

tergovernmental and non-governmental organizations have been requested to submit.

97th plenary meeting
4 December 1986

41/102. Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

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 the 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,⁴⁰

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* and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

Deeply concerned about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

Recognizing that mercenarism is a threat to international peace and security,

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,

Recalling all of its relevant resolutions, particularly resolution 40/74 of 11 December 1985, in which it 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 that persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations,

Welcoming the adoption by the Economic and Social Council of resolution 1986/43 of 23 May 1986, in which the Council condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries,

Reaffirming its decision, 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 1977,⁴¹ 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 long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

Strongly condemning the racist régime 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 all other forms of support to mercenaries for the purpose of destabilizing and overthrowing the Governments of southern Africa and Central America and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. *Denounces* any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

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 the territory of those States 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 and 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;

5. *Calls upon* all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

6. *Takes note* of Economic and Social Council resolution 1986/43, in which the Council urged the Commission on Human Rights to appoint a special rapporteur on this subject with a view to preparing a report for consideration at the forty-fourth session of the Commission;

7. *Decides* to pay due attention to the matter at its forty-second session under the item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

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⁴⁰ Resolution 2625 (XXV), annex.

⁴¹ See A/32/310, annex II.