



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



**The use of mercenaries as a means of violating human rights and impeding
the exercise of the right of peoples to self-determination**

Commission on Human Rights resolution 1998/6

The Commission on Human Rights,

Noting General Assembly resolution 52/112 of 12 December 1997, and recalling its own resolution 1995/5 of 17 February 1995,

Recalling all its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly by its resolution 44/34 of 4 December 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Convinced also that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Takes note of the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1998/31);

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession;

4. Calls upon all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Welcomes the cooperation extended by those countries that have issued invitations to the Special Rapporteur on the question of the use of mercenaries;

6. Also welcomes the adoption by some States of national legislation that restricts the use of mercenaries;

7. Decides to extend the mandate of the Special Rapporteur for three years and also decides that the Special Rapporteur, in carrying out his mandate, shall seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;

8. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

9. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

10. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

11. Requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries;

12. Requests the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the Commission at its fifty-fifth session;

13. Decides to consider at its fifty-fifth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

20th meeting

27 March 1998

[Adopted by a roll-call vote of 35 votes to 9, with 8 abstentions. See chap. VII.]