



Inter-Parliamentary Union
For democracy. For everyone.

140th IPU Assembly

Doha (Qatar), 6 – 10 April 2019



Standing Committee on
Peace and International Security

C-1/140/DR-am
29 March 2019

Non-admissibility of using mercenaries as a means of undermining peace and violating human rights

Amendments to the draft resolution submitted within the statutory deadline by the delegations of Algeria, Armenia, Azerbaijan, China, Congo, Cuba, Finland, India, Indonesia, Iran (Islamic Republic of), the Netherlands, Norway, the Philippines, the Russian Federation, Sweden, Switzerland, Thailand, Ukraine, the United Arab Emirates and Viet Nam

PREAMBULE

Preambular paragraph 1

Amend to read as follows:

(1) *Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, **inviolability of internationally recognized borders**, self-determination of peoples, non-use of force or threat of use of force in international relations, non-interference in affairs within the domestic jurisdiction of States, and promotion and respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, 1

(Azerbaijan)

Preambular paragraph 2

Delete the paragraph

(Islamic Republic of Iran) 2

Amend to read as follows:

(2) *Recalling* the definitions of mercenaries contained in Article 47 of Additional Protocol I to the 1949 Geneva Conventions and Article 1 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 3

(Russian Federation)

Amend to read as follows:

(2) *Recalling* the definitions of mercenaries contained in Article 47 of Additional Protocol I to the 1949 Geneva Conventions and Article 1 of the **1989** International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4

(Thailand)

Preambular paragraph 3

Delete the paragraph

(Islamic Republic of Iran)

5

Amend to read as follows:

(3) ~~Also recalling that Additional Protocol I to the Geneva Conventions is applicable in international armed conflicts and that the International Convention on Mercenaries is applicable in all armed conflicts,~~

6

(Russian Federation)

New preambular paragraph 3bis

(3bis) Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations (United Nations GA Resolution 73/159, PP5),

7

(Cuba)

New preambular paragraph 3ter

(3ter) Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples (United Nations GA Resolution 73/159, PP10),

8

(Cuba)

Preambular paragraph 4

Amend to read as follows:

(4) ~~Noting that there is no international legal instrument regarding foreign fighters or foreign terrorist fighters, and no commonly accepted legal definition of these terms; and that the Human Rights Council Working Group on the use of mercenaries uses the following definition for foreign fighters - "individuals who leave their country of origin or habitual residence and become involved in violence as part of an insurgency or non-State armed group in an armed conflict",~~

9

(Islamic Republic of Iran)

Amend to read as follows:

(4) ~~Noting that there is no international legal instrument regarding foreign fighters or foreign terrorist fighters, and no commonly accepted legal definition of these terms; and that the Human Rights Council Working Group on the use of mercenaries~~ **as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination** ~~uses the following definition for foreign fighters - "individuals who leave their country of origin or habitual residence and become involved in violence as part of an insurgency or non-State armed group in an armed conflict",~~

10

(Thailand)

New preambular paragraph (4bis)

Move preambular paragraph 14 to become preambular paragraph (4bis)

11

(Switzerland)

New preambular paragraph (4ter)

Move preambular paragraph 15 to become preambular paragraph (4ter)

12

(Switzerland)

New preambular paragraph 4quater

(4quater) Aware of the fact that the activities of private military and security companies are, in most cases, in keeping with the relevant legal obligations and good practices,

13

(Switzerland)

New preambular paragraph 4quinquies

Move preambular paragraph 16 to become preambular paragraph (4quinquies)

14

(Switzerland)

Preambular paragraph 5

Amend to read as follows:

(5) *Recalling* the relevant United Nations General Assembly Resolutions including resolution 71/182 of 19 December 2016 and Human Rights Council resolutions 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 21/8 of 27 September 2012, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016 and 36/3 of 28 September 2017, as well as all resolutions adopted by the Commission on Human Rights in this regard, and European Parliament resolution of 4 July 2017 on private security companies, the International Code of Conduct for Private Security Service Providers (2010), and the Convention for the Elimination of Mercenarism in Africa (1977),

(Islamic Republic of Iran)

Amend to read as follows:

(5) *Recalling* the relevant United Nations General Assembly Resolutions including resolution 71/182 of 19 December 2016 and Human Rights Council resolutions 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 21/8 of 27 September 2012, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016 and 36/3 of 28 September 2017, as well as all resolutions adopted by the Commission on Human Rights in this regard, and European Parliament resolution of 4 July 2017 on private security companies, the International Code of Conduct for Private Security Service Providers (2010), and the Convention for the Elimination of Mercenarism in Africa (1977),

(Russian Federation)

Amend to read as follows:

