**Report of the WG on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination,78th session of the General Assembly, 30th October 2023, p.m.**

**Mr. President, Distinguished Representatives,**

It is my honour to address this Assembly, in my capacity as a member of the Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination. My purpose today is two-fold. Firstly, to update you on the activities of the Working Group this past year, and secondly to present our thematic report on the regulatory environment around mercenaries, mercenary-related actors, and private military and security companies.

The Working Group has continued to actively engage with different stakeholders, including States, intergovernmental and non-governmental organizations, non-State actors, regulators, academic institutions and individuals, in order to strengthen the implementation of our mandate and the visibility of our work.

Through active and cooperative engagement, the Working Group conducted two successful visits during this reporting cycle, namely to Greece and to Armenia. On behalf of the Working Group, I thank these countries for making it possible to have meaningful engagements with them. The members of the Working Group assure you of our willingness to continue to work constructively with all stakeholders and look forward to further country visits moving forward.

We have also led several communications to States and concerned actors, on behalf of individuals and groups at risk of human rights violations arising from the activities of mercenaries and private military and security companies, as well as joining other communications relevant to our mandate led by other Special Procedures mandate-holders.

**Mr. President,**

I am honoured to present our annual thematic report to the Assembly that highlights the Regulatory Environment for Mercenaries, Mercenary-related actors, and PMSC, and points to areas for further improvement**.**

The report provides a stocktaking of the current legal, human rights, and international humanitarian law frameworks in relation to mercenaries, mercenary-related actors, and private military and security companies. It captures emerging trends around the contemporary use of mercenaries, and violations of human rights and international humanitarian law.  Furthermore, the report provides a comprehensive overview and analysis of the international and regional legal frameworks regulating the recruitment, financing, training, and use of mercenaries, with a view to strengthening the applicability, implementation, and enforceability of international law.

Findings of the report highlight that the recruitment, training, financing, and use of mercenaries and mercenary-related actors remains a systemic and growing problem that cuts across regions, individual countries, and multiple international and non-international armed conflicts.

The Working Group has repeatedly warned that their use prolongs armed conflicts, undermines peace processes, destabilises regions, and most concerningly results in and exacerbates the commission of grave human rights abuses, war crimes, and crimes against humanity on civilian populations. The sheer scale of the use of mercenaries and mercenary-related actors, and the atrocities they commit around the world, has increased significantly.

The Working Group continues to examine the role of mercenaries and related actors in new forms of warfare and the risks it entails for human rights protection, in particular the involvement of third party States in armed conflicts via the use of proxy actors and cyber warfare, as we highlighted to this Assembly in reports in 2020 and 2021.

Based on our analysis of the evolving nature of mercenarism, this report offers the Working Group’s perspective on the application and limitations of the existing international and national legal framework. The Working Group notes with regret that while potentially effective international and regional legal frameworks for mercenaries and mercenary-related activities exist, there is substantial lack of engagement and implementation by Member States, posing significant challenges.

Any attempt to prevent recruitment, training, financing, and use of mercenaries and the consequent human rights abuses and violations must be complemented by national and international development efforts to address the root causes of mercenarism. Such root causes often intersect with structural causes of exclusion, poverty and inequality.

The report therefore urges Member States to focus on the structural causes of discrimination and inequalities that are often multiple and intersecting and that undermine the agency of people as rightsholders and contribute to human rights abuses and violations of international humanitarian law.

With regard to PMSCs, while the Working Group welcomes the continued development of multistakeholder regulatory initiatives such as the Montreux Document, the International Code of Conduct for Private Security Providers, and the Voluntary Principles on Security and Human Rights, insufficient numbers of States have committed to them. The Working Group also welcomes the recent renewal of the mandate of the Intergovernmental Working Group on private military and security companies but regrets that States are yet to find common ground on its form, scope, and content. States should actively engage in the development of a globally applicable instrument on private military and security companies. In addition, while the Working Group acknowledges the importance of ongoing efforts to create a binding treaty on Business and Human Rights, there must be acknowledgement of the specificities that differentiate the PMSC industry from other business sectors, in particular the use of force, that can only be addressed via explicit regulatory efforts.

There is an urgent need, therefore, to strengthen the existing frameworks, to fill the normative gaps, and to ensure better implementation by States.

**Mr. President,**

Going forward, to prevent and mitigate the negative human rights impacts caused by mercenary activities, States should refrain from recruiting, using, financing, and training mercenaries and should prohibit such conduct in domestic law, in line with the offences contained in the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Effective remedies for victims must also be ensured.

States should take all measures necessary to ensure the legal liability of business entities providing security and/or military services based in or managed from the State party’s territory regarding human rights violations as a result of their activities conducted domestically and abroad, including the activities of their subsidiaries and business partners.

In line with the Sustainable Development Goals agenda, States will need to look behind symptoms such as mercenarism to tackle the structural causes or drivers of poverty, inequality and social injustice in order to create conditions for a free, just, and socially sustainable future.

**Mr. President, Distinguished Representatives,**

Thank you for your attention and I look forward to a fruitful dialogue.