Introduction

When analysing the role of mercenaries and the right to self-determination in the African context, one could be tempted to perceive mercenarism as an activity mainly undertaken by non-Africans – with a few exceptions like apartheid South Africa. This view, which is not necessarily wrong, has been fed by the fact that well-known mercenaries such as Bob Denard, Christian Tavernier, Mike Hoare and Jean Schramme were nationals of ex-colonial powers, or simply whites. In addition, mercenary activities were undertaken in countries which had just gained independence – such as Congo, Angola, Benin, the Seychelles and the Comoros, to cite a few – and who were struggling to consolidate their sovereign power. The mercenaries took advantage of the misadventures of the post-decolonisation process and of the Cold War battle as played out on the African continent.

This does not mean that Africans themselves have not taken part in mercenary activities on the continent. However, they usually formed part of non-African mercenary groups fighting to maintain colonial links and the economic interests of the former colonial powers. Despite this form of participation, the role played by Africans in mercenary activities on the African continent – with the exception of apartheid and post-apartheid South Africa – seems to be underestimated and understudied. Certainly, this is the case because mercenarism is viewed through the lens of post-decolonisation, neo-colonialism and the right to self-determination and territorial integrity as referred to in the OAU/AU Convention on the Elimination of Mercenarism in Africa of 1977 (the OAU/AU Mercenary Convention) and the UN (International) Convention against the Recruitment, Use, Financing and Training of Mercenaries of 1989 (the UN or International Mercenary Convention). Even though researchers have recently become more interested in the transformation of mercenarism and the role of the private military companies and private security companies, the phenomena have been looked at through a neo-colonialist lens (Musah & Kayode Fayemi 2000).

There are historical examples, albeit rare, of activities by African mercenary groups. Since the end of the Cold War, the African continent has experienced a number of armed conflicts. They have shaped different societies and contributed
to the proliferation of non-state armed groups who provide services of a military nature in foreign countries. Apart from whether they conform to the present definitions of a mercenary, one could argue that the activities carried out by these non-state armed groups are of a mercenary nature, given the economic interest that they have in pursuing military activities. In addition, in the 18 years since the end of the Cold War there has been a number of situations bearing the characteristics of what can be called contemporary African mercenarism or, in other words, mercenary activities undertaken by Africans in Africa. Indeed, the militarisation of conflict that has affected societies is linked to the multiplication of non-state armed groups and the proliferation of small arms and light weapons, the end of armed conflicts in other areas/states and the failure of the disarmament and demobilisation and reintegration process that follows. This is further linked to the rising numbers of children who are recruited into the military forces. These situations and circumstances in many cases create contexts and a huge pool of labour for mercenary activity on the African continent. The conflicts in West Africa have produced a cross-border migrant population of young fighters who were abducted and forcibly recruited by rebels in Liberia or Sierra Leone, usually as children, and who later viewed war as mainly an economic opportunity (Human Rights Watch March 2005:1).

This paper will analyse the phenomenon of African mercenarism (with the exception of apartheid South Africa), what it is and which challenges it represents to efforts to improve human security and eliminate the phenomenon on the continent. It will study and identify emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human security. The first part of the paper will go through the legal provisions contained in the conventions and the literature in order to explore the concept of mercenarism. The second part tries to answer the question of whether one can talk about African mercenarism by investigating Africans’ involvement in mercenarism, including in its contemporary manifestations. The third part analyses the impact of such activities on human security in order to draw attention to contemporary challenges and future directions which should inform the ongoing reflections on the revision of the OAU/AU Mercenary Convention. Finally, brief case studies illustrate the arguments presented.

**Defining mercenarism**

*Provisions of international conventions on mercenarism*

Many forms of armed forces use, for example in covert aggressions (such as decolonisation or post-colonial wars) which are undertaken by or with
non-state armed groups, are not explicitly provided for by the international legal system and especially by UN Charter. Consequently the international community resorted to the creation of conventions to fill the gaps posed by these uses of force.

Three international conventions attempt to give a definition of a mercenary, albeit not comprehensively, as they face the classical problem inherent to any attempt to provide a definition that reflects the factual situations (Chateau 2001:98–102; Shearer 1998). These are, in chronological order, article 47 of Additional Protocol I of 8 June 1977 to the Geneva Conventions of 12 August 1949 (Additional Protocol I), followed by the OAU/AU Convention on the Elimination of Mercenaries in Africa of 3 July 1977 (the OAU/AU Mercenary Convention) and the International Convention on the Recruitment, Use, Financing and Training of Mercenaries of 4 December 1989 (the UN (International) Mercenary Convention).

Article 47 of Additional Protocol I

Article 47 of Additional Protocol I relates to the protection of victims of international armed conflicts. It states that a mercenary is any person who:

- is specially recruited locally or abroad in order to fight in an armed conflict

- does, in fact, take a direct part in the hostilities

- is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that party

- is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict

- is not a member of the armed forces of a party to the conflict

- has not been sent by a state which is not a party to the conflict on official duty as a member of its armed forces

This article raises some points that are difficult to apply in the African context. Additional Protocol I applies only to situations of international armed conflicts
and wars for self-determination, in the form of conflicts between liberation movements and colonial powers. Accordingly, civil wars which are the main scenarios found on the African continent, are not part of its scope. All the conditions described in each section have to be met in order for a person to qualify as a mercenary. In addition, it is difficult to establish when someone is motivated by ‘the desire for private gain’, which in some circumstances on the African continent may be confused with the desire for survival. The level of material compensation has to be substantially ‘in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that party’. In the African context, it may be difficult to establish the substantiality of the excess. This is the case because many factors have to be considered. One of these is the original standard of living of the combatants in their countries of origin or elsewhere. If the original standard of living was lower than what is promised, it is immaterial whether that promised compensation is higher or lower than payment received by a combatant of a similar rank. Moreover, could it then be said that no mercenary activity is taking place in cases where the gain is not excessive?