(5) *Recalling* the relevant United Nations General Assembly Resolutions including Resolution 71/182 of 19 December 2016 and entitled **Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination of 17 December 2018**, and *also recalling* Human Rights Council resolutions 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 21/8 of 27 September 2012, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016 and 36/3 of 28 September 2017, as well as all resolutions adopted by the Commission on Human Rights in this regard, and European Parliament resolution of 4 July 2017 on private security companies, the International Code of Conduct for Private Security Service Providers (2010), and the Convention for the Elimination of Mercenarism in Africa (1977),

(Armenia)

Amend to read as follows:

(5) *Recalling* the relevant United Nations General Assembly Resolutions including resolution 71/182 of 19 December 2016 and Human Rights Council resolutions 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 21/8 of 27 September 2012, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015, 33/4 of 29 September 2016 and 36/3 of 28 September 2017, **and 39/5 of 27 September 2018**, as well as all resolutions adopted by the Commission on Human Rights in this regard, and European Parliament resolution of 4 July 2017 on private security companies, the International Code of Conduct for Private Security Service Providers (2010), and the Convention for the Elimination of Mercenarism in Africa (1977),

(United Arab Emirates)

New preambular paragraph 5bis

(5bis) **Acknowledging with appreciation the work and contributions of the open-ended intergovernmental working group established by the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies (United Nations GA Resolution 73/159, PP7),**

(Cuba)

Preambular paragraph 6

New preambular paragraph 6bis

(6bis) Expressing grave concern at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of armed conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the affected countries (United Nations GA Resolution 72/158, PP7), **20**

(United Arab Emirates)

Preambular paragraph 7

Amend to read as follows:

(7) *Expressing grave concern* at the scores of human rights violations perpetrated by mercenaries, ~~foreign fighters and private military and security company employees~~ against the civilian population, including extrajudicial killings, rape, enslavement of women and children, torture, enforced disappearance and abductions as well as pillaging and arbitrary arrest and detention, **21**

(Finland, Norway and Sweden)

Amend to read as follows:

(7) *Expressing grave concern* at the scores of human rights violations perpetrated by mercenaries, ~~and~~ foreign fighters, ~~and including those employed by~~ private military and security companies, ~~employees~~ against the civilian population, including extrajudicial killings, rape, enslavement of women and children, torture, enforced disappearance and abductions as well as pillaging and arbitrary arrest and detention, **22**

(Switzerland)

New preambular paragraph 7bis

(7bis) Noting with concern that for the last twenty years, there has been an increase in human losses as a result both of conflicts and terrorist attacks, a majority of which was due to the use of mercenaries and foreign terrorist fighters, and that from 2011 to 2014, the number of battle-related deaths and deaths from terrorism increased by 356 and 353 per cent, respectively, **23**

(Philippines)

Preambular paragraph 9

Amend to read as follows:

(9) *Noting with concern* that children are increasingly becoming victims of mercenaries, ~~foreign fighters and private military and security company employees~~, be they forcibly recruited as child soldiers or used for sexual slavery and other purposes, **24**

(Finland, Norway and Sweden)

Amend to read as follows:

(9) *Noting with concern* that children are increasingly becoming victims of mercenaries ~~and~~, foreign fighters, **including by those employed by** ~~and~~ private military and security companies ~~employees~~, be they forcibly recruited as child soldiers or used for sexual slavery and other purposes, **25**

(Switzerland)

Preambular paragraph 10

Amend to read as follows:

(10) *Firmly believing* that bringing to justice perpetrators of **human rights** violations and ensuring that victims of **human rights** violations are being made aware of their rights and guaranteed full access to justice and remedies are crucial to building peace, **26**

(Finland)

27

Amend to read as follows:

(10) *Firmly believing* that bringing to justice perpetrators of violations and ensuring that victims of violations are being made aware of their rights and guaranteed full access to justice and remedies, **as well as to appropriate pscho sanitary care**, are crucial to building peace,

(Congo)

Preambular paragraph 11

Amend to read as follows:

(11) *Reaffirming* that the use of mercenaries and their recruitment, financing, protection and training in ~~international~~-armed conflicts, ~~and of foreign fighters, including those hired by private military and security companies in armed conflicts~~, are causes of grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations, 28

(Sweden)

Amend to read as follows:

(11) *Reaffirming* that the use of mercenaries and their recruitment, financing, protection and training in international armed conflicts, ~~and of foreign fighters, including those hired by private military and security companies in armed conflicts~~, are causes of grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations, 29

(Finland and Norway)

Amend to read as follows:

