

LEGAL STATUS OF PRIVATE MILITARY COMPANIES IN ASYMMETRIC CONFLICTS: CASE ANALYSIS FROM THE SAHEL 2012–2023

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Abstract: Private military companies (PMCs) have become indispensable actors in contemporary asymmetric conflicts, particularly in the Sahel region where they have experienced significant expansion over the past decade. This paper analyzes the legal status of private military company employees in the context of international humanitarian law (IHL) and international human rights law (IHRL), with particular emphasis on conflict situations in Mali, Burkina Faso, and the Central African Republic in the period from 2012 to 2023. Applying the method of legal dogmatics, comparative analysis, and case studies, the paper examines the applicability of existing legal frameworks, including the Geneva Conventions, Additional Protocol I, the 1989 UN Convention against Mercenaries, and the 2008 Montreux Document, to the activities of PMCs in asymmetric conflicts. Research findings indicate significant gaps in the international legal regime regulating PMCs, particularly regarding the qualification of the status of their employees as civilians, combatants, or mercenaries, which has far-reaching implications for issues of accountability and punishability. The case analysis of the Wagner Group in Mali demonstrates how the absence of a clear legal framework enables impunity for serious violations of international humanitarian law. The paper concludes that a thorough reform of the existing legal regime is needed, including the development of a legally binding international instrument that would explicitly address the specificities of PMC activities in contemporary asymmetric conflicts.

Keywords: *private military companies, asymmetric conflicts, international humanitarian law, Sahel, Wagner Group, Montreux Document, legal status of combatants.*

INTRODUCTION

The transformation of the nature of armed conflicts at the end of the twentieth and the beginning of the twenty-first century has led to fundamental changes in the way wars are conducted and the participation of various actors in hostilities. One of the most significant aspects of this transformation is

the growing privatization of military and security functions, manifested through the proliferation of private military and security companies (PMSCs) that have become an integral part of contemporary conflict zones (Marten, 2019). Contemporary research documents that the global market for private military services has experienced sustained expansion over the past decade, with the

Wagner Group alone reportedly receiving 86.2 billion rubles (approximately one billion US dollars) of Russian state financing between May 2022 and May 2023 (Bosch & Kimble, 2025). This expansion of the private military sector is particularly pronounced in the context of asymmetric conflicts, where traditional distinctions between combatants and civilians, and between international and internal armed conflicts, are becoming increasingly blurred.

The Sahel region represents a paradigmatic example of the complexity of contemporary asymmetric conflicts in which private military companies play an increasingly significant role. Since the outbreak of the crisis in Mali in 2012, when Tuareg rebels and Islamist militants took control of the northern part of the country, the region has witnessed continuous escalation of violence and proliferation of various armed actors. French intervention through Operations Serval (2013) and Barkhane (2014–2022), as well as the establishment of the UN peacekeeping mission MINUSMA, failed to permanently stabilize the region. On the contrary, since 2021 there has been a significant change in the security paradigm through the engagement of the Russian private military company Wagner in Mali, Burkina Faso, and the Central African Republic, which has opened new legal and ethical questions about the role of private military actors in contemporary conflicts (Spearin, 2024).

The legal status of private military company employees in armed conflicts remains one of the most controversial and least regulated areas of contemporary international law. The existing legal framework of international humanitarian law, primarily based on the Geneva Conventions of 1949 and the Additional Protocols of 1977, was not designed to regulate the activities of private military actors that today dominate conflict zones. Article 47 of Additional Protocol I provides a definition of mercenary that, in

the opinion of contemporary legal scholarship, is so restrictive that it is practically inapplicable to most employees of contemporary PMCs (ICRC, 1977; Bosch & Kimble, 2025). The six cumulative criteria that a person must satisfy to be qualified as a mercenary allow for relatively easy avoidance of this classification through various legal and contractual arrangements.

The Montreux Document of 2008, developed through the joint efforts of the Swiss Federal Department of Foreign Affairs and the International Committee of the Red Cross (ICRC), represents the most significant international instrument for regulating the activities of private military and security companies (Swiss Federal Department of Foreign Affairs & ICRC, 2008). However, as a legally non-binding document that primarily reaffirms existing legal obligations of states, the Montreux Document has failed to resolve fundamental problems related to the legal status of PMC employees and their accountability for violations of international law. Contemporary analyses of regulatory gaps emphasise that the document represents a useful contribution to the codification of existing obligations but at the same time reflects the inability of the international community to reach consensus on a legally binding instrument (Kimble, 2022; SIPRI, 2023).

