



## **Human Rights Council**

### **Resolution 7/21. Mandate of 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**

*The Human Rights Council,*

*Recalling* all of the previous resolutions adopted by the General Assembly and the Commission on Human Rights on the subject, including Assembly resolution 62/145 of 18 December 2007 and Commission resolution 2005/2 of 7 April 2005,

*Bearing in mind* paragraph 6 of Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 entitled “Institution-building of the United Nations Human Rights Council” and 5/2 entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council” of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Acknowledges with appreciation* the work and contributions made 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 takes note with appreciation of its latest report (A/HRC/7/7);

2. *Decides* to extend the mandate of 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 for a period of three years:

(a) To elaborate and present concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles

encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

(b) To seek opinions and contributions from Governments and intergovernmental and non-governmental organizations on questions relating to its mandate;

(c) To monitor mercenaries and mercenary-related activities in all their forms and manifestations in different parts of the world;

(d) 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;

(e) To monitor and study the effects on the enjoyment of human rights, particularly the right of peoples to self-determination, of the activities of private companies offering military assistance, consultancy and security services on the international market and to prepare a draft of international basic principles that encourage respect for human rights by those companies in their activities;

3. *Also decides* to authorize the Working Group to hold three sessions per year of five working days each, two in Geneva and one in New York, in fulfilment of the mandate outlined in the present resolution;

4. *Requests* the Working Group to continue the work already done by the 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 to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/15, para. 47);

5. *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 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;

6. *Expresses its appreciation* to the Office of the High Commissioner for its support for convening in Panama the regional governmental consultation for Latin American and Caribbean 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;

7. *Requests* the Office of the High Commissioner to inform the Council, in a timely manner, of the dates and places for the convening of the other regional governmental consultations on this matter, in conformity with paragraph 15 of General Assembly resolution 62/145, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the protection and promotion of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

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

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support 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;

10. *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-third session and to the Council in 2009 in accordance with its annual programme of work;

11. *Decides* to continue its consideration of this matter under the same agenda item.

*41st meeting  
28 March 2008*

Adopted by a recorded vote of 32 to 11, with 2 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

*Against:* Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Switzerland, Ukraine.