The condition of section (d) is problematic because apart from the problem posed by a combatant holding a double nationality, African frontiers are porous and there are populations that straddle borders where generally states have not yet consolidated their administrative control. These make it difficult to pin down an African mercenary on the grounds of nationality or residence. Are combatants of non-state armed groups (militia or rebel groups) based in a neighbouring country (be it with or without the approval of the host country), residents of that country?

Generally, it can be said that Additional Protocol I does not necessarily outlaw mercenarism nor does it condemn the phenomenon as such. It aims at preventing mercenaries from enjoying the rights afforded by the statute to prisoners of war.

*OAU/AU Convention for the Elimination of Mercenaries in Africa*

The OAU/AU Convention for the Elimination of Mercenarism in Africa (the OAU/AU Mercenary Convention) was adopted less than a month after Additional Protocol I, on 3 July 1977. In the preamble it refers to mercenarism as a grave threat to ‘the independence, sovereignty, territorial integrity and harmonious development of Member States of the Organization of African Unity’ and to ‘the legitimate exercise of the right of African People under colonial and racist domination to their independence and freedom’. Apart from the major concern raised by the reference to the right to self-
determination from colonial and racist domination, it is interesting to note that the reference to the preservation of the ‘territorial integrity and harmonious development’ broadens the scope of application of the Convention to include situations of civil war.

The first section of article 1 of the OAU/UN Mercenary Convention incorporates the provisions of the article 47 of the Additional Protocol, with a few exceptions. First, the convention refers to armed conflicts and not only an armed conflict, to provide for the fact that a mercenary may be hired to fight in different conflict situations. Second, in article I(1(c)) the c deals with the motivation element and limits itself to ‘the desire for private gain’ through ‘material compensation’, and thus excludes the comparative factor provided for in article 1(c) of Additional Protocol I. Thus, the remark above about the distinction between the desire or need for ‘survival or protection’ and the desire for ‘private gain’ remains valid here.

The OAU/AU Mercenary Convention is considered to be outdated and may be useless in the current armed conflict context on the African continent, because it does not regulate the activities of private security and military companies and other private military actors currently at the heart of the privatisation of security. However, one could argue that the UN Charter is outdated, too. The difference is that in the case of the UN Charter, there are organs that continuously contribute to its interpretation, thus keeping it flexible.

The reference in article I(1(a)) to the mode of compensation of the mercenary states that it can be material or ‘otherwise’. One can argue that this provision addresses the concern previously raised in connection with article I(1) about the difficulty of distinguishing between the desire or need for ‘survival or protection’ and the desire for ‘private gain’. In other words, the specific reference to ‘otherwise’ could be interpreted as anything apart from money that the combatant mercenary receives in exchange of his/her services, be it as an individual or as part of an armed group.

Although many African countries have in practice violated the OAU Convention, the provision in the second section of article I, regarding the type of actors susceptible to committing the crime of mercenarism, that is, ‘individual, group or association, representatives of a State and the State itself’, is still relevant.

Articles 5 and 6 of the convention condemn governments that recruit mercenaries to suppress national liberation movements in their struggle for self-determination, and give them the responsibility to act so as to eradicate all mercenary activities in Africa. However, the convention does not
condemn governments that resort to mercenaries or other types of foreign armed groups to defend themselves from internal threat to their regimes, which seems to contradict the obligation to contribute to the eradication of mercenarism in Africa. The convention seems to have been envisaged for consolidated and well functioning states but not necessarily for dictatorships and illegitimate governments. More recently, since the end of the Cold War, many African leaders have resorted to all sorts of military help in order to ensure the survival of their regimes, most of which have been illegitimate, despite the fact that many of them have learnt how to manipulate their constitutions in order to remain in power.

The UN (International) Convention on the Recruitment, Use, Financing and Training of Mercenaries

The third is the International Convention on the Recruitment, Use, Financing and Training of Mercenaries, of 4 December 1989. This convention also incorporates the definition of article 47 of Additional Protocol I, except for subparagraph (b). As is the case with the conventions mentioned above, this convention does not clarify the definition of the activities surrounding mercenarism, either. In addition, it would be very difficult to meet all the conditions set out in article I(1).

There are some comments that apply to all three conventions. The principle of self-determination may lend itself to different interpretations. Mercenary activity is identified with opposition to liberation struggles (Sandoz 1999:204), which begs the question of whether African countries were aware of the fact that the fight for self-determination could – beyond the unresolved colonial problems that some of them were facing – be undertaken by people under a regime that they perceived as a colonial one or as impeding them from enjoying all rights that go along with sovereignty? This leads to the question of how a liberation movement should be defined? For instance, during civil war, Unita in Angola claimed to be fighting for self-determination of the Angolan population because according to its leadership, the members of the MPLA, the party then in power, were not real Angolans but assimilados. Although this claim has never been recognised by other African countries, it raises the question of who is entitled to exert the right to self-determination. The Covenant on Civil and Political Rights of 16 December 1966, the International Covenant on Economic, Social and Cultural Rights of 3 January 1976, and the African Charter on Human and People’s Rights of 21 October 1986 all recognise the right to self-determination by all peoples and their right not be deprived of their wealth and resources. In the name of these rights African people may turn against their government, which would be a
civil war if it becomes an armed conflict. Moreover, the conventions do not condemn states that resort to mercenaries or other forms of armed groups to defend themselves from internal threats represented by rebellions.

