



APQA: Advisory Panel on the Question of Africa

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Issue: Combating the Proliferation of Foreign Mercenaries and Private Military Companies in Conflict Zones

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Committee:	The Advisory Panel on the Question of Middle Africa
Issue:	Combating the Proliferation of Foreign Mercenaries and Private Military Companies in Conflict Zones
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I. Introduction

The rise of foreign mercenaries and private military and security companies (PMSCs) in zones of insecurity is a prominent facet of contemporary insecurity in Middle Africa, the Central African region that includes the Republic of Angola, Cameroon, Central African Republic (CAR), Republic of Chad, Republic of the Congo, Democratic Republic of the Congo (DRC), Equatorial Guinea, Gabon, and São Tomé and Príncipe (defined by the United Nations Statistics Division). The presence of enduring insurgent activity, porous state borders, lucrative extractive resources, and uneven state capacity create opportunities for profit-oriented armed actors and corporate security contractors to operate in national contexts and across borders, with implications for sovereignty, civilian protection, and regional stability. This report addresses the issue in the subregion within the 2025 conference theme about Africa, “Navigating Uncertainty Through the Lens of Mutual Trust”, highlighting the critical role of cooperation, transparency, and accountability in achieving sustainable security arrangements.

However, not all mercenaries are from a PMSC, nor not all PMSCs employ mercenaries. International humanitarian law (IHL) employs a restrictive definition of “mercenary” in Article 47 to Additional Protocol I to the Geneva Conventions, denying them the status of combatant and prisoner of war status as long as a number of criteria are cumulatively met: (a) he is specifically recruited to fight in armed conflict, (b) his primary purpose for performing the role is for private gain, (c) he takes part directly in hostilities, (d) he is not a member of the armed forces of a party to the conflict, and (e) he is not sent by a state for official duty. By contrast, PMSCs are business enterprises that offer services ranging from convoy and facility security to training, logistics, and perhaps direct combat support. Their personnel may not individually satisfy the Article 47 threshold; nevertheless could turn a conflict and the conditions of humanitarianism. The differentiation and the consequences of the legal gap are the subject of experts’ consideration.

The normative framework relevant to Middle Africa involves international, regional, and non-binding frameworks. At the UN level is the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (1989), which criminalizes core mercenary activities and entered into force on 20 October 2001. Continued deposits reflect new accessions (e.g. Côte d'Ivoire in 2025) and provide an indication of the Convention's role in contributing to the dialogue. At the regional level, the Organization of African Unity (OAU) Convention for the Elimination of Mercenarism in Africa (1977, Libreville) obliges States



Parties to prevent, criminalize and punish mercenarism in African contexts. There are treaties, and in addition to these, the Montreux Document (2008) (non-binding) sits nicely as a catalog of existing IHL/HRL obligations and good practice for contracting states, territorial states and home states regarding the regulation of PMSCs. Collectively, the frameworks represent a good range of instruments as Middle African states, ECCAS, and external partners think about the hybrid conflicts that exist now.

The Central African Republic is also another example of the appeal of new foreign force providers in fragile contexts. United Nations human rights experts have reported individual cases of Russian-affiliated contractors, in concert with national actors, harassment, and intimidation of civilians, journalists, aid workers, and minorities as metrics of violence, while Security Council panels have assembled evidence of indiscriminate violence and serious violations over the last reporting cycles of major operations undertaken by these actors. The same patterns can provide temporary tactical advantages to offline governments, but at the cost of civilian protections, extraction-related corruption, and state accountability. Similar transnational threats: e.g., cross-border recruitment, spillage of armed actors and resource-security deals are present across the region's borders and reflect the need for a subregional response. Responses should go beyond one-state approaches for various reasons, including that these conflict experiences and responses typically take place in Middle Africa. The Economic Community of Central African States (ECCAS) has responsibility for peace and security (including through its COPAX framework, and protocol on peace and security) where there is space for overseeing legal harmonization among members, oversight of contractors, from outside, and institutionalising cross-border sharing of information on recruitment and flow of arms can essentially catalyse discussing in the region's context. The UN Regional Office for Central Africa (UNOCA) might also, in its pursuit of preventive diplomacy, witness the potential for a co-operative approach ECCAS to facilitate partner understandings of transparency and accountability benchmarks for any assistance with the investment of all outside assistance; and as the same types of avenues would be needed to integrate PMSC and anti-mercenarism governance regimes into the region's agenda of integration as well as the more general issue of preventive, trust-based and diplomatic engagement.

A governance issue is at the core of the problems. A set of states are facing escalated threat levels, therefore will contract foreign actors to compensate for functional capacities that states do not possess. This is especially true in the case of PMSCs, as contracts with them are rarely transparent or accountable, and the use of foreign personnel often blurs the distinction between contractors and mercenaries. Moreover, the definition of 'mercenary' under International Humanitarian Law (IHL) is very narrow, allowing many contractors to fall outside its scope. Enforcement has also failed because many states have not ratified the UN and OAU conventions, or have done so without fully incorporating them into domestic law. Non-binding soft law frameworks such as the Montreux Document provide for enumerating practical measures to achieve an existing state obligation in relation to legitimate contracting: e.g., licensing, a public registry, and



extraterritorial jurisdiction for serious violations. It is necessary for experts to strengthen the knowledge and coordination capacity of contracting states so they can hold both territorial and external actors accountable for their roles in Middle Africa, and ensure that security options remain legitimate and consistent with existing laws.

II. Key Vocabulary

Mercenary: A mercenary is someone who is hired to take a direct part in hostilities, motivated almost exclusively by private gain, and is not a national or resident of the territory where the conflict is occurring. In international law (Article 47 of Additional Protocol I to the Geneva Conventions, and the 1989 UN Mercenary Convention), mercenaries are defined in a very specific way. Mercenaries have no rights as lawful combatants or prisoners of war if captured. In Middle Africa, mercenaries may be brought on board to address additional military manpower needs in a conflict involving governments, rebel groups, or private actors. The presence of hired guns raises important questions of sovereignty, accountability and the protection of civilians.

Private Military and Security Companies (PMSCs): PMSCs are corporate companies that provide security or military services on a for-profit basis. Their tasks range from protecting installations, training, and providing logistical support in combat. They are contracted privately, unlike the state's armies, and usually, they combine legitimate security assistance with mercenarism.

International Humanitarian Law (IHL): International Humanitarian Law prescribes rules and it is intended to limit the effects of armed conflict. It seeks to protect civilians and to protect those who are no longer taking part in hostilities. It also limits the means and methods of warfare. The IHL is the legal structure that sets out the definition of mercenaries; governs the use of PMSCs; and allows for accountability of any action that violates IHL, such as attacks against civilians. In Middle Africa, there is not always effective state enforcement; IHL sets the universal standards for protection.

Sovereignty: Sovereignty is the right of a political unit to have the right and power to govern itself, free from outside interference. Sovereignty is a principle of international law that values the independence and territorial integrity of states as core tenets of the international order. The use of mercenaries and PMSCs always poses a threat to sovereignty in Middle Africa. A foreign actor may have influence in political decisions, take advantage of natural resources, or act without accountability, which undermines both sovereignty and the ability of the state to govern.

UN Mercenary Convention (1989): This convention criminalizes mercenary activity globally, covering recruitment, training, financing, and participation in conflicts. Although many African states have ratified it



since it came into force in 2001, enforcement remains inconsistent, leaving gaps that continue to enable mercenary activity in Middle Africa.

OAU Convention for the Elimination of Mercenarism in Africa (1977): This treaty of the African Union, which was first adopted by the Organization of African Unity, is aimed at addressing mercenary activity in conflicts in Africa. It has a broad definition of mercenarism and obligates Member States to criminalize and punish that activity. Because it is regional, this is a particularly relevant treaty for Middle Africa as it reflects the history of mercenaries in interventions that have destabilized nations through coups, rebellions, and wars.

Montreux Document (2008): A non-binding international agreed document emerged from Switzerland and the International Committee of the Red Cross (ICRC). The Montreux Document reaffirms current legal obligations that states have with respect to private military and security companies (PMSCs) and provides good practices to regulate PMSCs. While most states in Middle Africa have very little oversight of PMSCs, the Montreux Document provides best practices that can be followed to improve regulations, even if they are not legally obligated to do so.

Economic Community of Central African States (ECCAS): ECCAS is a regional organization of Central African countries but its objectives include promoting economic development, peace, and security. ECCAS operates mechanisms for peace and security, such as COPAX (Council for Peace and Security in Central Africa). ECCAS is a key formal partner in regional cooperation in Middle Africa and can help harmonize laws, share information, and coordinate efforts to curb mercenary activities across borders.

Resource Exploitation: Resource exploitation refers to the extraction and processing of natural resources that include mining, oil and timber. In situations of armed conflict, those resources may be exploited, and controlling them can lead to violence. Mercenaries and PMSCs are often hired to guard resource sites or to exploit resources, like diamond or gold mining in the Central African Republic, or the Democratic Republic of the Congo in Middle Africa.

III. Involved Countries and Organizations

Central African Republic (CAR):

The CAR is one of the most stark examples of the activity of mercenaries and PMSCs in Middle Africa. Since 2018, the CAR government has contracted foreign, specifically Russian-affiliated PMSCs for activities such as military training, as well as to provide security for both officials and resources (e.g., diamond and gold mines). Reports from the United Nations and numerous INGOs highlight serious violations from actors such as this, including the intimidation of civilians and journalists.



For the government of CAR, these types of contracts are essential to their survival against armed groups such as the Seleka and Anti-Balaka militias, defending their partnerships as necessary interim steps to civilian stability in a state that has depended on traditional allies to support it as they have failed on multiple occasions.

At international events, the government of the Central African Republic has repeatedly put forth that it is a sovereign state and can choose its partners and that, as long as the state continues to exist, it will freely seek foreign support.

Democratic Republic of the Congo (DRC)

The DRC has had a long history with mercenaries dating back to the Congo Crisis in the 1960s. In its eastern provinces, where minerals abound, unregulated militia also act as mercenaries and foreign fighters are often contracted by armed groups to protect mines and trade routes.

The Congolese authorities understand that mercenaries in the country are a limiting factor to stability in the east. Government officials cite that these groups are detractors to the sovereignty of the state, and development and have called for international partners to cease mercenary activities, while at the same time noting that cooperation has often been limited in favor of personal relations with powerful armed groups.

The DRC focuses internationally on strategic partnerships to disarm foreign fighters, strengthen control over mining areas, hold those illegally profiting from the DRC accountable, and reiterate its condemnation of foreign mercenaries.

Chad

Chad's location, connecting the heart of the Sahel to Central Africa, makes it a recruitment area and target for mercenary risk. There has been a long history of Chadian fighters working as mercenaries in Libya, Sudan, and the Central African Republic, which can create destabilizing spillovers.

The government has a long history of denouncing mercenary activity, particularly since it can destabilize borders that are already fragile. However, internal divisions within Chad have at times allowed certain factions to benefit from mercenary networks, exposing contradictions in the country's security environment.

Chad's transitional authorities have initiated exercises through ECCAS to enhance combined control over borders and to support the implementation of regional action to stop the recruitment of Chadian nationals as mercenaries in wars occurring in surrounding countries.



Equatorial Guinea

Equatorial Guinea has faced direct mercenary threats, most notably the attempted coup in 2004 led by foreign fighters, which exposed the vulnerability of resource-rich states to mercenarism. The government views mercenaries not only as a security concern but as an existential threat to national sovereignty and regime stability. The state consistently advocates for the strict implementation of the OAU Convention on Mercenarism and calls on African partners to criminalize and prosecute all mercenary involvement in the region.

Republic of the Congo (Congo-Brazzaville)

Even though the Republic of the Congo is less directly affected, it is still impacted by the transnational movement of mercenaries and arms due to its proximity to the Central African Republic and the Democratic Republic of the Congo. The government maintains a position aligned very closely with ECCAS, noting that the destabilizing impact of mercenary groups in regional neighbors also constitutes a threat to Brazzaville's security and regional stability.

African Union (AU)

The African Union (AU) has more of a continental role in response to mercenaries using the 1977 OAU Convention for the Elimination of Mercenarism in Africa. The AU Peace and Security Council usually raises mercenarism as a main driver of instability in conflicts in Africa. The AU frames mercenaries as compromising two critical elements: sovereignty and peacebuilding, creating continual cycles of violence. Instead, it claims that swift and isolated ownership and approaches developed by Africa for Africa are a necessity.

The AU called for the harmonization of national laws banning mercenarism, strengthening member states' judicial systems, and better incorporation of anti-mercenary policies into a continental peacekeeping and mediation framework.

United Nations (UN)

The UN addresses mercenary activity through several channels, including the Working Group on the Use of Mercenaries, the Human Rights Council, and peacekeeping missions in the CAR and DRC. These bodies verify and report situations where mercenary actors and more broadly PMSCs are involved in HR violations repeatedly. The UN consistently affirms that mercenaries undermine peace, security, democratic governance, and compliance with international humanitarian law. It has called on states to ratify and



implement the 1989 Mercenary Convention, emphasizing the need for domestic laws that criminalize recruitment, funding, and incitement, while also ensuring that peacekeeping mandates prioritize monitoring in regions affected by mercenary activity.

