

42/155. 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,³

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 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 of the Ad Hoc Committee in the work of the Committee and the participation of a large number of observers in that work,

Taking account of the progress achieved by the Ad Hoc Committee at its sixth 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;²⁹

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 chapter

III of its report,²⁹ 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,³⁰ forty-first³¹ and forty-second³² 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 from 25 January to 12 February 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 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".

94th plenary meeting
7 December 1987

42/156. Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirty-ninth session,¹²

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations³ and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contributions to the

³⁰ *Ibid.*, Fortieth Session, Sixth Committee, 13th to 17th, 44th and 48th meetings.

³¹ *Ibid.*, Forty-first Session, Sixth Committee, 25th, 26th, 46th and 47th meetings, and corrigendum.

³² *Ibid.*, Forty-second Session, Sixth Committee, 12th to 15th and 55th meetings, and corrigendum.

²⁹ Official Records of the General Assembly, Forty-second Session, Supplement No. 43 (A/42/43).