

## 6. INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES

*New York, 4 December 1989*

**ENTRY INTO FORCE:** 20 October 2001, in accordance with article 19(1).

**REGISTRATION:** 20 October 2001, No. 37789.

**STATUS:** Signatories: 17. Parties: 38.

**TEXT:** United Nations, *Treaty Series*, vol. 2163, p. 75; depositary notification C.N.888.2004.TREATIES-1 of 3 September 2004 [Proposal of corrections to the original text of the Convention (authentic Russian text)] and C.N.1070.2004.TREATIES-4 of 4 October 2004 [Rectification of the original of the Convention (Russian authentic text)].

*Note:* The Convention was adopted by Resolution [44/34](#)<sup>1</sup> on 4 December 1989. It is open for signature by all States until 31 December 1990 at United Nations Headquarters in New York.

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>
Angola .....	28 Dec 1990		Mali.....		12 Apr 2002 a
Armenia .....		23 Nov 2020 a	Mauritania.....		9 Feb 1998 a
Azerbaijan.....		4 Dec 1997 a	Montenegro <sup>3</sup> .....	23 Oct 2006 d	
Barbados .....		10 Jul 1992 a	Morocco.....	5 Oct 1990	
Belarus .....	13 Dec 1990	28 May 1997	New Zealand <sup>4</sup> .....		22 Sep 2004 a
Belgium .....		31 May 2002 a	Nigeria .....	4 Apr 1990	
Cameroon.....	21 Dec 1990	26 Jan 1996	Peru.....		23 Mar 2007 a
Congo.....	20 Jun 1990		Poland .....	28 Dec 1990	
Costa Rica.....		20 Sep 2001 a	Qatar .....		26 Mar 1999 a
Côte d'Ivoire .....		2 Jan 2025 a	Republic of Moldova.....		28 Feb 2006 a
Croatia <sup>2</sup> .....		27 Mar 2000 a	Romania.....	17 Dec 1990	
Cuba.....		9 Feb 2007 a	Saudi Arabia .....		14 Apr 1997 a
Cyprus.....		8 Jul 1993 a	Senegal.....		9 Jun 1999 a
Democratic Republic of the Congo .....	20 Mar 1990		Serbia <sup>2</sup> .....	12 Mar 2001 d	14 Jan 2016
Ecuador.....		7 Dec 2016 a	Seychelles .....		12 Mar 1990 a
Equatorial Guinea .....		21 Jan 2019 a	Suriname.....	27 Feb 1990	10 Aug 1990
Georgia .....		8 Jun 1995 a	Syrian Arab Republic ...		23 Oct 2008 a
Germany .....	20 Dec 1990		Togo.....		25 Feb 1991 a
Guinea.....		18 Jul 2003 a	Turkmenistan .....		18 Sep 1996 a
Honduras.....		1 Apr 2008 a	Ukraine <sup>5</sup> .....	21 Sep 1990	13 Sep 1993
Italy.....	5 Feb 1990	21 Aug 1995	Uruguay .....	20 Nov 1990	14 Jul 1999
Liberia.....		16 Sep 2005 a	Uzbekistan .....		19 Jan 1998 a
Libya.....		22 Sep 2000 a	Venezuela (Bolivarian Republic of) .....		12 Nov 2013 a
Maldives .....	17 Jul 1990	11 Sep 1991			

***Declarations and Reservations***  
***(Unless otherwise indicated, the declarations and reservations were made upon ratification or accession.)***

**ARMENIA**

"No provision of the present Convention should be interpreted as implying an obligation of mutual legal assistance if the requested State party has reason to believe that the request for legal assistance concerning certain offences has been submitted for the purposes of prosecuting or punishing a certain person on the grounds of race, religion, nationality or political views, or if acceding to the request would otherwise prejudice the implementation of rights of that person on any of those grounds.

No provision of the present Convention should be interpreted as implying an obligation of extradition if the requested State party has reason to believe that the request for extradition based on the offences set forth in the Convention has been submitted for the purposes of prosecuting or punishing a certain person on the grounds of race, religion, nationality or political views, or if acceding to the request would prejudice the implementation of rights of that person on any of those grounds.

