



General Assembly

Distr.: Limited
27 September 2010

Original: English

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**

Cuba, South Africa* (on behalf of the African Group): draft resolution

**15/... Open-ended intergovernmental working group on the
elaboration of a legally binding instrument on the regulation,
monitoring and oversight of the impact of the activities of
private military and security companies on the enjoyment of
human rights**

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 subject, including Assembly resolution 62/145 of 18 December 2007,

1. *Welcomes* 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 welcomes* 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 regional governmental consultations and consultations with intergovernmental and non-governmental organizations, academic institutions and experts;

* Non-Member State of the Human Rights Council.

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;¹
4. *Decides* to establish an intergovernmental open-ended working group with the mandate to elaborate a legally binding instrument on the regulation, monitoring and oversight of the impact of the activities of private military and security companies on the enjoyment of human rights, on the basis of the principles, main elements and draft text for a possible convention 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 intergovernmental open-ended working group shall meet every year until the fulfilment of its mandate, that it shall hold a session of five working days a year and that its first session shall take place no later than May 2011;
6. *Requests* the President of the Council to appoint, before the end of 2010, in consultation with regional groups, the Chairperson-Rapporteur of the intergovernmental open-ended working group;
7. *Affirms* the importance of providing the intergovernmental open-ended 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 intergovernmental open-ended working group as resource persons;
8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the intergovernmental open-ended working group with all the financial and human resources necessary for the fulfilment of its mandate.

¹ A/HRC/15/25.