



# 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**

## **Resolution adopted by the Human Rights Council\***

**15/26**

### **Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

*The Human Rights Council,*

*Guided by the Charter of the United Nations,*

*Recalling* all previous resolutions adopted by the General Assembly, the Council and the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including Assembly resolution 62/145 of 18 December 2007,

1. *Takes note with appreciation* of the broad consultations held 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, including the various 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;

2. *Also takes note with appreciation* of the broad consultation process undertaken by the Working Group regarding the content and scope of a possible draft convention on private companies offering military assistance, consultancy and other military and security-related services on the international market, including a series of

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\* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its fifteenth session (A/HRC/15/60), chap. I.

regional governmental consultations and consultations with intergovernmental and non-governmental organizations, academic institutions and experts;

3. *Takes note* of the principles and main elements of the proposed draft convention on private military and security companies presented by the Working Group, as contained in its report;<sup>1</sup>

4. *Decides*, for the purposes of transparency and inclusivity, to establish an open-ended intergovernmental working group with the mandate to consider the possibility of elaborating an international regulatory framework, including, inter alia, the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies, including their accountability, taking into consideration the principles, main elements and draft text as proposed 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;

5. *Also decides* that the open-ended intergovernmental working group shall hold a session of five working days a year for a period of two years, and that its first session shall take place no later than May 2011;

6. *Further decides* that the open-ended intergovernmental working group shall present its recommendations at the twenty-first session of the Council;

7. *Affirms* the importance of providing the open-ended intergovernmental working group with the necessary expertise and expert advice to fulfil its mandate, and decides that the members of the Working Group on the use of mercenaries who were involved in the elaboration of the principles, main elements and draft text for a possible convention shall participate in the open-ended intergovernmental working group as resource persons;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the financial and human resources necessary for the fulfilment of its mandate.

*34th meeting  
1 October 2010*

[Adopted by a recorded vote of 32 to 12, with 3 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

*Against:*

Belgium, France, Hungary, Japan, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Maldives, Norway, Switzerland]

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<sup>1</sup> A/HRC/15/25.