

Discussion on the issue of Private Military and Defence Companies (PMDC) operating in Africa and briefing on the status of the review of the OAU/AU Convention on Mercenaries in Africa

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Tomorrow (1 December), the African Union (AU) Peace and Security Council (PSC) will convene its 1189th session at an ambassadorial level to discuss two agenda items. The first agenda item will focus on the issue of Private Military and Defence Companies (PMDC) operating in Africa and provide a briefing on the status of the review of the OAU/AU Convention for the Elimination of Mercenaries in Africa. The second agenda item will be dedicated to the briefing on the outcome of the 2023 Luanda Biennale.

Following the opening statement by **Jainaba Jagne**, the Permanent Representative of the Republic of The Gambia and Chairperson of the PSC for December and the Commissioner of the Political Affairs, Peace and Security, **Bankole Adeoye**, is expected to deliver a briefing on the status of the revision of the OAU/AU Convention on Mercenaries in Africa.

The presence of Military and Defence Companies (PMDCs) and mercenaries, in Africa is not a recent occurrence.

Historically, the nature and involvement of PMDCs and mercenaries in African countries have manifested in different ways, and taken on various forms in regard to their impact on the peace and security situation of the continent. It is not the first time for the PSC to discuss this subject. In its [Communique](#) of the 1159th session, the PSC expressed its concern regarding the surge of mercenaries and foreign fighters in Africa. Nonetheless, the topic of PMSCs and mercenaries has yet to be addressed as a distinct agenda item by the PSC.

The session tomorrow marks the first time the PSC will engage in a dedicated discussion on this matter. Despite not being discussed as a standalone agenda item, the involvement of PMSCs as well as mercenaries as potential exacerbators of conflict has been acknowledged by the PSC in the contexts of [Libya](#), [Chad](#), Central African Republic ([CAR](#)) and [Cote d'Ivoire](#). In recent years, the involvement of PMDCs and mercenaries in these countries received particular attention.

According to the [report](#) of the Panel of Experts on Libya that was released in March 2021, it was alleged that the Russian Wagner Group, three United Arab Emirates Companies, and the Turkey SADAT International Defence Consultancy were involved in the conflict in Libya. Additionally, there are also [other](#) PMDCs, including South Africa's Dyck Advisory Group as well as France's Secopex that have been employed to fight Al-Shabaab militants in Mozambique and operated in Libya previously.

As the spread of PMDCs across the continent continues, it is [believed](#) that France's Secopex is operating in CAR and Somalia and Russia's Wagner presence is also not limited to Libya. Wagner [has expanded](#) its operations across the continent, including in CAR, Burkina Faso, the Democratic Republic of Congo (DRC), Mali, Mozambique, South Sudan and Sudan. In June 2023, Sergei Lavrov, Russia's Foreign Minister, [officially](#) confirmed that Wagner is working in CAR and Mali, with plans for continued collaboration. While Lavrov stated that Wagner

members are serving as instructors in these countries, there are [allegations](#) of their involvement in nefarious activities. However, this issue extends beyond the Wagner Group. Allegations were also made on the South Africa PMDC, [Dyck Advisory Group](#) of the killing of civilians in Mozambique.

On the other hand, China's PMDCs have a distinct focus on safeguarding Chinese investments in areas such as mines, transportation corridors, and natural gas projects. Unlike other PMDCs, Chinese PMDCs are [established](#), trained, equipped, and employed directly by the state. However, with regard to their existence in Africa, as a result of the expanding Belt and Road Initiative (BRI) projects across the continent, their presence have also increased. They are reported to be [found](#) in a number of East African and Southern African countries. It is worth noting that the employment of PMDCs for investment protection purposes is not limited to China and is indeed not uncommon among companies in the extractive industries sector.

The PSC is also expected to discuss the issue in relation to thematic topics such as terrorism and unconstitutional changes of government. The concern of PMDCs may be further examined in the context of the worsening terrorism and violent extremism on the continent, which is exacerbated by the influx of Foreign Terrorist Fighters (FTFs), PMDCs, and mercenaries. In this regard, some [argue](#) that the United States' drone legions operated by PMDCs in the Sahel and Central Africa have adverse consequences, potentially generating more terrorists than those they eliminate at the local, national, and global levels.

In the context of lack of multilateral security support and the ensuing security vacuum, there is also an emerging trend of fragile and conflict-affected countries relying on PMDCs in the face of mounting security threats facing them. Following the [coup](#) in Niger in July 2023, the military leaders [sought](#) support from Wagner out of fear of potential military intervention by ECOWAS. This shift and tendency to rely on

PMDCs not only reflects on the failure of countries to build effective security systems and fragile regimes' attempts to fend off against real or perceived threats. But it also reflects the inadequacy or failure of regional/AU as well as multilateral security support measures.