The conventions on mercenarism were drafted for formally functioning and effective states, as is evidenced by the fact that states should be able to put in place national jurisdictions strong enough to perform the responsibilities contained, for instance, in articles 5 and 6 of the OAU/UN Mercenary Convention and article 6 of the International Mercenary Convention. However, in the African context, the regimes of many countries are struggling to remain in power and they furthermore do not necessarily control all armed activities undertaken on their territories.

**The literature on mercenarism**

In order to understand and circumscribe the phenomenon of mercenarism, I will now look at explanations for the word ‘mercenary’, starting with dictionary meanings.

The Longman Dictionary of Contemporary English defines a ‘mercenary’ simply as ‘a soldier who fights for any country or group that pays him, not for his own country’. The Oxford Essential Dictionary of the US Military defines a ‘mercenary’ as ‘a professional soldier hired to serve in a foreign army’. In the literature on the subject, mercenaries are often described as ‘soldiers for hire’, ‘dogs of war’ or ‘soldiers of fortune’.

According to Schreier and Caparini (2005:16), ‘traditionally, mercenaries have been defined as nonnationals hired to take direct part in armed conflicts. The primary motivation is said to be monetary gain rather than loyalty to a nation-state. This is why they are also called soldiers of fortune’. Mercenaries fight for governments or groups in other countries for a substantial monetary reward and according to Nathan (1997:10–12), mercenaries are ‘soldiers hired by a foreign government or rebel movement to contribute to the prosecution of armed conflict – whether directly by engaging in hostilities or indirectly through training, logistics, intelligence or advisory services – and who do so outside the authority of the government and defence force of their own country’.

Generally, mercenaries have claimed to be motivated by altruistic, ideological or religious aims; nevertheless, the fact is that they are hired to fight a war or take part in attacks in a country other than their own. Mercenaries also claim to promote security (Goddard 2001:8), but one could ask ‘security for whom’
because in many African countries security for the regime has not always coincided with the security and the stability for the whole country and its citizens, that is, including human security.

After the end of the Cold War, the phenomenon of mercenarism developed in two directions. On the one hand, there are actors whose activities, although undertaken within the broad context of the privatisation of security, in substance look like those of mercenaries. The actors in this category have progressively taken on a corporate edge and in general do not want to be identified with mercenarism. These are private security and private military companies. On the other hand, there are those who can be described as mercenaries in the classical – negative – sense of the term. As Schreier and Caparini (2005:16) put it, mercenaries ‘can be misguided adventures, but often they are merely disreputable thugs, ready to enlist for any cause or power ready to pay them’.

The image of mercenaries is a negative one because they are associated with clandestine or criminal activities and trafficking. For some, the term is pejorative as it conjures up an image of a hardened white soldier brutally intervening in an African country for financial gain. Mercenarism, however, is an activity engaged in throughout the world. Although it is not confined to the African continent, this continent does appear to be the most affected by the phenomenon. However, in the last two decades mercenaries have progressively extended their activities to other areas of the world such as Asia, the Balkans, Central America and the South Pacific.

Whereas the different international provisions and the literature define who the mercenary is, they do not provide a comprehensive view of mercenary activities. The international conventions have been criticised and are considered to be outdated in part because they do not take into consideration the activities of companies acting in the private security sector (Gumedze 2007:13–14).

**Contemporary mercenarism in Africa**

African nationals have also taken part in mercenary operations in Africa, acting clearly as mercenaries. For instance, in the case of Mobutu Sese Seko’s Zaire, mercenaries from Morocco were involved in addition to Western mercenaries, and helped Mobutu fight against the two rebellion attacks of Shaba I and II in the 1970s. In the process they actually served French, Belgian and American interests by keeping control over Zaire’s
minerals. Another example, also from Zaire, is that of Moroccan, Angolan, Mozambican and South African nationals hired by a mercenary group led by Europeans. This mercenary group was made up of some 300 combatants of different nationalities, trained by former French presidential guard officer Colonel Alain Le Carro, former Gendarme Robert Montoya, and the Serbian commando Lieutenant Milorad Palemis, to defend the Mobutu regime between 1996 and 1997. Following Mobutu’s defeat, they moved to Congo-Brazzaville, where they fought for the besieged Lissouba government (Boyne 1997; Agence France-Presse 1997).

Since the end of the Cold War, Africa has experienced a number of military events that have shaped security needs and concerns. These have resulted in the development of different trends which lead one to question whether it is possible to identify a certain pattern in and the development of, a contemporary African mercenarism.

**The proliferation of armed conflicts**

Since gaining independence, a number of African countries have experienced decades of instability, misrule, corruption, military coups and low-intensity conflict, interspersed with periods of full-scale civil war with international dimensions. Others have resisted, and experienced a type of stability mainly because of conditions prevailing internationally. Indeed, in some cases, the social struggle was taken hostage by Cold War politics, which was the source of weapon supplies that extended civil wars and dictatorial regimes. The cases of Angola and Mozambique, of Zaire under Mobutu and Uganda under Idi Amin Dada are examples of protracted civil wars and dictatorships that occurred on the continent during that period. However, the end of the Cold War and its client-like relationship between the superpowers and African countries resulted in a power vacuum and even the countries that had been relatively stable experienced civil armed conflict. One of the results was, as Rupesinghe and Ni Anderlini (1998:8) put it, ‘the spread of violence and the emergence of disparate groups, ostensibly fighting in the name of ideology, religion or ethnicity, but seeking to finance their operations through local taxation, plunder and pillage’. All major sub-regions of the continent were affected, as is clear from table 1.