Asymmetric conflicts in the Sahel provide an exceptionally suitable opportunity for analyzing the legal challenges generated by the engagement of private military companies. Unlike conventional international armed conflicts, asymmetric conflicts are characterized by disproportion of forces between the conflicting parties, prevalence of unconventional methods of warfare, blurring of clear front lines, and pronounced interaction of military operations with civilian populations. In such circumstances, the presence of PMC employees who operate armed in the vicinity of or within zones of

active hostilities creates fundamental dilemmas regarding the application of the principles of distinction, proportionality, and military necessity — the fundamental principles of international humanitarian law (Melzer, 2009; ICRC, 1977).

Particular attention deserves the fact that asymmetric conflicts in the Sahel, especially in Mali, have become the scene of serious alleged violations of international humanitarian law by private military companies. Reports from the UN Working Group on the Use of Mercenaries, Human Rights Watch, and other organizations have documented numerous incidents involving extrajudicial executions, torture, enforced disappearances, and other serious human rights violations allegedly committed by members of the Wagner Group in cooperation with Malian armed forces (UN Human Rights Council, 2023). The mass massacre in the village of Moura in March 2022, in which according to UN reports several hundred civilians perished, represents the most dramatic illustration of the problem of impunity of private military actors (Human Rights Watch, 2022; Human Rights Watch, 2023).

The central research question of this paper is: what is the legal status of private military company employees in asymmetric conflicts according to the existing international legal framework, and what are the implications of existing legal gaps for issues of accountability and protection of civilian populations in the context of conflicts in the Sahel region in the period from 2012 to 2023? The paper proceeds from the hypothesis that the existing international legal regime does not provide an adequate framework for regulating the activities of PMCs in asymmetric conflicts, resulting in significant legal uncertainty and impunity for serious violations of international humanitarian law. The original contribution of this article consists in the integration of the most recent (2024–2025) legal scholarship on the

Wagner Group / Africa Corps with documented empirical evidence on the Mali conflict (2012–2023) into a unified analytical framework that maps the four dimensions of legal status — conflict qualification, person status, direct participation in hostilities, and state attribution — onto the operational patterns recorded in the field, a mapping that has not been jointly demonstrated for the Sahel theatre in prior literature.

The paper is structured as follows: after the methodological section explaining the research approach, the central part of the paper presents research results structured in several thematic units. The analysis begins with an overview of the relevant legal framework, including international humanitarian law, international human rights law, and specific instruments for regulating PMCs. This is followed by a detailed analysis of the legal status of PMC employees, with particular reference to the distinction between civilians, combatants, and mercenaries. The third unit focuses on case studies from the Sahel region, with emphasis on the activities of the Wagner Group in Mali. The concluding part of the paper synthesizes the findings and formulates recommendations for reform of the existing legal regime.

METHODOLOGY

The research was conducted using a combination of qualitative research methods suitable for legal analysis of complex phenomena in the field of international law. The methodological approach includes three complementary methods: legal dogmatics, comparative analysis, and the case study method.

The legal dogmatic method was applied for systematic analysis and interpretation of relevant sources of international law that regulate the legal status of private military companies and their employees. The analysis covers primary sources of international

law, including the Geneva Conventions of 1949, the Additional Protocols of 1977 (ICRC, 1977), the 1989 UN Convention against the Recruitment, Use, Financing and Training of Mercenaries, and the 1977 Convention of the Organization of African Unity for the Elimination of Mercenarism. In addition, relevant soft law instruments were analyzed, particularly the 2008 Montreux Document (Swiss Federal Department of Foreign Affairs & ICRC, 2008) and the 2010 International Code of Conduct for Private Security Service Providers (ICoC). The legal dogmatic analysis also covered interpretive guidelines of the International Committee of the Red Cross, particularly the 2009 Interpretive Guidance on the Notion of Direct Participation in Hostilities (Melzer, 2009).

The comparative method was applied for comparative analysis of different legal qualifications of the status of PMC employees (civilian, combatant, mercenary) according to relevant sources of international law and for comparison of different national approaches to regulating the private military sector. This method enabled identification of common elements and divergences in the legal treatment of PMCs at the international level, as well as evaluation of the effectiveness of different regulatory approaches (Kimble, 2022; Bosch & Kimble, 2025).

