

The High Commissioner for Refugees concluded her remarks by stating that unless protagonists to conflict renounce violence and embrace a common vision of peace and reconciliation, the effective implementation of human rights will never be possible.

Resolution of the Commission on Human Rights

Under agenda item 9 the Commission adopted a resolution by consensus (1998/49). The Commission, *inter alia*: expressed concern over the scale and magnitude of exoduses and displacement and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children; recognized again that violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes of mass exodus and displacement; noted the complementarity between the systems for the protection of human rights and humanitarian action and that cooperation between them contributes to the promotion and protection of the human rights of persons forced into mass exodus or displacement; reaffirmed the need for all governments and others to intensify cooperation and assistance worldwide aimed at addressing human rights situations that lead to, and the serious problems that result from, mass exoduses and displacement; recalled article 14 of the Universal Declaration which states that everyone has the right to seek and enjoy in other countries asylum from persecution; encouraged states that have not done so to consider acceding to the 1951 Convention on the Status of Refugees and its 1967 Protocol, as well as relevant regional and international human rights instruments; recognized that, in addition to problems faced by all refugees and displaced persons, women and girls are vulnerable to gender-based discrimination and gender-specific violations of human rights; requested the High Commissioner for Human Rights, in cooperation with the UNHCR, to pay particular attention to human rights situations which cause or threaten to cause mass exoduses or displacements and contribute to efforts to address such situations effectively; welcomed OHCHR initiatives aimed at the creation of viable and sustainable return in post-conflict societies in such areas as the rehabilitation of the justice system, creation of independent national institutions to defend human rights, broad-based programmes of human rights education and the strengthening of local non-governmental organizations; invited the High Commissioner for Refugees annually to address the Commission; and decided next to consider the question of mass exoduses at its session in the year 2000.



MERCENARIES

Report of the Special Rapporteur

The Special Rapporteur (SR) on the use of mercenaries has been reporting to the Commission since 1988. The SR in 1998 was Mr. E. Bernales-Ballesteros. One of the basic aims of the Commission in establishing this mechanism was to encourage states to ratify the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries. As of 27 January 1998 only 14 states had either ratified or acceded to the Convention; and an additional 10 had signed. Twenty-two ratifications and/or accessions are required for the Convention to enter into force.

The SR's report to the 1998 Commission (E/CN.4/1998/31) provides commentary on a number of issues and areas, including: correspondence regarding mercenary activities in several countries, including Cuba; mercenary activities in Africa, including Sierra Leone, DR Congo and Congo; private security companies and mercenary activities and the presence of mercenaries in Papua New Guinea.

The report notes that in June 1997 the SR requested information from governments on: the possible existence of any recent mercenary activities (recruitment, financing, training, assembly, transit or use of mercenaries); participation by nationals of their country as mercenaries in committing acts against the sovereignty of other states, against the exercise of the right of other peoples to self-determination, and in human rights violations; the possible existence of mercenary activities in the territory of another country from which actions were carried out that affected or potentially affected the sovereignty of their country, the exercise of the right of their people to self-determination, and the enjoyment of human rights by their population; the possible participation of mercenaries in committing internationally wrongful acts such as terrorist attacks, forming and supporting death squads, trafficking in and abduction of persons, drug trafficking, the arms traffic and contraband; domestic legislation currently in force and international treaties to which their country is a party, outlawing mercenary activities and the use of mercenaries, together with observations on the government's position regarding the International Convention on the use of mercenaries; approaches that may be taken to enhance the international treatment of the topic of the prohibition of the use of mercenaries; and the existence of security service (*sic*), consultancy and military training companies offering their services to governments in order to intervene in internal armed conflicts with the assistance of mercenaryized [*sic*] military professionals. In general, very few governments responded to this request for information.

The commentary on mercenary activities in African countries deals with a number of general aspects including, *inter alia*: