



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



Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

Economic and Social Council Resolution 1986/43

The Economic and Social Council,

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, as well as scrupulous respect for the principle of the non-use or threat of use of force in international relations, 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,

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid, foreign intervention and occupation,

Deeply concerned about the increasing menace which the activities of mercenaries represent for all States, particularly African States and other developing States of the world,

Recognizing that mercenarism is a threat to international peace and security and, like genocide, is a crime against humanity,

Recognizing also 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 provision concerning mercenaries of Additional Protocol I to the Geneva Conventions of 1949,

Recalling the resolutions of the General Assembly, particularly resolutions 1514 (XV) of 14 December 1960, 2395 (XXIII) of 29 November 1968, 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970, 3103 (XXVIII) of 12 December 1973, 34/140 of 14 December 1979 and 40/74 of 11 December 1985, in which the United Nations denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

Recalling also Security Council resolutions 239 (1967) of 10 July 1967, 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 Council, inter alia, condemned any State which persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the overnments of States Members of the United Nations,

Welcoming the adoption by the Commission on Human Rights of resolution 1986/26 of 10 March 1986, in which the Commission condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries,

Reaffirming the decision of the General Assembly, in its resolution 32/130 of 16 December 1977, to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, inter alia, from aggression and threats against national sovereignty, national unity and territorial integrity,

Recalling the relevant resolutions of the Organization of African Unity and the Convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, condemning and outlawing mercenarism and its adverse effects on the independence and territorial integrity of African States,

Deeply concerned at the loss of life, substantial damage to property and the long-term negative effects on the economy of southern African countries resulting from mercenary aggressions,

Strongly condemning the racist regime of South Africa for its increasing use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States,

1. Condemns the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as other forms of support to mercenaries, including so-called humanitarian aid, for the purpose of destabilizing and overthrowing the Governments of southern African States and fighting against the national liberation movements of peoples struggling for the exercise of their right of self-determination;
2. Denounces any State which persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them;
3. Calls upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that their territory and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination, foreign intervention and occupation for their independence, territorial integrity and national unity;
4. Urges all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory and other territories under their control;
5. Encourages the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries to make every effort to complete its mandate and to submit a draft convention to the General Assembly;
6. Urges the Commission on Human Rights to appoint a special rapporteur on this subject with the view to preparing a report for consideration at the forty-fourth session of the Commission;
7. Calls upon the General Assembly to pay due attention to the matter at its forty-first session;
8. Requests the Secretary-General to submit a report on this question to the General Assembly at its forty-first session. .