(11) *Reaffirming* that the use of mercenaries and their recruitment, financing, protection and training in international **and non-international** armed conflicts, and of foreign fighters, including those hired by private military and security companies in armed conflicts, are causes of grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations, 30

(Islamic Republic of Iran)

New preambular paragraph 11bis

(11bis) *Convinced* that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples (United Nations GA Resolution 72/158, PP9), 31

(Armenia)

Preambular paragraph 12

Delete the paragraph

(Armenia, Finland, Norway and Sweden) 32

Amend to read as follows:

(12) *Expressing grave concern* at the presence of foreign fighters, including those hired by private military and security companies, on the territories of sovereign States with the purpose to fuel armed conflicts on their territories and to undermine the territorial integrity, **sovereignty** and constitutional order of those States, 33

(Islamic Republic of Iran)

New preambular paragraph 12bis

(12bis) *Highlighting* the trend of multinational corporations resorting to private military and security companies when faced with security challenges; 34

(Indonesia)

Preambular paragraph 13

Amend to read as follows:

(13) *Condemning* any State that permits, promotes or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries and foreign fighters with the objective of violating human rights, disrupting and/or undermining the territorial integrity of the sovereign States within their internationally recognized borders and their constitutional order, 35
(Finland, Norway and Sweden)

Amend to read as follows:

(13) *Condemning* any State that permits, promotes or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries and foreign fighters with the objective of violating human rights, disrupting and/or undermining the territorial integrity of the sovereign States within their internationally recognized borders and their constitutional order 36
and impeding the exercise of the right of peoples to self-determination,
(Armenia)

Amend to read as follows:

(13) *Condemning* any State that permits, promotes or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries and foreign fighters, **the use of private sectors and private military and security companies** with the objective of violating human rights, disrupting and/or undermining the territorial integrity of the sovereign States within their internationally recognized borders and their constitutional order, 37
(Indonesia)

Preambular paragraph 14

Delete the paragraph 38
(Finland, Islamic Republic of Iran, Norway and Sweden)

Amend to read as follows:

(14) ~~Considering that the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict of 17 September 2008 defines private military and security companies~~ **are defined** as private business entities, irrespective of how they define themselves, that provide military and/or security services, that include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel, 39
(Russian Federation)

Amend to read as follows:

Move preambular paragraph (14) to become preambular paragraph (4bis) 40
(Switzerland)

Preambular paragraph 15

Delete the paragraph 41
(Finland, Norway and Sweden)

Amend to read as follows:

Move preambular paragraph (15) to become preambular paragraph (4ter) 42
(Switzerland)

Preambular paragraph 16

Delete the paragraph 43
(Finland, Norway and Sweden)

Amend to read as follows:

(16) *Reaffirming* that the personnel of private military and security companies are obliged, regardless of their status, to comply with applicable international humanitarian law and the State's obligations under international human rights law ~~to the extent they exercise governmental authority~~, and are subject to prosecution if they commit acts recognized as crimes under applicable national or international law; and furthermore, that private military and security companies have a responsibility to respect human rights and international humanitarian law, to take action to stop abuses by their personnel and to provide for or cooperate in processes to provide an effective remedy to the victims, 44
(Islamic Republic of Iran)

Amend to read as follows:

Move preambular paragraph (16) to become preambular paragraph (4quinquies) 45
(Switzerland)

New preambular paragraph 16bis

(16bis) Also reaffirming that mercenaries are obliged, regardless of their status, to comply with applicable international and domestic law and are subject to prosecution if they commit acts recognized as crimes under applicable international and domestic law; and furthermore, that the conduct of mercenaries is attributable to, and may entail the responsibility of, States in accordance with international law, such as if mercenaries are acting on the instructions of, or under the direction or control of, a State, 46
(Sweden)

Preambular paragraph 17

Amend to read as follows:

(17) *Remaining concerned* over state-sponsored recruitment of mercenaries ~~with the purpose to undermine the territorial integrity and constitutional order of other States,~~ 47
(Armenia)

Amend to read as follows:

(17) *Remaining concerned* over state-sponsored recruitment of mercenaries with the purpose to undermine the territorial integrity, **sovereignty** and constitutional order of other States, 48
(Islamic Republic of Iran)

New preambular paragraph 17bis

(17bis) Recalling that the Convention on the Prevention and Punishment of the Crime of Genocide (Paris 1948) labels the crime of genocide as a crime under international law which the Contracting Parties undertake to prevent and to punish, 49
(Netherlands)

New preambular paragraph 17ter

(17ter) Also recalling that the United Nations General Assembly decided to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (United Nations GA Resolution 71/248), 50
(Netherlands)

New preambular paragraph 17quater

(17quater) *Considering* that the prosecution of perpetrators of genocide should preferably take place in the country where the genocide occurred, 51
(Netherlands)

New preambular paragraph 17quinquies

(17quinquies) *Also considering* that the prosecution of perpetrators of crimes of genocide, committed in the Syrian Arab Republic since March 2011, is encountering various difficulties, 52
(Netherlands)

New preambular paragraph 17sexies

(17sexies) *Noting* that, irrespective of the reasons, the lack of prosecution of perpetrators of crimes of genocide goes against the letter and spirit of the Convention on the Prevention and Punishment of the Crime of Genocide and that it is extremely deplorable, 53
(Netherlands)

OPERATIVE PART

Operative paragraph 1

Delete the paragraph

(Switzerland) **54**

Amend to read as follows:

- 1. ~~Decides Requests~~ to cooperate closely with the United Nations General Assembly with the aim to develop and adopt common legal criteria for determining the legal definition of mercenaries and foreign fighters; and ~~in this regard, invites~~ **stake note of the work done by** the Human Rights Council Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination ~~to develop, on the basis of existing international legal documents, such criteria and to submit them for consideration to the United Nations General Assembly;~~ **55**

(India)

Amend to read as follows:

- 1. ~~Decides~~ to cooperate closely with the United Nations General Assembly with the aim to develop and adopt common legal criteria for determining the legal definition of mercenaries ~~and foreign fighters;~~ and in this regard, invites the Human Rights Council Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination to develop, on the basis of existing international legal documents, such criteria and to submit them for consideration to the United Nations General Assembly; **56**

(Finland, Norway and Sweden)

New operative paragraph 1bis

- 1bis. Invites the Working Group on the use of mercenaries to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and private military and security companies and their impact on human rights, particularly on the right of peoples to self-determination (United Nations GA Resolution 73/159, OP16);** **57**

(Cuba)

Operative paragraph 2

Amend to read as follows:

- 2. ~~Urges~~ all parliaments to take legislative measures to ensure that their nationals do not take part in the recruitment, assembly, financing, training, protection or transit of mercenaries ~~or foreign fighters, including those employed by private military and security companies, in violating human rights and international humanitarian law, planning of activities designed to destabilize the situation in any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States;~~ **58**

(Norway and Sweden)

Amend to read as follows:

- 2. ~~Urges~~ all parliaments to take legislative measures to ensure that their nationals do not take part in the recruitment, assembly, financing, training, protection or transit of mercenaries ~~or foreign fighters, including those employed by private military and security companies, in violating human rights and international humanitarian law, planning of activities designed to destabilize the situation in any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States;~~ **59**

(Finland)

Amend to read as follows:

- 2. *Urges* all parliaments to take legislative measures to ensure that their **territories and other territories under their control are not used for activities of mercenaries, and that their** nationals do not take part in the recruitment, assembly, financing, training, protection or transit of mercenaries or foreign fighters, including those employed by private military and security companies, in violating human rights and international humanitarian law, planning of activities designed to destabilize the situation in any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States;

(United Arab Emirates)

Amend to read as follows:

- 2. *Urges* all parliaments to take legislative measures to ensure that their nationals do not take part in the recruitment, assembly, financing, training, protection or transit of mercenaries or foreign fighters, including those employed by private military and security companies, in violating human rights **including the right of peoples to self-determination** and international humanitarian law, planning of activities designed to destabilize the situation in any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States;

(Armenia)

Amend to read as follows:

- 2. ~~*Urges*~~ **Encourages** all parliaments to take legislative measures to ensure that their nationals do not take part in the recruitment, assembly, financing, training, protection or transit of mercenaries or foreign fighters, including those employed by private military and security companies, in violating human rights and international humanitarian law, planning of activities designed to destabilize the situation in any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States;

(China)

Operative paragraph 3

Amend to read as follows:

- 3. *Calls on* parliaments to amend their existing legislation, so as to prevent and punish the recruitment, assembly, financing, training, protection or transit of mercenaries ~~or foreign fighters, including those employed by private military and security companies, who engage in activities designed to destabilize the situation in any State and/or violate human rights and international humanitarian law;~~

(Norway and Sweden)

Amend to read as follows:

- 3. *Calls on* parliaments to amend their existing legislation, so as to prevent and punish the recruitment, assembly, financing, training, protection or transit of mercenaries ~~or foreign fighters, including those employed by private military and security companies, who engage in activities designed to destabilize the situation in any State and/or violate human rights and international humanitarian law;~~

(Finland)

Amend to read as follows:

- 3. *Calls on* parliaments to amend ~~their~~ the existing legislation **in their respective States**, so as to prevent, ~~and~~ **prohibit expressly** the recruitment, assembly, **hiring, or** financing, training, protection or transit of mercenaries or foreign fighters, including those employed by private military and security companies, who engage in activities designed to destabilize the situation in any State and/or violate human rights and international humanitarian law;

(Congo)

Amend to read as follows:

3. *Calls on* parliaments to amend their existing legislation, so as to prevent, **prohibit** and punish **the paying of ransom as well as** the recruitment, assembly, financing, training, protection or transit of mercenaries or foreign fighters, including those employed by private military and security companies, who engage in activities designed to destabilize the situation in any State and/or violate human rights and international humanitarian law;

66

(Algeria)

Operative paragraph 4

Delete the paragraph

(Congo, Finland, Norway and Sweden)

67

Amend to read as follows:

4. ~~*Requests*~~ parliaments to ~~impose a specific ban~~ **enact legislation to promote the prohibition** of the recruitment, training, hiring or financing of foreign fighters, including those employed by private military and security companies intervening in armed conflicts with a purpose of destabilizing constitutional regimes and/or violating human rights and international humanitarian law;

68

(Thailand)

Amend to read as follows:

4. ~~*Requests*~~ **Also calls upon** parliaments to impose a specific ban on the recruitment, training, hiring or financing of foreign fighters, including those employed by private military and security companies intervening in armed conflicts with a purpose of destabilizing constitutional regimes and/or violating human rights and international humanitarian law;

69

(China)

New operative paragraph 4bis

- 4bis. Encourages the international community to develop international registration mechanism for private military and security companies in order to ensure their compliance with international law; and stresses the importance of having private military and security companies respect international human rights laws and international humanitarian laws;**

70

(Indonesia)

Operative paragraph 5

Delete the paragraph

(Finland, Norway and Sweden)

71

Amend to read as follows:

5. *Encourages* parliaments to establish national regulatory mechanisms for registering activities aimed at hiring former servicemen or active duty personnel on leave as imported military assistance in order to ensure that the imported services neither impede the enjoyment of human rights, **including the right of peoples to self-determination**, nor violate human rights or international humanitarian law in the recipient State nor are designed to undermine the constitutional order or territorial integrity of that State;

72

(Armenia)

Amend to read as follows:

5. *Encourages* parliaments to establish national **legal and** regulatory mechanisms for registering activities aimed at hiring former servicemen or active duty personnel on leave as imported military assistance in order to ensure that the imported services neither impede the enjoyment of human rights nor violate human rights or international humanitarian law in the recipient State nor are designed to undermine the constitutional order or territorial integrity of that State;

73

(Thailand)

Operative paragraph 6

Amend to read as follows:

- 6. *Invites* the parliaments of States which have not yet done so, to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, **and further assess respective national legal and policy frameworks regarding the use of mercenaries and/or private military and security companies in keeping with the Convention, including the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict and the International Code of Conduct for Private Security Service Providers;** 74

(Indonesia)

Amend to read as follows:

- 6. *Invites* the parliaments of States which have not yet done so, to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, **to enact it in legislation in order to eliminate mercenary activities, and to further monitor implementation of this convention;** 75

(Islamic Republic of Iran)

Amend to read as follows:

- 6. ~~*Invites*~~ **Also encourages** the parliaments of States which have not yet done so, to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; 76

(China)

Operative paragraph 7

Delete the paragraph

(Finland, Islamic Republic of Iran, Norway and Sweden) 77

Amend to read as follows:

- 7. *Calls on* parliaments and governments to enact provisions of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, **the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict and the International Code of Conduct for Private Security Service Providers** in national legislation in order to eliminate mercenary activities, **to prevent the violation of human rights law and international humanitarian law by private military and security companies** and to further monitor implementation of ~~the Convention~~ **these documents;** 78

(Indonesia)

Amend to read as follows:

- 7. ~~*Calls on*~~ **Encourages** parliaments and governments to enact provisions of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries in national legislation in order to eliminate mercenary activities and to further monitor implementation of the Convention; 79

(Viet Nam)

New operative paragraph 7bis

- 7bis. Encourages parliaments to urge private sectors or multinational corporations that use private military and security companies to comply with relevant instruments of international humanitarian laws and human rights laws;** 80

(Indonesia)

New operative paragraph 7ter

- 7ter. Encourages further parliaments to urge multinational corporations to respect human rights in their business activities, including by implementing the UN Guiding Principles on Business and Human Rights;** 81

(Indonesia)

Operative paragraph 8

Amend to read as follows:

8. Urges States to take into account women's rights, gender equality, and the special needs of women and ~~girls~~ **children**, and stresses the importance of the equal participation of men and women in all peace and security efforts; 82
- (Thailand)

Operative paragraph 9

Amend to read as follows:

9. *Condemns* the recruitment and use of children in armed conflict by all actors, and invites parliaments to amend respective legislation so as to criminalize such practices in national legislations; 83
- (Congo)

Merge paragraphs 9 and 10 and amend as follows:

9. *Condemns* ~~9. — Strongly condemns~~ **the policies aimed at instilling militant/combative attitudes and mind-sets among children that contribute to** the recruitment and use of children in armed conflict by all actors, and invites parliaments to amend respective legislation so as to criminalize such practices in national legislation; 84
- (Viet Nam)

Operative paragraph 10

Delete the paragraph

(Viet Nam) 85

Amend to read as follows:

10. *Strongly condemns* the policies aimed at instilling militant/~~combative~~ **belligerent** attitudes and mind-sets among children; 86
- (Finland)

Amend to read as follows:

10. *Strongly condemns* the policies aimed at instilling militant/combative attitudes and mind-sets among children **in armed conflict**; 87
- (China)

New operative paragraph 10bis

- 10bis. Condemns mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the enjoyment of human rights by their people,** 88
- (United Arab Emirates)

Operative paragraph 11

Delete the paragraph

(Switzerland) 89

Amend to read as follows:

11. *Condemns* mercenary activities in areas of ongoing armed conflicts and in **future** conflicts ~~that may arise~~ after the adoption of ~~the present~~ **this** Resolution, and the threat they pose to the integrity of and respect for the constitutional order of sovereign States, to international peace and security, and to human rights and international humanitarian law; 90
- (Thailand)

Amend to read as follows:

- 11. *Condemns* mercenary activities in areas of ongoing armed conflicts and in conflicts that may arise after the adoption of the present Resolution, and the threat they pose to the integrity of and respect for the constitutional order of sovereign States, **the right to self-determination of peoples**, to international peace and security, and to human rights and international humanitarian law; 91
(Armenia)

Operative paragraph 12

- Delete the paragraph 92
(Finland, Norway and Sweden)

Amend to read as follows:

- 12. ~~Also condemns hostile activities and the violations of international humanitarian law~~ **and** of human rights by foreign fighters, including those hired by private military and security companies, ~~in areas of ongoing armed conflicts and in conflicts that may arise after the adoption of the present Resolution,~~ and the threat they pose to the integrity of and respect for the constitutional order of sovereign States, to international peace and security, and to human rights and international humanitarian law; 93
(Switzerland)

Amend to read as follows:

- 12. *Also condemns* hostile activities and the violation of human rights by foreign fighters, including those hired by private military and security companies, in areas of ongoing armed conflicts and in **future** conflicts ~~that may arise~~ after the adoption of ~~the present~~**this** Resolution, and the threat they pose to the integrity of and respect for the constitutional order of sovereign States, to international peace and security, and to human rights and international humanitarian law; 94
(Thailand)

Amend to read as follows:

- 12. *Also condemns* hostile activities and the violation of human rights by foreign fighters, including those hired by private military and security companies, in areas of ongoing armed conflicts and in conflicts that may arise after the adoption of the present Resolution, and the threat they pose to the integrity of and respect for the constitutional order of sovereign States, **the right to self-determination of peoples**, to international peace and security, and to human rights and international humanitarian law; 95
(Armenia)

Operative paragraph 13

- Delete the paragraph 96
(Finland, Norway and Sweden)

Amend to read as follows:

- 13. ~~Calls upon States~~ **parliaments** to **support the relevant authorities** to hold liable the superiors of private military and security companies, such as governmental officials, whether they are military commanders or civilian superiors, as well as directors or managers of private military and security companies, for crimes under international law committed by foreign fighters hired by such companies and under their effective authority and control, as a result of their failure to properly exercise control over such foreign fighters in accordance with international law; 97
(Thailand)

Amend to read as follows:

- 13. *Calls upon* States to hold liable ~~the superiors of~~ **those who hire** private military and security companies, such as governmental officials, whether they are military commanders or civilian superiors, as well as ~~directors or managers~~ **executives** of private military and security companies, for crimes under international law committed by foreign fighters hired by such companies and under their effective authority and control, as a result of their failure to properly exercise control over such foreign fighters in accordance with international law; 98
- (Switzerland)

Amend to read as follows:

- 13. *Calls upon* States to hold liable ~~the superiors of~~ **those responsible for** private military and security companies, such as governmental officials, whether they are military commanders or civilian superiors, as well as directors or managers of private military and security companies, for crimes under international law committed by foreign fighters hired by such companies and under their effective authority and control, as a result of their failure to properly exercise control over such foreign fighters in accordance with international law; 99
- (Congo)

Amend to read as follows:

- 13. *Calls upon* States to hold liable the superiors of private military and security companies, such as governmental officials, whether they are military commanders or civilian superiors, as well as directors or managers of private military and security companies, for crimes under international law committed by foreign fighters hired by such companies and under their effective authority and control, as a result of their failure to properly exercise control over such foreign fighters in accordance with ~~international~~ **their national laws**; 100
- (Viet Nam)

New operative paragraph 13bis

- 13bis. Also calls upon States to introduce measures enabling them to monitor the activities of private military and security companies that are carried out not only on their territory but, with respect to their national companies, activities that are carried out in other countries;** 101
- (Switzerland)

Operative paragraph 14

Amend to read as follows:

- 14. *Also calls upon* States to take special measures to protect women and girls from sexual and gender-based violence in situations of armed conflict, and address accountability gaps and impunity as regard the criminal prosecution for sexual and gender-based violence perpetrated by mercenaries, ~~foreign fighters and private military and security company employees~~, and of all those that sponsor them; 102
- (Finland, Norway and Sweden)

Amend to read as follows:

- 14. *Also calls upon* States to take special measures to protect women and girls from sexual and gender-based violence in situations of armed conflict, and address accountability gaps and impunity as regard the criminal prosecution for sexual and gender-based violence perpetrated by mercenaries, foreign fighters, **including** ~~and~~ private military and security company employees, and of all those that sponsor them; 103
- (Switzerland)

Amend to read as follows:

- 14. *Also calls upon* States to take ~~special~~**necessary** measures to protect women and ~~girls~~**children** from sexual and gender-based violence in situations of armed conflict, and address accountability gaps and impunity as regard the criminal prosecution for sexual and gender-based violence perpetrated by mercenaries, foreign fighters and private military and security company employees, and of all those that sponsor them; **104**
(Thailand)

New operative paragraph 14bis

- 14bis. Further calls upon governments to propose the establishment of an international penal tribunal to try Daesh fighters captured in Syria;** **105**
(Netherlands)

Operative paragraph 15

Amend to read as follows:

- 15. *Condemns* any form of impunity granted to perpetrators **of violations of international law as part of their** mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries ~~that take part in armed conflicts~~, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice; **106**
(Switzerland)

Amend to read as follows:

- 15. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for **the paying of ransom as well as for** the use, recruitment, financing and training of mercenaries that take part in armed conflicts, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice; **107**
(Algeria)

Amend to read as follows:

- 15. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries that take part in armed conflicts, and urges all States, in accordance with their obligations under international law, to bring them, without ~~distinction~~ **discrimination**, to justice; **108**
(Thailand)

Operative paragraph 16

- Delete the paragraph **109**
(Finland, Norway and Sweden)

Amend to read as follows:

- 16. *Also condemns* any form of impunity granted to ~~superiors~~ **executives** of private military and security companies, involved in ~~hostile acts and~~ violations of human rights and international humanitarian law ~~in armed conflicts~~ and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice; **110**
(Switzerland)

Amend to read as follows:

- 16. *Also condemns* any form of impunity granted to ~~superiors~~ **those responsible for** private military and security companies, involved in hostile acts and violations of human rights and international humanitarian law in armed conflicts and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice; **111**
(Congo)

Amend to read as follows:

- 16. *Also condemns* any form of impunity granted to superiors of private military and security companies, involved in hostile acts and violations of human rights and international humanitarian law in armed conflicts and urges all States, in accordance with their obligations under international law, to bring them, without ~~distinction~~ **discrimination**, to justice; 112
- (Thailand)*

Operative paragraph 17

- Delete the paragraph 113
- (Finland, Norway and Sweden)*

Amend to read as follows:

- 17. *Further condemns* any form of impunity granted to foreign fighters and to those responsible for **the paying of ransom as well as for** the use, recruitment, financing and training of foreign fighters for their violations of human rights and international humanitarian law, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice; 114
- (Algeria)*

Amend to read as follows:

- 17. *Further condemns* any form of impunity granted to foreign fighters and to those responsible for the use, recruitment, financing and training of foreign fighters for their violations of human rights and international humanitarian law, and urges all States, in accordance with their obligations under international law, to bring them, without ~~distinction~~ **discrimination**, to justice; 115
- (Thailand)*

Operative paragraph 18

Amend to read as follows:

- 18. *Calls upon* parliaments, in accordance with their obligations under international law, to cooperate closely with and assist the judicial prosecution of those accused of mercenary activities, ~~as well as those who are foreign fighters and superiors of employees of private military and security companies who committed violations~~, to hold them accountable and have them tried by a competent, independent and impartial tribunal, in compliance with international human rights standards and international humanitarian law; 116
- (Norway and Sweden)*

