In response to a Human Rights Council request [YUN 2013, p. 657] and General Assembly resolution 68/152 [ibid.], the Secretary-General in August transmitted the Working Group’s report [A/69/338] focusing on the use by the United Nations of private security companies in light of the vast and complex challenges which outsourcing security to pmscs posed to the United Nations and to local populations. The report was the outcome of a year-long study that aimed to examine how the United Nations contracted pmscs and for what services. It reviewed the efforts undertaken to mitigate risks relating to the recruitment of private security providers, in particular the recently adopted policy and guidelines on the use of private armed guards. The report considered the limitations of those policy tools, suggested ways to ensure an efficient selection and vetting process when employing pmscs and examined ways to ensure that pmscs were held accountable for possible human rights violations.

Mission reports. Following its visit to the Comoros (7–16 May) [A/HRC/27/50/Add.1], the Working Group noted the country’s difficult and turbulent history since its independence in 1975. A series of coups d’état by mercenaries and the political instability that prevailed during the three decades following independence had prevented the country’s development. The Working Group recognized the negative and interdependent effects of mercenarism, separatism and the Mayotte issue on the human rights of Comorians. Despite obstacles, positive developments had brought relative stability, such as the 2009 amendment of the Constitution allowing for the rotation of the presidency that helped to counter the problem of separatism and attempted coups d’état. With respect to private security companies, the Working Group noted that the presence of natural resources in the Comoros had the potential to attract investment from multinational corporations in the extractive industry, which often used private security companies to protect their facilities. The likelihood of an increase in the number of private security companies operating in the Comoros and ongoing concerns surrounding maritime delimitation issues required the introduction of appropriate regulations.

Following its mission to Côte d’Ivoire (7–10 October) [A/HRC/30/34/Add.1], the Working Group expressed concern about the widespread lack of confidence in the justice system and the prevalent culture of impunity for perpetrators of human rights violations. The Working Group was informed that mercenaries had been recruited by both sides during the 2002 armed conflict and the 2010 post-election crisis, and had been responsible for grave violations. There had been little progress in prosecuting mercenaries or other armed actors in Côte d’Ivoire or in their countries of origin. The Working Group also noted the huge increase in private security companies after the conflicts and the existence of hundreds of such companies operating illegally. It recommended improving access to justice and remedies for victims; ending the culture of impunity by bringing perpetrators to justice; and strengthening oversight of private security companies.

Intergovernmental working group. The 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 pmscs, established in 2010 [YUN 2010, p. 690], held its third session (Geneva, 21–25 July) [A/HRC/WG.10/3/2]. In the discussions, there was widespread agreement about gaps in the regulatory framework, as very few States had specific legislation on pmscs. Efforts to ensure regulation through voluntary self-regulatory mechanisms were still being rolled out. In his concluding remarks, the Chair noted that the discussions had reaffirmed the shared goal of protecting human rights and ensuring accountability for violations and abuses relating to the pmscs activities.

Human Rights Council action. On 25 September [A/69/53/Add.1 (res. 27/10)], by a recorded vote of 32 to 14, with 1 abstention, the Council requested States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries, and in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes. It requested the Working Group to continue work on strengthening the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries; to monitor mercenaries and mercenary-related activities; and to report to the Assembly’s seventieth (2015) session and the Council’s thirtieth (2015) session on implementation of the resolution.

International Convention

As at 31 December, the number of States parties to the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries remained at 33. The Convention was adopted by the General Assembly in resolution 44/34 [YUN 1989, p. 825] and entered into force in 2001 [YUN 2001, p. 632].

GENERAL ASSEMBLY ACTION

On 18 December [meeting 73], the General Assembly, on the recommendation of the Third Committee [A/69/487], adopted resolution 69/163 by recorded vote (130-52-7) [agenda item 67].

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 68/152 of 18 December 2013, and