



# General Assembly

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## Human Rights Council

### Fifteenth session

Agenda item 3

### Promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development

**Algeria<sup>\*</sup>, Azerbaijan<sup>\*</sup>, Belarus<sup>\*</sup>, Bolivia (Plurinational State of)<sup>\*</sup>, Cuba, Democratic People's Republic of Korea<sup>\*</sup>, Djibouti, Russian Federation, South Africa<sup>\*</sup>, Sudan<sup>\*</sup>, Syrian Arab Republic<sup>\*</sup>, Venezuela (Bolivarian Republic of)<sup>\*</sup>, Viet Nam<sup>\*</sup>, Zimbabwe<sup>\*</sup>: draft resolution**

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

*The Human Rights Council,*

*Recalling* all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including General Assembly resolution 64/151 of 18 December 2009 and Council resolution 10/11 of 26 March 2009,

*Recalling also* all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or 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 further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,

*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, the territorial integrity of States, the 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, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

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<sup>\*</sup> Non-Member State of the Human Rights Council.

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Alarmed and concerned* about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

*Deeply concerned* at 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,

*Extremely alarmed and concerned* about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity and respect of the constitutional order of the affected countries,

*Convinced* that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire a 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. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

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 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, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

5. *Calls upon* all States that have not yet become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

6. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

7. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

8. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and

respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples;

9. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

10. *Acknowledges with appreciation* the work and contributions made by the Working Group, and takes note of its latest report;<sup>1</sup>

11. *Decides* to renew, for a period of three years, the mandate of the Working Group, to continue to undertake the tasks contained in resolution 7/21 of 28 March 2008, as well as in all other relevant resolutions on the subject;

12. *Requests* the Working Group to continue the work already done by previous special rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report submitted to the Commission on Human Rights at its sixtieth session;<sup>2</sup>

13. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military and security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

14. *Requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities;

15. *Also requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

16. *Expresses its appreciation* to the Office of the High Commissioner for its support for the holding of five regional governmental consultations for States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

17. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

18. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

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<sup>1</sup> A/HRC/15/25 and Add.1-6.

<sup>2</sup> E/CN.4/2004/15.

19. *Requests* the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-fifth session and to the Council at its eighteenth session;

20. *Decides* to continue its consideration of this matter under the same agenda item at its eighteenth session.

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