Amend to read as follows:

- 18. *Calls upon* parliaments, in accordance with their obligations under international law, to cooperate closely with and assist the judicial prosecution of those accused of mercenary activities, ~~as well as those who are foreign fighters and superiors of employees of private military and security companies who committed violations~~, to hold them accountable and have them tried by a competent, independent and impartial tribunal, in compliance with international human rights standards and international humanitarian law; 117
- (Finland)*

Amend to read as follows:

- 18. *Calls upon* parliaments, ~~in accordance with their obligations under international law~~ **where appropriate**, to ~~cooperate closely with and assist the judicial~~ **support the judiciary in the** prosecution **process** of those accused of mercenary activities, as well as those who are foreign fighters and superiors of employees of private military and security companies who committed violations, ~~to hold them accountable and have them tried by a competent, independent and impartial tribunal, in compliance~~ **in accordance** with international human rights standards and international humanitarian law; 118
- (Thailand)*

Amend to read as follows:

- 18. *Calls upon* parliaments, ~~in accordance with their obligations under international law,~~ to cooperate closely with and assist the judicial prosecution of those accused of mercenary activities, as well as those who are foreign fighters and superiors of employees of private military and security companies who committed violations, to hold them accountable and have them tried by a competent, independent and impartial tribunal, in compliance with ~~international human rights standards and~~ **applicable** international humanitarian law; 119
- (India)*

Amend to read as follows:

- 18. *Calls upon* parliaments, ~~in accordance with their obligations under international law,~~ to cooperate closely with and assist the judicial prosecution **with objective investigations** of those accused of mercenary activities, as well as those who are foreign fighters and superiors of employees of private military and security companies who committed violations, to hold them accountable and have them tried by a competent, independent and impartial tribunal, in compliance with international human rights standards and international humanitarian law; 120
- (Russian Federation)*

Amend to read as follows:

- 18. *Calls upon* parliaments, in accordance with their obligations under international law, to cooperate closely with and assist the judicial prosecution of those accused of mercenary activities, as well as those who are foreign fighters, ~~and superiors of employees~~ **including executives** of private military and security companies who committed violations **of international humanitarian law or of human rights**, to hold them accountable and have them tried by a competent, independent and impartial tribunal, in compliance with international human rights standards and international humanitarian law; 121
- (Switzerland)*

Amend to read as follows:

- 18. *Calls upon* parliaments, in accordance with their obligations under international law **and national laws**, to cooperate closely with and assist the judicial prosecution of those accused of mercenary activities, as well as those who are foreign fighters and superiors of employees of private military and security companies who committed violations, to hold them accountable and have them tried by a competent, independent and impartial tribunal, in compliance with ~~international human rights standards and~~ international humanitarian law; 122
- (Viet Nam)*

Operative paragraph 19

Amend to read as follows:

- 19. *Also calls upon* parliaments to adopt clear and precise legislation to strengthen access to full effective legal assistance, support and remedies for victims of violence by mercenaries, ~~foreign fighters and private military and security company employees;~~ 123
- (Finland, Norway and Sweden)*

Amend to read as follows:

- 19. *Also calls upon* parliaments to adopt clear and precise legislation to strengthen access to full effective legal assistance, support and remedies for victims of ~~violence~~ **violations of international law committed** by mercenaries, foreign fighters and private military and security company employees; 124
- (Switzerland)*

New operative paragraph 19bis

19bis. Further calls upon parliaments to avail of parliamentary exchanges and inter-parliamentary conferences such as the IPU Assemblies and other similar IPU-hosted conferences to learn about the best practices and policies to effectively deal with terrorism and assymetrical conflicts which undermine peace, international security, sovereignty and the territorial integrity of States;

(Philippines)

New operative paragraph 19bis

19bis. Also calls for concrete international cooperation to ensure the exchange of information and best practices to prevent human rights violations perpetrated by mercenaries, foreign fighters, the private sector and private military and security companies;

(Indonesia)

New operative paragraph 19ter

19ter. Further calls for intensifying international cooperation to increase technical assistance for capacity building and training on prevention, prosecution, strengthening of national legal frameworks and systems, as well as on victim protection;

(Indonesia)

TITLE

Modify the title as follows:

Non-admissibility of using mercenaries **and foreign fighters** as a means of undermining peace, **international security, territorial integrity of States** and violating human rights

(Ukraine)

Modify the title as follows:

Non-admissibility of using mercenaries **and mercenary and foreign fighters related activities** as a means of undermining peace and violating human rights

(Viet Nam)