Against this background Zartman and Aleksandrovich Kremeyuk (1995:XI, 16) explain that many armed conflicts, mainly internal, which erupted at that time were augmented in frequency and numbers, lasted for years, and were more murderous than those that occurred during the Cold War period when
Protracted conflicts and sporadic outbursts of wars were also considered to be endemic to developing countries.

Although Gurr and Marshall, with Khosla (2000) have argued that there was a sharp increase in the total magnitude of violent conflict within societies from the 1950s to 1980s throughout the world, there is statistical proof that the most murderous and devastating civil wars after 1990 were localised in Africa (Eriksson, Sollenberg & Wallensteen 2003).

<table>
<thead>
<tr>
<th>Country</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>1992–2002</td>
</tr>
<tr>
<td>Burundi</td>
<td>1991–</td>
</tr>
<tr>
<td>Republic of the Congo</td>
<td>1997–2000</td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
<td>2002–</td>
</tr>
<tr>
<td>Djibouti</td>
<td>1991–1994</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>1974–1991</td>
</tr>
<tr>
<td>Mali</td>
<td>1990–1996</td>
</tr>
<tr>
<td>Mozambique</td>
<td>1976–1992</td>
</tr>
<tr>
<td>Niger</td>
<td>1990–1994</td>
</tr>
<tr>
<td>Rwanda</td>
<td>1990–1997</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>1991–2002</td>
</tr>
<tr>
<td>Senegal (Casamance)</td>
<td>1990–2004</td>
</tr>
<tr>
<td>Sudan</td>
<td>1983–</td>
</tr>
<tr>
<td>Uganda</td>
<td>1986–</td>
</tr>
</tbody>
</table>

The proliferation of armed conflicts has been accompanied by the proliferation of non-state armed groups and combatants.

**Proliferation of non-state armed groups and combatants**

Before trying to understand the proliferation of armed groups, it should be emphasised that non-state armed groups are non-state actors. Non-state actors are not new to world politics. Yet during the 1990s, they commanded unprecedented attention due to the increased interest in their role in intrastate conflicts, in international politics and in assistance to regional organisations and the United Nations in peace maintenance. The term ‘non-state actors’ in itself holds nothing but a negative meaning. It depends on how we choose to define this concept, which can be understood as including or excluding some types of organisations that are not state entities. The term refers to a wide range of actors, with non-state actors in general referring to those actors that are not conceived as states in the sense of an entity internationally recognised as having an international personality and being an active member of the interstate system. This could be a de facto regime with the factual characteristics of a state, or an international organisation, non-governmental organisation, armed group and faction, mercenary, business firm and company, or any individual or group of individuals (Gordenker & Weiss 1995:357–359). Of importance for this paper are non-state armed groups and individual combatants.

Armed groups can be insurgents engaged in political and military attacks aimed at destroying and replacing the power and the legitimacy of the ruling government. The insurgents can carry out military attacks against the governmental forces or even against each other. This category includes militia groups made up of irregular and recognisable armed forces operating within an ungoverned area of a territory, not necessarily with the goal of overthrowing the government, or based in neighbouring countries.

The proliferation of armed conflicts on the African continent led to the rapid growth of rebel movements, militias and factions and it was reflected by the proliferation of warlords. Warlords are in fact leaders of armed groups or bands that can number up to several thousand, who control part of the national territory or of a neighbouring country (Duffield 1997:18). The lack of cohesion and discipline in these military organisations can lead to multiple splits and thus the multiplication of armed groups. According to Hansen (2003:83), the warlord system consists of four tiers, namely the ‘the warlords themselves, their close subordinates, their military commanders and their soldiers. Because of a
lack of a central administration with the ability to collect taxes and distribute resources efficiently, the close subordinates and the military commanders often have to be granted an independent source of income – thus, they acquire a certain independent power base’. Some armed groups are decentralised economically and each military commander can find a source of income for
his sub-group, and then become militarily independent. The weakness in the hierarchical cohesion of the armed group allows different armed factions to provide security services where possible – even if it is not like well-structured companies – in order to survive. It is estimated that over the past 15 years, more than 400 non-state armed groups that are not military firms, in some 90 countries, have been the driving forces in low-intensity conflicts. More conventional non-state groups have developed survival techniques in order to finance themselves (Ghebali 2001:32; Foaleng 2005:61–74). In tables 2 and 3 an attempt is made to identify non-state armed groups that were active in the conflicts in the Democratic Republic of Congo (DRC) and Liberia and in major armed conflicts in the Great Lakes region and West Africa.

When an armed group disappears as a fighting force, the combatants do not necessarily stop being combatants, but search for new jobs as soldiers. In this way non-state armed groups form a pool of combatants. As they split up into smaller groups, they in turn hire new combatants (often young boys and girls) who add to the pool. Thus it is estimated that at the official end of the conflict in the DRC, there were at least 130 000 combatants, including 2 610 women and 30 200 children, who had already been demobilised while thousands more were still awaiting demobilisation or continued to operate as militias despite the end of the civil war IRIN 2007). In Liberia at least 101 000 persons, including women and children, were demobilised at the end of the conflict in 2003.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>INPFL: Independent National Patriotic Front of Liberia</td>
<td></td>
<td>LURD: Liberians United for Reconciliation and Democracy</td>
</tr>
<tr>
<td>LPC: Liberia Peace Council</td>
<td></td>
<td>MODEL: Movement for Democracy in Liberia</td>
</tr>
<tr>
<td>NPFL: National Patriotic Front of Liberia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NPFL-CRC: National Patriotic Front of Liberia-Central Revolutionary Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PRC: People’s Redemption Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ULIMO: United Liberation Movement of Liberia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ULIMO-J: of Roosevelt Johnson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ULIMO-K: of Alhaji G V Koroma</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lofa Defense Force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liberia National Council</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Arms trafficking and increased militarisation

The proliferation of armed conflicts, armed groups and combatants was accompanied by an increase in arms trafficking and militarisation of societies. Consequently situations of armed conflict in Africa became markets for arms trafficking. Arms traffickers called intermediaries played an important role in the provision of weapons to the protagonists of wars in exchange for financial gain, as evidenced by numerous reports of the UN panel of experts mandated to enquire into the violation of arms embargos. In fact, since the 1990s more military weapons have been in the hands of non-state actors that in the hands of national governments (Lewis 1998). There are many areas of low-intensity conflict, and areas where communities have a high need to provide for their own security – especially at the borders where governments have lost control because of the porosity of the frontiers – which have contributed to the rapid spread of small and light weapons. This proliferation of arms within countries has lead to a greater concern about internal rather than external threats among governments. Even though the threat may seem to come from a neighbouring country, it is actually about internal matters (Mandel 1999:39–46). In addition, local communities are increasingly accessing weapons in order to provide for their own security.

Non-state armed groups, non-state combatants and mercenary activities

It is considered a difficult task to distinguish the activities of the groups of actors identified in this section from mercenarism, as it closely resembles mercenarism. According to O’Brien (2000:62) private armies, militias and warlords are private forces and combatants that represent the next rung of mercenaries. He adds that ‘although such forces can include mercenaries in organised numbers (such as 5 Commando in the Belgian Congo during its wars of the 1960s), these groupings do not always have a national outlook to their conflict; indeed, these groups can often be transnational, supported by whatever country they can obtain funds and hardware at any given time, and fight simply for control of a region or resources’. He cites as examples in this category ‘diverse entities as transnational terrorist organisations, religiously-motivated combatant groups (such as those supported by the Islamic Brotherhood), and leaders such as [the late] John Garang in Sudan’ (ibid).

The activities of non-state armed groups that can be considered to be mercenary in nature can be traced back to the Cold War period. Rebel non-state actors also manipulated ideologies to suit their needs. This was for example a strategy used by the Front for the National Liberation of the
Congo (Front pour la Libération Nationale du Congo, FLNC) a rebel group from the then Zaire which was based in Angola. The FLNC manipulated the ideological confrontation to secure political and military support from the Angolan MPLA and Soviet block by declaring the movement to be a political front along the lines of a ‘Leninist revolutionary party’ (Willame 1980:14). However, the movement had fought for so many divergent causes that its ideological position and clear motivation was open to question. The group fought not only for the secession of Katanga (1960–1963), the Congolese central government (1964–1966) and Portuguese colonialists in Angola (1968–1974), but also the MPLA in Angola (1974–1977). All along, the movement was concerned with its survival, and its ability to maintain the group and its combatants, while continuing its desperate fight against the Mobutu regime. Consequently, it sold its services to different and opposing actors such as the Portuguese and the MPLA government in Angola, in exchange of monetary gains.

More recently, many of these non-state armed groups and combatants have undertaken activities close to mercenarism, even though they continue to officially exist as rebel or militia groups. The fact that these categories of actors ‘fight with more organisation than mercenaries and their efforts [and] are more directed over longer periods of time’ (O’Brien 2000:62) do not prevent them from undertaking mercenary-like activities in exchange for gain or ‘otherwise’, as defined in the OAU/AU Mercenary Convention. The gain could take the form of training and experience because, while rebel groups are used as mercenaries by the host government in its internal fight against a rebellion, the government is actually contributing to the enhancement of the military skills of the rebel combatants, enabling them to become better trained and more prepared to carry on their combat in their country of origin.

Mercenaries are normally used as combatants to defend a country or a regime from internal or external threats or to instigate a rebellion. With the end of the Cold War the superpowers left the African continent and many of its regimes with fewer resources for their survival. African states have increasingly faced internal threats, ‘hence leading to the proliferation of non-state actors assuming the security role traditionally played by states or global organisations’ (Cilliers & Dietrich 1996). As Schreier and Caparini (2005:17) put it:

Mercenaries generally are temporary and ad hoc groupings of individual soldiers that are recruited in oblique and circuitous ways, in order to avoid legal prosecution. Lacking the professionalism and discipline that come from prior organization, integration, and doctrine, mercenaries are often limited
in their capabilities. Overall, they are unable to provide anything other than
direct combat at the small-unit level and some limited military training.
They regularly remain dependent on their host communities for logistics and
support. Large-scale or long-term training and consulting missions are, like
engineering and logistics, mostly outside their scope.

Non-state armies are increasingly becoming specialised in fighting for
foreign states and are actually fighting others’ wars for them, by selling
security services to their host government. Rebel groups that are based in
neighbouring countries could, as a reward to the state harbouring them, from
time to time agree to be incorporated into the army of that state and help to
carry out military operations against an internal rebellion there. For instance,
in their fights against internal rebellions, as the case of the FLNC in Angola
mentioned above, states have enlisted the help of foreign non-state armed
groups for military activities.

