



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 2001/3

The Commission on Human Rights,

Recalling Taking note of General Assembly resolution 55/86 of 4 December 2000 and recalling its own resolution 2000/3 of 7 April 2000,

Recalling also all of 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 further also the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, *inter alia* the Convention of the Organization of African Unity on 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, 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, all peoples have the right to freely determine freely their political status and freely to pursue freely their economic, social and cultural development,

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 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, 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. *Welcomes* the report of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/2001/19);
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. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, *inter alia*, encourage the demand for mercenaries on the global market;
4. *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 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 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;

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

6. *Welcomes* the cooperation extended by those countries that received a visit by the Special Rapporteur on mercenaries;

7. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

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

9. *Welcomes* the convening by the Office of the United Nations High Commissioner for Human Rights of a meeting of experts on the 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;

10. *Takes note* of the report of the above-mentioned meeting of experts (E/CN.4/2001/18, annex), as a valuable contribution to the process of elaborating a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities;

11. *Requests* the Office of the High Commissioner, 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 these activities;

12. *Decides*, in accordance with General Assembly resolution 55/86, to renew the mandate of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination for a period of three years;

13. *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate that mercenary activities are continuing to occur in many parts of the world and are taking on new forms, manifestations and modalities;

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

15. *Requests* the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

16. *Requests* the Special Rapporteur to consult States, intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-eighth session;

17. *Decides* to consider at its fifty-eighth 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 same agenda item;

18. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see E/CN.4/2001/167 - E/2001/23chap. I, draft decision 1.]

43rd meeting

6 April 2001

[Adopted by a roll-call vote of 35 votes to 11,

with 6 abstentions.]