The case study method was applied for in-depth analysis of specific situations of engagement of private military companies in asymmetric conflicts in the Sahel region. The focus of analysis was directed at the activities of the Wagner Group in Mali in the period from 2021 to 2023, with reference to the broader context of the conflict that has been ongoing since 2012 (Spearin, 2024). The selection of this case was motivated by its paradigmatic nature for illustrating the legal challenges generated by the engagement of PMCs in asymmetric conflicts, as well as the availability of verified data from reports

of international organizations and non-governmental organizations specialized in documenting human rights violations.

Data sources for the research cover several categories. Primary legal sources include relevant international treaties, UN Security Council resolutions, and decisions of international courts and tribunals. Secondary sources include academic literature published in journals indexed in the Scopus database, including the *Journal of African Law*, *Post-Soviet Affairs*, *International Journal*, and *African Security Review*. The third category of sources includes reports from international organizations (UN, ICRC, SIPRI), non-governmental organizations (Human Rights Watch, Amnesty International, Armed Conflict Location & Event Data Project — ACLED), and national governments.

The time frame of the research is limited to the period from 2012 to 2023. The starting year was chosen because it marks the outbreak of the crisis in Mali and the beginning of significant internationalization of the conflict in the Sahel region. The ending year marks the period of consolidation of the Wagner Group's presence in the region and the withdrawal of French forces from Mali, thereby ending one phase of the evolution of conflict dynamics. The spatial focus of the research is directed at the Sahel region, with primary emphasis on Mali as the state with the most pronounced presence of private military companies and the most extensive documentation of alleged violations of international humanitarian law (ACLED, 2022). Secondly, the analysis also covers situations in the Central African Republic and Burkina Faso as states in which the engagement of the Wagner Group and similar private military actors has been recorded (Marten, 2019; Spearin, 2024).

The analytical framework of the research integrates four dimensions adapted to the specificities of asymmetric conflicts: (1) the

question of qualification of conflict (international versus internal armed conflict); (2) the question of qualification of person status (civilian, combatant, mercenary); (3) the question of direct participation in hostilities; and (4) the question of accountability (individual criminal responsibility and state responsibility). This four-dimensional structure follows the contemporary scholarly approach to PMSC legal analysis articulated in the *Journal of African Law* (Bosch & Kimble, 2025) and the *African Security Review* (Kimble, 2022).

Research limitations arise from several factors. First, access to primary data on the activities of private military companies in conflict zones is inherently difficult due to the classified nature of information, operational secrecy, and active concealment of activities by the companies themselves and their clients. Second, documentation of violations of international law in conditions of active conflict is necessarily incomplete and relies on testimonies of victims and survivors whose verification is not always possible. Third, academic literature on specific aspects of PMC activities in the Sahel is still relatively limited, requiring the use of reports from non-governmental organizations and media sources with appropriate critical evaluation of their reliability.

RESEARCH RESULTS

Analysis of the legal framework for regulating private military companies in international law reveals significant structural deficiencies that enable operation in a legal gray zone. The fundamental problem arises from the fact that the existing system of international humanitarian law rests on a binary distinction between combatants and civilians, a distinction that was formulated in the context of conventional interstate conflicts and has proven inadequate for regulating contemporary asymmetric conflicts with

a plurality of armed actors (Bosch & Kimble, 2025; ICRC, 1977).

Article 4 of the Third Geneva Convention defines categories of persons entitled to prisoner-of-war status, including members of the armed forces of a party to the conflict, members of militias and volunteer corps meeting certain criteria, and civilians accompanying armed forces without being formal members thereof. Employees of private military companies can theoretically belong to any of these categories, depending on the specific circumstances of their engagement and the nature of activities they perform. However, in practice their status is rarely clearly defined by contractual arrangements or integrated into national legal systems of states that engage them (Kimble, 2022).

