

- ♦ the Commission on Human Rights call for a study on ways of reinforcing international prevention, action and intervention machinery in order to strengthen the exercise of human rights and promote the rule of law in countries threatened or weakened by armed conflicts, thereby ensuring that the purpose of hiring private companies of this nature, if indispensable, is solely to obtain technical and professional advice on military matters or police protection, within the legal framework expressly laid down; and
- ♦ the Commission on Human Rights consider keeping this subject under review as a matter of priority with a view to formulating proposals for a better legal definition of private companies that offer security services, precluding the presence of mercenaries, and safeguarding the sovereignty of states and their non-transferable responsibility of matters of law enforcement and internal security.

Resolution of the Commission on Human Rights

Under agenda item 7, dealing with self-determination, the Commission adopted by roll call vote a resolution (1998/6) in which the Commission, *inter alia*: recalled resolutions condemning any state that allowed or tolerated activities related to mercenaries (e.g. recruitment and training) with the objective of overthrowing the governments of UN member states and especially those of developing countries or those that are fighting against national liberation movements; reaffirmed that all peoples have the right, without external interference, to determine their political status and pursue their economic, social and cultural development; expressed alarm and concern at the danger posed by the activities of mercenaries to peace and security in developing countries, particularly in Africa and small states; acknowledged the need for states to ratify the Convention on the recruitment, training, use and financing of mercenaries; stated that irrespective of the way in which mercenaries or related activities are used or the form they take to acquire some semblance of legitimacy they are a threat to peace, security and self-determination; urged all states to take the necessary measures to ensure that their territories are not used for activities related to mercenaries; called on states that have not done so to consider ratifying the Convention; welcomed the cooperation of countries that invited the Special Rapporteur (SR) to conduct field missions; welcomed the adoption by some states of national legislation that restricts the use of mercenaries; extended the mandate of the SR for a further three years; urged all states to cooperate fully with the SR; and, requested the Secretary-General to invite governments to make proposals aimed at a clearer legal definition of mercenaries. The resolution was adopted by a vote of 35 in favour, 9 opposed, with 8 abstentions.

Resolution of the General Assembly

At its 1998 session the General Assembly adopted by recorded vote a resolution on the use of mercenaries

(A/C.3/53/L.17), with 93 in favour of the resolution, 17 opposed, and 28 abstentions. The GA, *inter alia*: expressed concern about the danger that the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small states; reaffirmed that the recruitment, use, financing and training of mercenaries are causes for grave concern to all states and violate the purposes and principles of the UN Charter; urged all states to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used in mercenary activities; called on all states that have not yet done so to consider signing or ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; welcomed the adoption by some states of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries; invited states to investigate the possibility of mercenary involvement whenever criminal acts of a terrorist nature occur on their territories; and requested the Secretary-General to invite governments to make proposals towards a clearer legal definition of mercenaries.



MIGRANT WORKERS

Working Group of Experts

The five-member Working Group (WG) of intergovernmental experts was established by the Commission at its 1997 session and given a mandate to: (a) gather all relevant information from governments, non-governmental organizations and other sources on the existing obstacles to the effective and full protection of the human rights of migrants; and (b) elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants.

The WG met twice prior to the 1998 Commission. The consolidated report of those two sessions (E/CN.4/1998/76) contains information on, *inter alia*: information gathering, regional developments, the definition of migrants, and their vulnerability. The report also contains analysis of the responses received to a questionnaire that was sent to governments as well as to intergovernmental and non-governmental organizations. The report notes that the questionnaire was prepared with four goals in mind: to obtain a general picture of demographic data related to migration; to obtain statistics and qualitative information on measures taken by states to promote and protect the human rights of migrants; to obtain some indicators of the level of awareness of states about the human rights problems faced by migrants; and to ascertain the level of importance given by states to the existing normative means for combatting violation of migrants' human rights.

The review of recent developments covers a number of points and is divided geographically.