Economic Community of Central African States (ECCAS)

ECCAS is the regional bloc with the most direct responsibility for peace and security in Middle Africa, with structures like COPAX (Council for Peace and Security in Central Africa) to coordinate responses to instability. For ECCAS, mercenary activity is a destabilizing agent, closely linked to conflicts over resource wealth and cross-border insecurity. ECCAS prioritizes regional information-sharing, coordinated military patrols, and harmonization of national laws to criminalize mercenary activity. It also supports joint negotiations with external actors providing military assistance to ensure greater transparency and accountability.

IV. Focused Overview of the Issue

The phenomenon of foreign mercenaries and private military and security companies (PMSCs) in Middle Africa is complicated and deeply rooted in the area's history, politics, and economy. It is not just about groups with guns, functioning in war zones. It is a consequence of weak state institutions, porous borders, economies based on resources, and a continuous cycle of violence. It is important to consider its historical context, economic aspects, legal frameworks that regulate the phenomenon, humanitarian repercussions, and finally examine the contours of the problem to understand and take action on why mercenaries are such a uniquely severe issue for both the region and the world.

1. Historical Precedents of Mercenarism in Middle Africa

Mercenarism in Middle Africa is not something that has only recently developed. In the 1960s, foreign mercenaries from Europe and abroad were recruited by rival factions to fight their wars during the Congo Crisis, which later became known as the Democratic Republic of the Congo (DRC). This crisis was significant as one of the first post-independence conflicts, demonstrating that weak state structures combined with abundant natural resources practically invited foreign actors into the fray who did not have a political or ideological justification for fighting but were there for profit.

The Cold War allowed the mercenary to become ever more entrenched in the social orders of these states. In Angola and Chad, foreign fighters were contracted or captured and supported by foreign powers attempting to manipulate local and regional struggles to influence outcomes. In Middle Africa, the legacies of the past have persisted along with the patterns of mercenary behavior. First, when states were unable to rely



on their own military for sovereignty, they hired outsiders. Second, the allure of profits and access to highly valuable resources and markets kept attracting foreign mercenaries to fight for African parties in African conflicts. This historical legacy continues to inform how both state and non-state actors in Middle Africa view mercenary engagement as an option, despite the fact that it often brings instability.

2. Economic Incentives and Resource Exploitation

Whenever mercenary and PMSC activity is a factor in Middle Africa, there are typically growing economies that are largely driven by raw material wealth. The Democratic Republic of the Congo is the home of large deposits of cobalt, coltan, and copper, while the Central African Republic (CAR) has larger reserves of diamonds and gold. Equatorial Guinea's oil wealth has also attracted interest from outside producers, along with other states in the area that are resource-rich, either in timber or other extractive resources.

Resource sites tend to be in remote or, at most, unstable areas, meaning that state control over them is weak. This results in making resource sites manipulable, not only by rebels but foreign actors also offer "protection services." In some instances, governments hire PMSCs to guard their mines or oil fields, and in other respects, armed groups and foreign mercenaries enter the resource economy via protection payments or controlling smuggling routes.

Understandably, there is a cyclical relationship between natural resources and insecurity. Insecurity around mines encourages states or firms to hire mercenaries or PMSCs. However, their presence rarely calms the situation in the long run. Instead, they perpetuate corrupt relationships, aid elites (whether locals or foreign sponsors), and further alienate local populations who often do not perceive improvements in their lives. Raw material wealth becomes a curse rather than a blessing in this process. It creates demand for mercenary "involvement" while perpetuating instability.

3. Legal Ambivalence and Enforcement Deficits

There is also a legal dimension to the problem. International humanitarian law has a limited definition of mercenaries, found in Article 47 of Additional Protocol I to the Geneva Conventions. In order to be a mercenary, a person must meet several conditions: being foreign, motivated by private gain, and taking a direct part in hostilities not on behalf of a state as part of its national armed group. The mercenary definition is so narrow that many contractors currently in existence do not fit the legal definition.

Private military and security companies (PMSCs), on the other hand, are by definition registered companies and claim to be operating legally. PMSCs often represent themselves as service providers, either



providing logistics, training, or protection. Even if they are engaged in direct combat, because of their corporate title, they avoid being classified as mercenaries, which is a significant enforcement deficit.

The 1989 UN Mercenary Convention and the 1977 OAU Convention on Mercenarism exist. However, ratifications are uneven, and enforcement is uneven. There are many Middle African states that may only have limited capacity to enact these conventions at the domestic level. With corruption, underfunded judicial systems, and political interference, it is unlikely that accountability for mercenaries or PMSCs is meaningful. Foreign contractors are essentially operating in a de facto state of exception, with little to no risk of prosecution.

4. Political State Stability and State Dependency

Weak political institutions provide another rationale for the proliferation of mercenary activity in Middle Africa. The majority of states in this arena have unstable and fragmented armed forces, with persistent insurgencies. These are the conditions that cause leaders to look towards foreign contractors for ways to protect regimes. The provision of protection, training, et cetera provides short-term benefits to governments with large future costs.

The Central African Republic illustrates this predicament perfectly, in the sense that the CAR government is now fighting several insurgents and has made the decision to rely heavily on foreign actors to protect the capital, train soldiers, and secure the CAR mining sites. The vulnerability of relying on others is apparent, as outsourcing the primary security activity of a national government will reduce the capacity of the military agencies, undermine the concept of sovereignty, and leave it to chance that the external contractor does not have his /her own interests (i.e., profit or political objectives) contrary to national interests.

Chad is dealing with similar pressures of instability from border disputes in Libya and Sudan, where the central government is getting foreign support from not only international peacekeepers but also foreign fighters in the neighboring states using informal support networks. In both these cases, mercenaries and private military and security companies (PMSCs) have become substitutes for a nation-building strategy rather than an agent of support, and a broad strategy to build a nation. The lack of accountability creates problems of impunity and makes it difficult for governments to create or maintain legitimacy.

5. Human Rights Implications

Mercenarism is not only a legal or political issue; it is a type of human rights issue. United Nations (UN) and non-government organizations (NGOs) reports from the Working Group on the Use of Mercenaries acknowledge the growing number of human rights abuses in states such as CAR and DRC. To highlight a



few of the common abuses: extrajudicial killings, journalist harassment, humanitarian worker intimidation, and direct violence against civilians are commonplace.

Because many of the abuses occur outside of the public eye, accountability is difficult to achieve. Even if the government contracts with private military and security companies (PMSCs) that are publicly accessible, foreign actors have some level of immunity when entering conflicts. Victims of human rights abuses cannot attain justice because mercenaries do not have the same accountability mechanisms that national armed forces are subject to, so most rights violations remain unchecked and unpunished, creating a culture of implicit impunity.

The continued abuses of individual rights delegitimize, weaken and undermine humanitarian law, and diminish the legitimacy of the governments that public participants are mandated to contract out mercenaries. Populations that do not trust their state institutions will certainly not trust that their own behavior and activities will be impacted by the inclusion of the largess of the state, allowing foreign contractors the opportunities for acts of impunity.

6. Regional Spillover and Cross-Border Recruitment

Mercenarism in Middle Africa does not just break laws and consider national borders; personnel are free to move across borders as state borders dissolve, and fighters will often fight wherever they think they can exploit opportunities. The cross-border nature of mercenarism demonstrates that mercenarism is not just a local probability, contested or not, involving some foreign actors. There is no possibility that a state can engage in a local conflict without affecting another nation. When mercenaries are involved in destabilizing a nation-state, they will create spill-over effects into adjacent Nation-states in the form of migrant flows, small arms trafficking and cross-border insurgency. Regional organizations such as the Economic Community of Central African States (ECCAS) provide collaborative mechanisms as regions provide law harmonization, coordinated patrols, and intelligence sharing. If integration is not available, then the multitude of national responses will leave space for mercenary groups to exploit the increasing new possibilities for engagement in mercenarism with fragmented state organizations.

7. External Actors and Plausible Deniability

Another significant aspect to consider is the nature of external powers. Foreign mercenary entities typically serve as agents of foreign powers, allowing governments to exert less than official influence. For example, Russian-affiliated groups are now operating in the CAR to protect officials, provide training to soldiers, and have negotiated access to resource concessions.



For Middle African state actors, the interactions with these actors may be advantageous, but they can also expose both opportunities and risks. On the one hand, external actors are hugely beneficial in times of conflict, when local states are unable to obtain international assistance. On the other hand, the relationship between domestic security and the external actors will establish a link to global geopolitical competition: local security will become dependent on external actors whose interests may serve their interests much more than those of the local population. Utilizing plausible deniability is a mechanism for foreign actors to exert influence, while allowing African states to endure the consequences of long-term support to foreign mercenaries.

8. Regional and International Responses

Whether as a cause for concern for the political and security relations of states in Middle Africa is both a regional and a global concern. At the regional level, the African Union embraced the OAU Convention on Mercenarism in 1977 to criminalize recruiting and using mercenaries. At the global level, the United Nations adopted the 1989 Mercenary Convention, and the Human Rights Council established a Working Group on the use of mercenaries. In addition, the Montreux Document, adopted in 2008, outlines non-binding guidelines to mobilize PMSCs for regulation.

Although there are concerns about mercenary activity at the local, regional, and global scales, enforcement is limited or non-existent. Most states in Middle Africa do not have the capacity or political will to fully implement the conventions. Parts of the UN Mercenary Convention have yet to be ratified, with some key states having not signed any part of the convention. There have been regional initiatives by various groups, including ECCAS, which addressed security frameworks like COPAX; however, these initiatives have limited funding and coordination. Finally, regional international peacekeeping missions like MINUSCA in the CAR have been effective in limiting mercenary activity, but they cannot replace good governance and strong domestic rule.

V. Important Events & Chronology

Date (Day/Month/Year)	Event
1960–1963: The Katanga secession during the Congo Crisis	The secessionist Katanga in the newly independent Congo uses foreign mercenaries while the UN peacekeepers carry out operations to put an end to the breakaway and re-establish control from the central government.
1961	The 4 Commando mercenary unit is operating in Katanga. Mike Hoare and other foreign fighters served in Katanga and later with the Congolese national army against insurgents,



	which shows the early use of organized mercenaries in Central Africa.
1964–1965	The Simba rebellion and where foreign mercenaries were deployed extensively. The Congolese government hires foreign mercenaries to help put down the rebelling Simba, reinforcing the model of outsourcing combat roles to paid foreigners.
1976: "Luanda Trial" in Angola	The Luanda trial of thirteen Western mercenaries captured in the Angolan civil war, when four were executed on the 10th of July, demonstrates regional rejection of mercenary warfare.
8 June 1977	Additional Protocol I to the Geneva Conventions was adopted. Article 47 provides a definition of "mercenary", and establishes that individuals who fall within the definition cannot be considered as combatants or prisoners of war (POWs). This set the legal baseline for subsequent discussions.
3 July 1977	The OAU Convention for the Elimination of Mercenarism was adopted in Libreville. The regional African treaty makes mercenarism illegal and provides a guardian of the state opposition to mercenarism. The treaty entered into force on the 22nd of April 1985.
1977– 1978	Shaba I and Shaba II invasions of Zaire. Katangese rebels cross the border from Angola into Shaba Province, which leads to interventions from France, Belgium, Morocco and others as well as the Kolwezi operation, bearing witness to the regional dynamics associated with non-state actors.
1993–1995	Executive Outcomes is in Angola. The South African private military security company is contracted by the government of Angola in relation to actions against UNITA, becoming a major example of a state looking to a private military company in the subregion
4 December 1989	UN Mercenary Convention adopted. The International Convention against the Recruitment, Use, Financing and



	Training for Mercenaries came into force 20 October 2001, and provides a worldwide legal framework for criminal law.
1998–2003	Second Congo War. Multiple neighboring states (with armed groups) seeking to exploit resources and employ foreign fighters develop mercenary-like features through defined and ad hoc processes in the unique complex regional warfare situation.
March 2004	The failed "Wonga Coup" in Equatorial Guinea. Many alleged mercenaries are arrested in Zimbabwe and Equatorial Guinea as part of a plot to replace the government. The West African "coup-for-hire" market continues to be linked to oil wealth.
17 September 2008	The Montreux Document agreed. Seventeen states produced a non-binding document to clarify existing international legal obligations and good practices as they relate to PMSCs and armed conflict.
2013	Séléka seizes Bangui and the CAR conflict is renewed. The collapse of central state control creates demand for external security providers and introduces the conditions that would allow for later private military security company engagement.
5 December 2013	UN Security Council resolution 2127 imposes a CAR arms embargo. This embargo framework, along with the sanctions committee, informs how access to arms and assistance to the CAR military and contractors occurs.
10 April 2014	UN Security Council resolution 2149 establishes MINUSCA. A multidimensional UN peacekeeping mission deploys with priority to civilian protection, with the armed groups seeming to proliferate, not to mention the levels of contractors about to amplify.

VI. Past Resolutions and Treaties

- [United Nations Security Council Resolution 239 \(1967\)](#): By this resolution, voted on 10 July 1967, those states that tolerate or enable mercenary activities or recruitment are condemned, particularly when for the overthrow of governments. It urged Member States to be attentive to and refrain from permitting their territories to be used for mercenary planning or transit.



- [United Nations Security Council Resolution 405 \(1977\)](#): This was enacted on 14 April 1977 after a mercenary incursion in Benin. It reaffirmed censure of mercenary operations and called for international assistance to help restore stability.
- [Organization of African Unity \(OAU\) Convention for the Elimination of Mercenarism in Africa \(1977\)](#): This is a regional convention on mercenaries as a serious crime against peace and security. It is directed against persons, not corporate entities, limiting its applicability to modern-day PMSCs.
- [Human Rights Council Resolution 15/26 \(2010\) \(Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination\)](#): This declaration expressed profound alarm at the threat posed by mercenaries and private military companies, and urged states to prohibit their employment in armed conflicts and to strengthen controls over them.
- [International Convention against the Recruitment, Use, Financing and Training of Mercenaries \(1989\)](#): This Convention was endorsed by Resolution 44/34 on 4 December 1989, and became effective on 20 October 2001. The Convention criminalizes mercenary activity, including recruitment and financing, and obliges states to bring perpetrators to justice. It has 37 signatories and parties, including most African states such as Cameroon and Mali.
- [The Montreux Document \(2008\)](#): It was developed by the International Committee of the Red Cross (ICRC) and Switzerland, as an informal code outlining present legal obligations and best practice for states about PMSCs operating in armed conflicts. It is currently endorsed by 59 Member States.

VII. Failed Solution Attempts

1. Diplomatic Efforts

The condemnation of acts of mercenary violence by African regional institutions and the United Nations has been frequent, especially in cases that are often momentous for the threatened state, such as coups or foreign recruitment for the purposes of invasion. In 1977, the Organization of African Unity (OAU), which has since been replaced by the African Union, adopted the Convention on the Elimination of Mercenarism in Africa. In 1989, the UN adopted the International Convention against Mercenary Activity. In both cases, the treaties reflected considerable political will at the time they were adopted. However, political and diplomatic will was difficult to sustain when it came to meaningful and lasting prevention.

One main challenge was the non-universal ratification of mercenarism treaties. Many powerful states with established private military and security companies (PMSCs) and mercenary activities inside their borders have not ratified the UN Mercenary Convention. The result has been that cross-border and international cooperation is largely limited to individual states, and legal standards are generally fragmented and inconsistent. Therefore, while in a legal sense, diplomacy has created instruments of law, it has not



successfully coordinated the most powerful actors into accepting the same legal parameters regarding mercenarism. Another challenge has been the willingness of states in crisis to relinquish what they consider essential to their security and survival. Governments in many conflict-affected states identified by mercenaries, such as the Central African Republic, will continue to sign contracts to employ foreign contractors, while simultaneously being party to treaties that formally prohibit acts of mercenarism.

We have also seen limits, unless we include state objectives mandated by these organizations, in regional diplomacy. In theory, the Economic Community of Central African States (ECCAS) has established a peace and security framework, outlined how member states can work together to deal with cross-border threats and that, like collective approaches to security in the region, there are other obstacles that create barriers to solidarity, even though this violates the obligations of member states to collaborate towards regional security. Collective action tends to take a backseat to short-term objectives, as states pursue action based on their own interest. In practical terms, while ECCAS and the African Union can issue broad and condemnatory statements, they have not yet effectively managed states' borders, nor sanctioned states that continued to employ mercenaries.

2. Legal and Regulatory Shortcomings

The struggle to regulate mercenary activity through legal means has often confounded the Holy Grails of supra-national domestic regulation of mercenaries in terms of the rather limited definition of "mercenary" in international humanitarian law. This definition includes the completion of a relatively strict set of criteria that preclude the activities of many modern contractors. Government contractors engaged as PMSCs are often registered companies and may refer to themselves as security or training vendors rather than mercenaries, thus eliminating themselves from the agenda to prohibit. Because of this definition, governments are able to profess they are not in breach of their treaty obligations while still utilizing foreign armed personnel.

The lack of domestic implementation was also evident. While many Middle African states ratified the OAU Convention, few have adopted its provisions into their national law with the expectation that anyone would be prosecuted. The regional judicial system has exhibited weak independence, resources, appeal and the political appetite in holding foreign contractors accountable. Where courts exist, governments occasionally protect their contractors and assert that the contracts were classified as national security. Therefore, the treaties have only served as symbolism and provided little to no deterrent impact.

The non-binding Montreux Document of 2008 offered non-legally binding best practice for PMSCs, thus providing an opportunity to bridge the gap. However, as discussed here, it has only received tenuous adoption in Middle Africa, which was narrowly constrained to a handful of states relying on eco-political



support. The very voluntary nature and limited subsequent promotion out of Europe and North America have meant that many of the states most impacted by mercenary activity have never indeed implemented any guidance offered by Montreux. This left a regulatory vacuum that contractors continue to exploit.