Young boys and girls initially forcibly recruited, sometimes have no alternative
but to consider combat as their profession. Thus soldiering becomes a way
of survival, because there are no better prospects for reintegration in their
countries of origin. Again citing Schreier and Caparini (2005:16):

Sometimes, they are veterans of a past war or an insurgency looking
for whatever new conflict to continue in what they did before: fighting. Thus, what pulls people into the mercenary trade is not
necessarily a motivation based entirely on monetary gain, but often
the self-awareness that this is the only life style which such an
individual can have. The failure of reeducation or training programs
to provide hope to former combatants often plays a major role in
making them continue life as warriors. For some who have spent the
last decade in combat, the realization that they do not fit into the
civilian society can be a prime motivator to mercenary activity.

One of the main challenges at the end of an armed conflict to ensure that
peace is consolidated is to return former combatants to civilian life. In
many cases, programmes for DDR have not proved to be successful. This is
particularly challenging in sub-regions where resolution of an armed conflict
in one area or country may be followed by armed conflict starting up in
another country in the region, perpetuating a vicious circle between conflict
and peace. In West Africa the conflict in Sierra Leone followed the one in
Liberia, which was in turn followed by conflict in Côte d’Ivoire. The same
occurred in the Great Lakes region, where conflict in the DRC followed
that in Rwanda, Burundi and Uganda. All those conflicts have links and
connections and provide sources of mercenary combatants for each other. For many of these mercenary combatants, war has become the best way to survive in situations when and where there is little prospect for a return to civilian life.

The porosity of border areas is a major contributing factor to the movement of combatants from one country to another. Most countries emerging from war have a low development level, which does not offer much hope to demobilised combatants. These combatants therefore seek new jobs in fragile neighbouring countries with which their country of origin share porous borders. Generally, the rise of regional conflicts and network-based transnational crime seriously undermine the ability of both weak and strong states to control their borders. However, the need to secure defensible borders is even more important when transnational non-state armed groups straddle porous border areas. For example, in the case of Guinea, out of 9 000 ex-volunteers (including children) who had been hired by the government in 2000–2001 to repel cross-border attacks from the Sierra Leone non-state armed group the Revolutionary United Front and Charles Taylor’s Liberia, some 3 879 combatants had yet to be demobilised by 2005. While some were integrated into the army and some joined the marching bands or went back to civilian life, many of the demobilised combatants became available for hire as soldiers in conflicts in neighbouring countries (Bergman & Florquin 2005:160, 280).

Another example: in 1994 during a lull in the civil war in Liberia that led to the start of a disarmament process, it was reported that the combatants of all parties to be disarmed and demobilised numbered approximately 60 000, of whom as many as 25 per cent were children. This disarmament process failed, as did many others that followed. There was no possibility of integration into a national armed force, as the national army disintegrated once the civil war started in December 1989 (UN 1994, para 24). As a result of the economic conditions in Liberia, many combatants resorted to the rule of the gun in order to feed themselves and their families and when the disarmament process failed, many of the combatants went back to war or to banditry, often in neighbouring countries (UN 1995, para 41).

If mercenaries are combatants that operate outside their own countries, it is also generally accepted that combatants who operate outside their own countries are a major challenge to peace and security in Africa. Such ‘combatants on foreign soil’ had been involved in conflicts in the Great Lakes region and West Africa. For instance, in December 2004 in Liberia, 612 of the more than 101 000 combatants who were disarmed identified
themselves as foreign nationals: 50 were from Côte d’Ivoire, 1 from Ghana, 308 from Guinea, 4 from Mali, 7 from Nigeria and 242 from Sierra Leone (UN 2004, para 24). No fewer than 15 000 foreign combatants have also been identified in the DRC since 2000. It is estimated that there are still 7 000 to 8 000 foreign combatants in the DRC (IRIN 2007). These were not necessarily combatants on official duty of their governments or fighting for ideological reasons, but professional soldiers.

Human security issues

Human security is a relatively new concept which is people-centred (UNDP 1994:23). The goal of the ‘national security’ concept has traditionally related to the need to defend a country from external threats, whereas the human security concept focuses on the protection of individuals. The classic conception of security has evolved to such an extent that it has become largely irrelevant with regard to conflicts between states. The focus of human security, namely on the protection of individuals and communities from any type of violence, stems from the fact that conflicts within states make up more than 95 per cent of armed conflicts. An ongoing debate which opposes the view of protection from violence, which is considered to be too restrictive, advocates instead a broader view of human security which includes protection from economic insecurity and threats to human dignity.5 According to article 1(k) of the AU Non-Aggression and Common Defence Pact of 31 January 2005 (which still needs to be ratified):

‘Human Security’ means the security of the individual in terms of satisfaction of his/her basic needs. It also includes the creation of social, economic, political, environmental and cultural conditions necessary for the survival and dignity of the individual, the protection of and respect for human rights, good governance and the guarantee for each individual of opportunities and choices for his/her full development.

According to the UNDP Report on Human Development (1994:23), human security ‘is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities – and whether they live in conflict or in peace’.

In many cases, however, the violence that individuals and communities endure in situations of armed conflict also puts them in an insecure economic situation and undermines their dignity. In Africa the increasing
privatisation of security as a result of the involvement of rising numbers
of non-state armed groups and combatants, has also led to higher human
costs, as illustrated by the refugee crisis, internal displacements and human
rights and humanitarian law violations. The presence of non-state armed
groups particularly in porous border areas contribute to the deterioration of
the security situation and to increased vulnerability of resident populations.
This has been the case along the south-eastern border of Chad with Sudan’s
Darfur, the eastern areas of the DRC bordering Uganda, Rwanda and
Burundi and the northern areas of the Central African Republic (CAR) along
the borders with Chad and Sudan’s Darfur.