The apparent increase in the role or influence of PMDCs in a context where national authorities lack the legislative and regulatory tools for enforcing applicable standards against such bodies presents a plethora of both human and state security challenges. From a human security perspective, there are credible allegations of PMDCs engaging in human rights violations in an environment of impunity. From a state security perspective, there is a risk of these profit motivated entities being susceptible to being bought by anyone for orchestrating influence, domination and even unconstitutional change of government in the country they are deployed in. Recognizing this during the PSC discussions on the situation in Niger ([1168th session](#)) and Gabon ([1172nd Session](#)), the Council has expressed its rejection of the involvement of any foreign actors in the peace and security affairs of the continent 'including engagements by private military companies (PMCs)'. This rejection was made in line with the OAU/AU Convention on Mercenaries in Africa. In light of the overall risk that arises from the deployment of PMDCs including their potential subversive use, the PSC may consider proposing that the review of the 1977 OAU/AU Convention on mercenaries should establish a regional framework for providing continental guarantee to member states when they opt for enlisting the support of PMDCs in legitimately defined circumstances. This will also ensure that the engagement of PMDCs is effectively regulated at continental levels and subject to the application of multilateral norms of the AU.

The Convention on mercenaries was adopted in Libreville on 3 July 1977. Although four decades have passed since its adoption, as of 30 November 2023, only thirty-two African

Member States have [ratified](#) the Convention. However, due to the dynamic changes in the continent's security situation, the emergence of various PMDCs, poriferous borders that facilitate the influx of foreign fighters, and the presence of non-state armed groups, it has become necessary to revise the convention to address current challenges. In line with this, the AU Commission was directed to revise the Convention by the 12th Meeting of the Specialized Technical Committee on Defence, Safety and Security (STCDSS) held in Cairo, Egypt, through the [declaration](#) adopted on 19 December 2019. The AU Assembly later endorsed the direction given by the STCDSS in its decision [[Assembly/AU//Dec.754\(XXXIII\)](#)], which was adopted during its 33rd Ordinary Session that was held in February 2020. Additionally, the Assembly requested the Commission to speed up the conclusion of the revision of the Convention during its 16th Extraordinary Session in May 2022 in Malabo, Equatorial Guinea.

In order to implement the decision of the Assembly, the AU Commission, specifically the Governance and Conflict Prevention Directorate of PAPS, [engaged](#) consultants to review and revise the OAU Convention on Mercenaries. The main objective was to develop a revised draft of the Convention that focuses on eliminating mercenaries in Africa taking account of the changing security dynamics on the continent, which would then be reviewed by AU policy organs.

The revision process involved various tasks, such as identifying the strengths and shortcomings of the Convention, making recommendations to address current security challenges related to mercenaries as well as PMDCs, examining the connection between weak border management and the facilitation of mercenary movement, investigating potential links between terrorism, foreign fighters, illegal exploitation of natural resources, and acts of terrorism, and identifying areas of alignment between other AU instruments and policies.

To facilitate this revision process, consultative meetings were organized, bringing together the relevant AU organs to consider and strengthen the initial draft of the revised Convention. Therefore, as one of the Policy Organs of the AU, the PSC is expected to consider the status of the revision of the Convention and make suggestions in line with the various considerations that were made in developing the revised Convention.

The expected outcome of the session is a **communiqué**. The PSC is expected to express its concern over the growing number of Private Military and Defence Companies and their impact on the peace and stability of the continent. The PSC is also expected to express concern over the unregulated use of PMDC as an alternative military force across various member states and the associated risk of these entities being used for interfering in the internal affairs of AU member states. In this regard, the PSC may reiterate its rejection of any external interference by any actor or any country outside the Continent in the peace and security affairs in Africa including through the use of private military companies in the continent in line with the 1977 OAU Convention for the Elimination of Mercenaries in Africa. The PSC may request the AU Commission to prepare a report on the various adverse impacts of the use of PMDCs in Africa including in terms of the standards and commitments contained in the AU Solemn Declaration on Common African Defence and Security Policy with recommendations on how best to address the risks and threats posed by this development for submission to the PSC. The Council may request for the submission of the revised OAU/AU Convention on Mercenaries in Africa to the Executive Council through the 16th Specialized Technical Committee on Defence, Safety and Security, subsequently to the AU Assembly for validation and endorsement. The PSC may propose that the review of the 1977 OAU/AU Convention on mercenaries should establish a regional framework for providing continental guarantee to member states when they opt for enlisting the support of PMDCs in

legitimately defined circumstances. This will also ensure that the engagement of PMDCs is effectively regulated at continental levels and subject to the application of multilateral norms of the AU.

Briefing on the Outcome of the 2023 Luanda Biennale

The second agenda item of tomorrow's session is dedicated to a briefing on the third edition of the Luanda Biennale. The representative of the Republic of Angola is expected to deliver a briefing.

The Luanda Biennale, also known as the Pan-African Forum for the Culture of Peace, is a biennial event that takes place in Luanda, Angola. It is part of the implementation of the "[Plan of Action](#) for a Culture of Peace in Africa/Make Peace Happen," which was adopted in March 2013 in Luanda. The main objective of the Luanda Biennale is to facilitate knowledge exchange and dialogue on promoting a culture of peace and engaging in intergenerational conversations as effective methods of preventing violence and resolving conflicts. In this session, the PSC is expected to receive a summary of this year's forum, which was held from November 22nd to 24th, 2023, with a focus on the theme "Education, Culture of Peace, and African Citizenship as instruments for the sustainable development of the continent."