

77th Session, United Nations General Assembly

Statement of the Chair of the Working Group on the use of mercenaries to the 77th session of the United Nations General Assembly

Dr Sorcha MacLeod
Chair-Rapporteur

1st November 2022

Mr President, Excellencies, Distinguished Representatives, as Chair-Rapporteur of the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination, it is my honour to address the General Assembly. My purpose today is two-fold. Firstly, to update you briefly on the activities of the Working Group, and secondly to present our thematic report on the human rights impacts of mercenaries, mercenary-related actors, and private military and security companies in the maritime context.

Turning first to the activities of the Working Group on the use of mercenaries. During the past year, the Working Group's mandate has become more relevant than ever, and we continue to actively implement it. We resumed in-person sessions and intensified our ongoing engagement with Member States, international and non-governmental organizations, and other relevant interlocutors. We also convened two expert consultations on the topics of our thematic reports to the Human Rights Council and to this General Assembly, and contributed to workshops, seminars, and conferences.

The Working Group has also received invitations to undertake country visits in the upcoming year. We continue to receive and take action on allegations of human rights and humanitarian law violations arising from the activities of mercenaries, mercenary-related actors, and private military and security companies around the world. I thank all those who met with us and who contributed to our work.

Turning now to our thematic report. This report examines the pressing and complex challenges presented by violations of human rights and humanitarian law perpetrated by private military and security companies, mercenaries and related actors in the maritime context.

It is well known that piracy has long been a key driver of the increasing use of private military and security companies at sea, and is of ongoing and urgent international concern. Furthermore, there are security concerns around the use of ships in human trafficking, irregular migration, drug trafficking and the trafficking of wildlife and wildlife commodities. This turn to PMSC to provide a wide range of maritime security services may ensure more secure maritime transit, but it can, and does, come at a cost to the human rights of seafarers, private security personnel, and others. The Working Group received information about the

unregulated and disproportionate use of force at sea; violations of the rights to life, liberty and other physical integrity rights; violations of due process guarantees; and abuses of labour rights. Moreover, these violations are escalating due to increased competition among PMSC, accompanied by a lowering of the quality of private security services provided, and consequently negative impacts on human rights. Weak vetting and training regimes, the proliferation of weapons, and poor monitoring and oversight of the industry further contribute to violations.

The adoption of coherent and effective international and domestic regulation and oversight of PMSC operating at sea is essential, and flag States, coastal States and port States play an especially important regulatory role. Consistency across jurisdictions is crucial to prevent forum shopping by shipowners, who otherwise often take advantage of weak regulatory frameworks. Attention must be paid to the troubling and evolving trend towards the hybridization of security provision at sea where public and private security actors combine to provide maritime security, and which can present particular problems in relation to monitoring, oversight and accountability. In addition, the largely unmonitored and unregulated phenomenon of floating armouries must be addressed, including potentially through the establishment of State-controlled armouries onshore.

While the abuse of labour rights of private security personnel at sea is prevalent, any legislative initiatives must also address violations of human rights at sea more broadly, focusing particularly on the disproportionate use of force, and violations of the rights to life and liberty, as well as due process guarantees. An effective legislative and regulatory framework in the maritime private security context must also ensure effective access to justice and remedy for victims.

In relation to mercenaries and mercenary-related actors, the Working Group received concerning information about the increasing use of maritime vessels to transport weapons for mercenary purposes. We also received information suggesting that there may be links to human trafficking via the maritime transfer of coerced mercenary recruits from particular countries. Opacity around the use of maritime vessels to support mercenary-related activities is unsurprising, and the general lack of transparency around mercenary activities is an issue that the Working Group has previously identified as concerning in its reports that focus more broadly on mercenarism. It is clear, however, that further data collection and research are required in this area.

Whether human rights violations are perpetrated by mercenaries or by PMSC, there is a lack of accountability for them, as well as an absence of access to justice and effective remedies for victims, driven by the specificities of the maritime context (an issue that the Working Group highlights more broadly in our 2022 report to the Human Rights Council on access to justice, accountability, and remedies for victims). It is imperative that States address these gaps by effectively regulating the maritime sphere in line with the recommendations made in our report.

Mr President, Excellencies, Distinguished Representatives, thank you for your attention. I look forward to engaging in a constructive dialogue.