No provision of the present Convention should be interpreted as implying, for the Republic of Armenia, an obligation to extradite Armenian nationals."

**BELGIUM**

No provision of the present Convention should be interpreted as implying an obligation of mutual judicial assistance if the requested State party has reason to believe that the request for judicial assistance concerning certain offences has been submitted for the purposes of prosecuting or punishing a certain person on the grounds of ethnic origin, religion, nationality or political views, or if acceding to the request would prejudice the situation of that person on any of those grounds.

No provision of the present Convention should be interpreted as implying an obligation of extradition if the requested State party has reason to believe that the request for extradition based on the offences set forth in the Convention has been submitted for the purposes of prosecuting or punishing a certain person on the grounds of ethnic origin, religion, nationality or political views, or if acceding to the request would prejudice the situation of that person on any of those grounds.

No provision of the Convention should be interpreted as implying, for Belgium, an obligation to extradite Belgian nationals.

**CUBA**

With respect to article 1, paragraph 1, Cuba considers it pointless and irrelevant to include in the definition of "mercenary" the criterion established in paragraph 1 (b), which requires that material compensation be "substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party". Cuba is of the view that material compensation alone, whatever the amount, is sufficient for an activity to be considered mercenary.

Cuba considers that in order for a natural or legal person to be defined as a mercenary under this

Convention, it is not necessary for all the criteria set forth in articles 1 and 2 to be met.

The Republic of Cuba will therefore continue to apply the definition set forth in article 119 of its Penal Code of 1988, which defines a mercenary as "anyone who, in order to receive a wage or other form of material compensation, joins a military formation made up, in whole or in part, of individuals who are not citizens of the State in whose territory they plan to act" and "who collaborates in or carries out any other act for the direct or indirect purpose of achieving the aforementioned objective".

With respect to article 13, paragraph 1, Cuba considers that it should be clarified that the law referred to in this article applies only to judicial cooperation between States parties, not to criminal proceedings brought against persons presumed to have committed the offence of mercenarism.

Pursuant to the provisions of article 17, paragraph 2, Cuba declares that it does not consider itself bound by paragraph 1 of this article.

**REPUBLIC OF MOLDOVA**

Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention shall be applied only on the territory controlled effectively by the authorities of the Republic of the Moldova.

No provision of the Convention should be interpreted as implying, for the Republic of Moldova, an obligation to extradite its own citizens or persons granted with political asylum.

According to article 17 paragraph 2 of the Convention, the Republic of Moldova does not consider itself bound by article 17, paragraph 1 of the Convention.

**SAUDI ARABIA**

The Kingdom of Saudi Arabia does not consider itself bound by article 17, paragraph 1, of the Convention.

**SYRIAN ARAB REPUBLIC**

Reservation:

The Syrian Arab Republic makes a reservation to article 17, paragraph 1 of the Convention.

**VENEZUELA (BOLIVARIAN REPUBLIC OF)**

With regard to the provisions laid down in article 12, the extradition of Venezuelan nationals is expressly prohibited by the Venezuelan law. In that respect, in the event of a request for extradition of a Venezuelan national, the Bolivarian Republic of Venezuela will submit the case to the competent Venezuelan authorities for the purpose of prosecution, through proceedings in accordance with the laws of the Bolivarian Republic of Venezuela.

Pursuant to paragraph 2, article 17, of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, the Bolivarian Republic of Venezuela makes an express reservation to paragraph 1 of the same article. Therefore, it does not consider itself bound to resort to arbitration as a means of dispute settlement, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

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**Notes:**

<sup>1</sup> *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 49 (A/44/49), p. 306.*

<sup>2</sup> The former Yugoslavia had signed the Convention on 12 December 1990. See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

<sup>3</sup> See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

<sup>4</sup> With the following territorial exclusion:

"... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

<sup>5</sup> On 20 October 2015, the Government of Ukraine made a communication. The text can be found here: C.N.614.2015.TREATIES-XVIII.6 of 20 October 2015.