With regard to smaller ad hoc groups of mercenaries from Russia, Ukraine,
Belarus, the Balkan countries, South Africa, Israel, the UK, France, the US
and other countries who have been fighting in the Balkans and Caucasus
conflicts, Schreier and Caparini (2005:17) elaborate:

[S]uch units may be infiltrated by criminals on the run, terrorists
or guerrillas in disguise, sadistic psychopaths, intelligence officers,
etc. These ‘dogs of war’ are known for their disloyalty and lack of
discipline. Many have committed acts of banditry, rape, and an
array of atrocities in the mutilated host countries … The misgivings
about this type of mercenaries are that they are freelance soldiers of
no fixed abode, who, for large amounts of money, fight for dubious
causes. They are said to be inherently ruthless, sometimes help to
fuel and prolong conflicts, are disloyal, cannot really be relied up on,
and can easily switch sides to the highest bidder in any war zone.
This is why the term ‘mercenary’ is a loaded and subjective one,
carrying lots of emotional baggage and connotations.

In a way, this also holds good for those non-state armed actors and combatants
identified previously, whose accountability still have to be established with
regard to human rights abuses and humanitarian law violations committed
during the course of their activities. Their involvement in conflict situations
have in many cases added to the already damaged human security in conflict
situations. These violations may include exploitation of human resources, as
occurred in the case of the DRC. The violations include also the use of child
soldiers, atrocities such as rape, abductions, maiming, torture, confiscation
of livestock, killing of unarmed civilians, and the destruction of granaries,
schools, hospitals and other public buildings. Sometimes governments that
resort to use of actors considered to be mercenaries in this article, give them
tacit permission to extract their payment from civilians – as is often the case
with their own soldiers.
A brief review of some recent cases of African mercenary activities in Africa

Central African Republic

Congolese mercenaries

When faced with an internal rebellion led by François Bozizé between 2001 and 2003, President Ange Félix Patassé sought help outside the country as he could not rely on his own army. Indeed, after the failed coup attempt of 28 May 2001, the army almost completely disintegrated and many soldiers fled to neighbouring countries. Very few remained in the CAR. Officially, Libya sent troops to assist Patassé to quell the rebellion, but he also called for assistance from the Movement de Libération du Congo (MLC), a rebel group based and active in the neighbouring DRC, which sent some 1 500 mercenaries to assist Patassé in his effort to squash the rebellion. Bemba’s rebel group provided the assistance because they needed an opening for the trade of natural resources he was exploiting in the DRC. However, Bemba and his mercenaries supposedly also received diamonds to the value of some CFA5 billion as payment for their assistance to Patassé (FIDH 2006:14–15).

Chadian mercenaries

The northern part of the Central African Republic bordering on Chad and Sudan is an area in which the government of CAR has almost no control. Numerous non-state armed groups and armed men from Chad, CAR and Sudan operate in the area, ready to offer their services to the highest bidder. Given the state absence in the area these actors also operate as highway bandits and terrorise the residents. Some of the Chadian groups act with the acquiescence and at the request of the CAR government. Patassé had previously hired Chadians to help protect him from internal threat. The best known of these is a group of some 300 mercenaries lead by Martin Koumtanmadji Nadingar, alias Abdulaye Miskine, who was charged by Patassé with the responsibility of securing the northern part of the country during the troubles of 2001 to 2003 (FIDH 2006:23–24). There is some debate over the true country of origin of Miskine, who is said to have been born in the border area between Chad and CAR.

Bozizé also received assistance from Chadian mercenaries when he overthrew the regime of Patassé in March 2003. However, after the coup Bozizé was unable to pay the salaries promised to the mercenaries, also called ex-libérateurs. Fighting erupted when the mercenaries demanded
to be paid about US$1 800 each for their assistance to President François Bozizé. CAR security forces clashed with the group of Chadian mercenary fighters in a northern suburb of Bangui, the capital of the CAR, on a number of occasions.

*Human security issues*

During the different cycles of violence in CAR since 2000, the civilian population has been the main victim. Civilians have been subject to continuous assault by the belligerents, rebels and loyalists, including the mercenaries they were using. The crimes committed include repetitive forced displacement, rape (which was used systematically as weapon of war against women, men and children, especially in the 2002/03 conflict) and looting, killing and violent attacks. Up to two million people have been affected by the conflict and many have taken refuge in the bush and in neighbouring Chad and Cameroon. Some of these crimes were committed by the MLC mercenaries led by Abdulaye Miskine during their presence in the CAR (FIDH 2006:23–24; see also IDMC 2007a). Consequently in May 2007 the International Criminal Court decided to open an investigation into crimes allegedly committed in 2002 and 2003, and to monitor the current situation in CAR.

*Chad*

*Sudanese mercenaries in Chad*

The Sudanese government has been facing a rebellion in the western region of Darfur since early 2003. The rebellion involved rebel factions and militia groups who accused the government of neglecting the region. The Chadian government is facing a rebellion led by numerous Chadian rebel groups in eastern Chad, which borders on the Darfur region. These groups are based in western Darfur and are reportedly receiving support from the Sudanese government in their fight against the Chadian government of Idriss Deby. Similarly, the Sudanese rebel groups based in eastern Chad are supported by the Chadian government. Although it is not clear why the Sudanese groups are receiving support from the Chadian government, it is known that it has been using the Sudanese rebels to undertake operations against the Chadian rebel groups. These groups thus provide military services, in exchange for their survival as a rebel group or simply as human beings in a very difficult environment where scarce resources are causing tensions between different communities.
Some 20 non-state armed groups have been identified in eastern Chad. It is not known how big these armed groups are, but they certainly represent a reservoir of potential combatants for recruitment to fight in foreign wars.

