Code reads as follows:

"Section 65. Any person commits a misdemeanour who does any of the following acts without the licence of the President, that is to say:

- (a) who prepares or fits out any naval or military expedition to proceed against the dominations of any friendly State, or is engaged in such preparation or fitting-out, or assists therein, or is employed in any capacity in such expedition; or
- (b) who, being a citizen of the United Republic, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign State at war with any friendly State, or, whether a citizen of the United Republic or not, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign State as aforesaid; or
- (c) who, being a citizen of the United Republic quits or goes on board any vessel with a view of quitting the United Republic, with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State, or whether a citizen of the United Republic or not, induces any other person to quit or to go on board any vessel with a view to quitting the United Republic with the like intent; or
- (d) who, being the master or owner of any vessel knowingly either takes on board or engages to take on board, or has on board such vessel any illegally enlisted persons; or
- (e) who, with intent or knowledge, or having reasonable cause to believe that the same will be employed in the military or naval service of any foreign State at war with any friendly State, builds, agrees to build, causes to be built, equips, dispatches, or causes or allows to be dispatched, any vessel, or issues or delivers any commission for any vessel.

45. It is acknowledged that the laws of Tanzania have to be strengthened in order to provide a more precise definition of criminal offences in respect of mercenaries and to impose penalties that are commensurate with the severity of the offence.