

**Security Council**

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Letter dated 31 January 2019 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General

I have the honour to inform you that, during its presidency of the Security Council, in February 2019, Equatorial Guinea plans to hold an open debate on the topic “Mercenary activities as a source of insecurity and destabilization in Africa”, to be held on 4 February.

In order to guide the debate, Equatorial Guinea has prepared a concept note (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) **Anatolio Ndong Mba**
Ambassador

Permanent Representative of Equatorial Guinea to the United Nations



Annex to the letter dated 31 January 2019 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General

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Concept note for the Security Council high-level debate on the theme “Mercenary activities as a source of insecurity and destabilization in Africa”, to be held on 4 February 2019

Narrative and parameters of the debate

1. As a member of the Security Council, the priorities of Equatorial Guinea have revolved around promoting the positions of the African Union on African issues and in defending the interest of the continent, with special attention given to the Central Africa subregion. At the time of assuming the presidency of the Council, Equatorial Guinea will host a high-level debate on mercenary activities as a source of insecurity and destabilization in Central Africa, under the agenda item “Peace and security in Africa”.

2. Mercenary groups and the illegal activities that they carry out represent a serious threat to the independence, sovereignty, security, territorial integrity, constitutional order, stability and peaceful development of many vulnerable nations that are at the mercy or are direct or indirect victims of these groups. The recruitment, use, financing and training of mercenaries violate the purposes and principles upheld in the Charter of the United Nations, in the Constitutive Act of the African Union and in many other national and multinational legal instruments. However, the lack of awareness and the absence of coordinated measures to prevent this activity and counteract its proliferation result in the loss of human life and significant material damage, and they have a negative impact on national policies, economies and the peaceful coexistence of nations. This reality should generate deep concern on the part of the international community.

3. Security and stability in Central Africa are a source of continued preoccupation owing to the presence and the activities of insurgent groups, radical extremists and terrorist groups that help to perpetuate internal and transnational conflicts in the region. In this context, the rising threat of mercenary activities poses a great challenge and danger to the countries in the subregion and beyond, which have become the target of subversive activities carried out by these mercenaries. The area, which is strategically located and rich in natural resources, is now a fertile ground for groups that operate as guns for hire for all kinds of subversive and unlawful activities, many times in an organized fashion, such as trafficking in weapons and illegal substances, human smuggling and trafficking in persons, poaching, the illegal exploitation of resources and, of course, terrorist activities. These groups act either on their own initiative or at the service of other parties that want to take control of their natural resources. These soldiers of fortune are usually used by (non-State) third parties to serve all kinds of hidden interests, either in exchange for monetary remuneration or other forms of compensation such as access to the exploitation of natural resources.

4. The proliferation of these groups and the possible consolidation of their activities in the region and on adjacent ones would undoubtedly lead to the loss of national sovereignty by affected countries and seriously undermine the dynamics and relations among them. Without a solid reaction from the international community, the state of affairs could quickly deteriorate, destabilizing the entire subregion further and precipitating many more long-term conflicts with unpredictable consequences.

5. The United Nations, the African Union and the Economic Community of Central African States (ECCAS) agree that mercenarism is one of the main threats to peace and security in the subregion. The International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the Organization of African Unity Convention for the elimination of mercenarism in Africa still represent the political will of the international community to define mercenary activity as a precursor to violence and instability, whose prohibition and outlawing is imperative and essential, given that it is poorly regulated but widely and openly practised. Faced with this situation, the efforts of the international community in this field appear to be directed more towards possible (self-) regulation and the adoption of codes of conduct that govern this activity as far as possible, which is to prohibit or completely ban this phenomenon.

6. During the past two decades, the activity and capacity of these non-State actors have benefited from circumstantial factors such as the rise of fundamentalism and religious extremism and the illegal circulation and wide availability of small arms and light weapons originating in places such as post-war Libya. On the other hand, structural factors such as the institutional weakness of States, porous national borders, poverty, joblessness and the youth bulge have also contributed to the growth of this phenomenon. This kind of insecurity represents a serious obstacle to the political and economic development of the countries in the region.

7. Although these groups usually operate outside the law, beyond the reach of Governments, their increasingly challenging stance is having a negative impact on relations between States, creating unnecessary tensions and distrust in an area that is immersed in a long and complicated process of regional integration, which, in turn, hinders the regular functioning and operational capacity of the subregional institutions. In the long term, it also ends up undermining strategic initiatives for regional integration such as the free movement of people and goods among member countries of the Central African Economic and Monetary Community and ECCAS.

8. In certain parts of the continent, the role that mercenaries play in asymmetrical war is more than evident, so it is necessary that the international community recognize unequivocally the nexus between armed groups, mercenaries and terrorists, and act accordingly. The transnational criminal networks that these groups establish, both inland and at sea, are used for all types of crimes against the collective interests of humankind. The escalation of conflicts in the Lake Chad Basin or in Mali illustrates well the danger that this connection entails.

9. Duly established contractual relations, in line with current international legality between legitimate Governments and private security or defence companies legally established and recognized in their respective countries, are not the subject of discussion of the present concept note.

10. This debate is intended to gather different impressions not only on how the mercenary phenomenon poses a threat to the peace and security of the countries directly affected, but also on how the transnational nature of mercenary and related activities negatively influences security dynamics, in particular in Central Africa. It also serves as an invitation to examine how these groups are eroding national sovereignty and what constitutes an attack against one of the pillars on which the contemporary international system relies on. The debate is also intended to gather ideas that will surely contribute to strengthening other initiatives that are already under way to address this growing problem, including the work of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination or General Assembly resolution [73/159](#) on the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination.

Objectives

11. Within this complex panorama, which appears to raise more questions than answers, participants are invited to address the following specific issues in their interventions:

(a) Based on the premise that mercenary and mercenary-related activities pose a threat to international peace and security and regional stability, how can the Security Council and the United Nations contribute to the elimination of this phenomenon or at least strategically limit the capacity of these non-State actors to erode the sovereignty of nations?

(b) While several legal instruments are available to the international community to address the situation, considering the dynamic nature of the actors and the issues at hand, are these still relevant to the current nature and manifestation of mercenary activity?

(c) From an international cooperation perspective, what steps can States take to prevent their nationals, whether physical individuals or legal entities under their territorial or extraterritorial jurisdiction, from participating in the organization, execution or financing of illegal and/or illegitimate activities aimed at destabilizing or overthrowing Governments? When this happens, how can it be ensured that the perpetrators answer for their crimes in front of the appropriate authorities?

(d) Taking into account the connection between mercenary, armed groups, foreign fighters and terrorism in Africa and other parts of the world, and recognizing the devastating regional effects that these elements can have when they come together, how can the international community build a global consensus around this issue, similar to that which exists regarding the efforts to combat terrorism?

(e) Recognizing the transnational nature of this phenomenon and the ability of mercenary groups to create tensions between countries, especially in areas such as Central Africa, where national borders are hard to control, what confidence-building measures can be established by different Governments to avoid being drawn into conflict by these rogue actors?

(f) What is the strategic approach of the African continent regarding this phenomenon and how does it fit into broader peace and security schemes such as Silencing the Guns by 2020? In other words, how do we prevent the next generation of Africans from joining the ranks of these radical mercenary groups?

(g) To what extent does the increasing threat of a possible mercenary intervention play a role in diverting efforts and resources of vulnerable Governments from social, political and development agendas into defence and militaristic approaches of survival?

12. The following individuals will brief the debate:

- (a) António Guterres, Secretary-General of the United Nations;
- (b) Moussa Faki Mahamat, Chairperson of the African Union Commission.