**Human security issues**

According to Human Rights Watch (2007:12), armed groups that have proliferated ‘along the Chad–Sudan–CAR border zone … have committed serious crimes against civilians in Chad that may amount to war crimes and crimes against humanity’. Since the conflict in Darfur started in 2003, some 230 000 Sudanese civilians have taken refuge in south-eastern Chad, more than 170 000 Chadians have been internally displaced, while 45 000 Chadians have taken refuge in Darfur. Attacks against civilians which have included Sudanese rebel groups fighting alongside Chadian forces include rape, banditry and harassment. The insecurity caused by the presence of different armed groups in south-eastern Chad is hampering enjoyment of a whole range of rights of these civilians, including access to food, water, shelter and livelihood (IDMC 2007b).

**West Africa**

*Liberian mercenaries hired by Guinean dissidents*

During the conflicts that has ravaged West Africa (see Human Rights Watch 2005), especially Liberia, Sierra Leone, and to a certain extent Guinea, since the 1990s, many combatants participated in clashes in neighbouring countries, to which they were rarely sent by their own governments on official duties. For instance, it was reported that Guinean dissidents known as the Movement of the Democratic Forces of Guinea, hired Liberian fighters at between US$150 and US$200 in a bid to overthrow the Guinean government (Bergman & Florquin 2005:280). The dissidents were based in Liberia and backed by the Taylor regime (logistical support and finance) and the Revolutionary United Front of Foday Sankoh from Sierra Leone (IRIN 2004).

*Liberians hired by rebel groups in Côte d’Ivoire*

The other West African area where a number of African mercenaries were hired and used by all parties at war was Côte d’Ivoire. Before the failed coup attempt of 2002 which turned into a civil war, President Robert Guei – who had come to power after a military coup in December 1999 – had hired Liberian mercenaries to help him stay in power. During the second half of
2002 the government of Laurent Gbagbo hired South African mercenaries, while the rebel groups in the north hired Liberian (often along ethnic lines) and Sierra Leonean mercenaries to fight on their side (Libération 2003). In reaction to reports about the presence of mercenaries in Côte d’Ivoire, the UN Security Council (2003a; 2003b) called upon states neighbouring Côte d’Ivoire to prevent ‘mercenaries across their borders and the illicit trafficking and proliferation in the region of arms, especially small arms and light weapons’.

Human security issues

The conflicts in West Africa triggered an intractable round of forced displacements of civilian populations at the regional level, of which some lasted a few weeks and some for several years, and some recurred many times, in Liberia, Sierra Leone, Guinea and Côte d’Ivoire (IDMC 2006). Although the thousands of young African mercenaries involved in conflicts in West Africa have been victims themselves, they have committed serious human rights crimes against civilians, often on a widespread systematic scale.

Conclusion

According to Schreier and Caparini (2005), ‘today, it is the presence of African mercenaries, either individually, through tribal affiliations, or through the forcing of intervention by external national government actors with private interests and concerns in foreign conflicts throughout the continent, that far outweighs the presence of any Western actors involved in Africa’s conflicts’. Indeed, many African countries have long suffered from a vicious cycle of armed conflict, bad governance, economic decline, political upheaval, corruption, and exploitation by leaders that resulted in rebel insurgencies made up of largely unemployed and frustrated youths.—After the end of the conflict and the subsequent failure of DDR processes, many youths made war their profession, giving life to what is called ‘contemporary African mercenarism’ in this paper. This phenomenon has been exacerbated in Africa by the existence of porous borders with insufficient governmental controls between countries. Cross-border mercenarism in African comes at a high human cost as the combatants undertake their activities (including loot, pillage, killing, torture and rape) in total impunity.

If there is a major challenge which the existing conventions on mercenaries did not foresee within the African context, it is the strong need for the implementation of an effective rehabilitation and reintegration programme for ex-combatants. The needs of former African combatants scouring the
continent for emerging conflicts have to be addressed by providing them with alternatives to war to earn their living.

African countries should continue to fight against mercenarism, which undermines the right to self-determination; however, more resources should be used to prevent African mercenarism from consolidating itself into a more corporate form. This will require major structural changes to border management between neighbouring countries as well as to the way in which countries decide to implement the provisions of the AU Non-Aggression and Common Defence Pact on human security if and when ever it enters into force.

Notes

1 The author would like to thank Beata Skwarska for her comments on the preliminary draft of this paper.

2 This article will not address apartheid and post-apartheid South Africa mercenary activities on the African continent because the subject is of particular importance and deserves to be studied separately.

3 Indeed, the two covenants state that:
   ‘1. All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.
   2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.’

4 See for instance the full conference proceedings of Engaging Non-state actors in a landmine ban: a pioneering conference (2001).

5 See the definition of the Commission on Human Security (2003:4) which includes situations in which conflict is absent: ‘… to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.’

6 See for instance the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (UN 2001, para 16).
References

Agence France-Presse 1997. French covert actions in Zaïre on behalf of Mobutu, 2 May.


Human Rights Watch 2005. Youth, poverty and blood: the lethal legacy of West Africa’s regional warriors, 17(5)A.

Human Rights Watch 2007. ‘They came here to kill us’: militia attacks and ethnic targeting of civilians in eastern Chad, January.


Libération 2003, 3 February.


Nathan, L 1997. Lethal weapons: why Africa needs alternatives to hired guns, Track Two, 6(2), August.