3. Military Responses

Military responses have also been attempted, but these have often backfired or proved unsustainable. UN peacekeeping missions in the Democratic Republic of the Congo and the Central African Republic were expected to have reduced reliance on mercenaries by stabilizing conflict zones. They have provided limited protection to civilians, and because troop numbers are limited and there are logistical challenges, they could not sufficiently cover large territories where mercenary groups operate. This allowed continued space for governments to still engage with foreign contractors as a complement to peacekeeping missions.

States themselves have also engaged in the use of force against mercenaries. Angola's prosecution of Western mercenaries in 1976 after the Luanda trial, and Equatorial Guinea's response and crackdown on the 2004 "Wonga Coup", showed that there were some occasions where states appeared to be serious about acting against perpetrators. However, these were exceptional cases, and did not prevent perpetrators from engaging again in the future. Likewise, mercenaries also adapted by professionalizing and becoming justified as a mess. By becoming private military and security companies (PMSCs), they could obfuscate any successor linkages to coups.

Another response has been to integrate foreign contractors into state training programs. For instance, in the Central African Republic, exemptions to arms embargoes allowed for the importation of foreign instructors or security personnel as needed. While the intention may have been to strengthen the national army through these efforts, practice was more about creating further dependence for functions, security and weapons preparation. Eventually, the state becomes reliant on outsiders for core functions of security, making long-term self-sufficiency harder than it was when they began, and enabling further processes to culminate toward a successful coup.

Why These Efforts Failed

Cumulatively, these efforts failed because they approached mercenarism as something temporary or ad hoc, rather than as a structural issue related to weak states, resource exploitation, and regional insecurity. Even though there were condemnations and treaties that looked to curtail the proliferation of mercenaries, the lack of wide-scale enforcement or sufficient political will to implement changes was evident. Moreover, legal frameworks remain either too restricted or too weakly implemented. Military



responses were evident in short-term relief to problematic structures, and often entrench the very causal mechanisms that they were meant to supplant, such as reliance on burden-sharing and reduced capacity.

Finally, while the international scene has seen the rise of PMSCs, domestic regulatory systems to govern their actions have not kept pace (Duke 2000, Dunn 2007, Murdock 2016). Companies present themselves as legitimate businesses operating in a legal grey area with powerful backers in state actors benefiting from their business operations, which give incentives for fragile states in Middle Africa to continue employing them, and a low risk of punishment.

VIII. Possible Solutions

1. Improvements in Legal Frameworks

Existing domestic laws should be amended to prohibit mercenary activity at a minimum and better regulate PMSCs. There are substantial legislative gaps that could be filled through ratification or alignment with the UN Mercenary Convention and the OAU Convention. Legislation should also mandate transparency when a country employs consultants, such as foreign security providers.

2. Improvements in Regional Unity

ECCAS should take a more active role in working with member states to harmonize legislation, intelligence sharing of networks that recruit to supply mercenary forces, working together to patrol porous borders, and reporting grievances in relation to worrying trends of mercenary use in Centre Africa. In addition, ECCAS should compile a registry of contractor licenses of foreign contractors operating in its area, enhancing regional transparency and limiting mercenary groups' ability to move from state to state based on existing bilateral military cooperation, bilateral trade agreements and soft power.

3. Improvement in Accountability

More generally, governments should avoid enforcing PMSCs and instead contract PMSCs to comply with the international humanitarian framework and respect for human rights. Governments should also consider allowing a monitor on behalf of the AU, UN or other independent actors to monitor breaches of treaty obligations and the conduct of PMSCs, which, presumably, fulfill extensively established human rights standards. Sanctions should be directed at any mercenary, as well as the individual or entity (which may be a PMSC) that unlawfully enlisted their services.



4. Improvements in Reduced Reliance on Outsiders

Consent in the long term will come from skilled, coordinated national armies and police forces. Member states can help build in capable state capacity by investing in security-sector reform, altering the incentives that lead governments to enlist mercenary business.

5. Improvements in Transparency of Resource Agreements

Much of the mercenary activities in the region are often linked to resource extraction. Given this, governments should consider disclosing the agreements on mines and other oil concessions in relation to foreign security providers. Such transparency should ultimately reduce corruption and provide better oversight into the matters of state in regards to the making of agreements between national governments and foreign firms that link access to resources and military assistance.

IX. Useful Links

[United Nations Digital Library](#)

[6. International Convention Against the Recruitment, Use, Financing and Training of Mercenaries](#)

[OAU/AU Treaties, Conventions, Protocols & Charters](#)

[AP I 1977](#)

[Working Group on the use of mercenaries | OHCHR](#)

[MINUSCA | United Nations Peacekeeping](#)

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