Article 47 of Additional Protocol I provides the most extensive definition of mercenary in international law, stating six cumulative criteria that a person must satisfy to be classified as a mercenary: must be specially recruited to fight in an armed conflict; must take direct part in hostilities; must be motivated primarily by desire for personal gain with the promise of material compensation substantially greater than that paid to combatants of similar ranks and functions in the armed forces; must not be a national of a party to the conflict or a resident of territory controlled by a party to the conflict; must not be a member of the armed forces of a party to the conflict; and must not have been sent by a state which is not a party to the conflict as an official member of its armed forces (ICRC, 1977). The cumulative nature of these criteria makes the definition extremely restrictive and practically inapplicable to most employees of contemporary PMCs (Bosch & Kimble, 2025).

Significant is the fact that the 1989 UN Convention against the Recruitment, Use, Financing and Training of Mercenaries has also failed to overcome these limitations. Although it expands the definition of

mercenaryism to situations outside the context of armed conflict and criminalizes various aspects of mercenary activity, the convention has only 37 member states as of 2023, with most significant users of private military services, including the United States, the United Kingdom, and the Russian Federation, not having ratified this instrument (SIPRI, 2023).

The Montreux Document of 2008, which has been supported by 58 states and three international organizations to date, represents the most comprehensive attempt to articulate international legal obligations related to private military and security companies (Swiss Federal Department of Foreign Affairs & ICRC, 2008). The document distinguishes three categories of states with relevant obligations: contracting states (which engage PMCs), territorial states (on whose territory PMCs operate), and home states (in which PMCs are registered). For each category, the document articulates obligations regarding ensuring compliance with international humanitarian law and international human rights law.

However, contemporary analyses note significant limitations of the Montreux Document. As a legally non-binding instrument, the document does not create new legal obligations but primarily reaffirms existing ones (Kimble, 2022; Bosch & Kimble, 2025). Moreover, the document's focus on state obligations leaves unresolved the question of direct obligations of the companies themselves and their employees under international law. This is particularly problematic in the context of asymmetric conflicts where state structures may be weak or collapse, rendering mechanisms of state responsibility ineffective.

The ICRC Interpretive Guidance on the Notion of Direct Participation in Hostilities from 2009 provides additional conceptual elaboration of the status of PMC employees (Melzer, 2009). According to these

guidelines, PMC employees in principle retain their civilian status unless they are formally incorporated into the armed forces of the engaging state. As civilians, they enjoy protection from attack unless and for such time as they directly participate in hostilities. The guidelines define three constitutive elements of direct participation: threshold of harm, direct causal link, and belligerent nexus.

Application of this conceptual framework to situations in the Sahel region reveals significant practical problems. In the context of asymmetric conflicts such as those being waged in Mali, the boundary between defensive activities legitimate within the framework of self-defense and offensive operations that constitute direct participation in hostilities is often unclear. Wagner Group employees, according to available information, have participated in a wide spectrum of activities including training local armed forces, securing strategic locations, convoy escort, but also active combat operations against rebel and jihadist groups (Spearin, 2024). The ambiguity is structural rather than accidental: as Bukkvoll and Østensen (2022) argue, Russian private military companies have been deliberately designed as a hybrid instrument that allows the Kremlin to project force “on the cheap,” operating in a permanently grey zone between commercial security provision and clandestine state action — a design feature that complicates any clean application of the combatant–civilian dichotomy in the field. Pokalova (2023) reinforces this reading by demonstrating, on the basis of case material from Libya, the Central African Republic, Sudan, and Mali, that Wagner's service portfolio extends well beyond the activities typically associated with traditional private military or security companies and routinely includes regime-protection, kinetic counter-insurgency, and parallel influence operations on behalf of the Russian state. From an

international humanitarian law perspective, the consequence is acute. Mignot-Mahdavi (2023) shows that the ICRC's 2009 Interpretive Guidance on direct participation in hostilities and continuous combat function struggles to accommodate precisely the kind of anticipatory, intelligence-driven, and frequently targeted operations that characterise counter-jihadist campaigns in the Sahel, leaving status determinations for hybrid contractors operating alongside Malian armed forces unusually contested. The cumulative effect, as Spearin's (2024) authoritarian conflict management analysis of Wagner Group and its successor Africa Corps in the Central African Republic and Mali makes clear, is that the same actor can — sometimes within a single tactical sequence — pivot between mentoring, force-protection, and offensive engagement, so that any attempt to fix a temporal or functional line around “direct participation in hostilities” tends to collapse on contact with the operational reality on the ground.

Analysis of data from the Armed Conflict Location & Event Data (ACLED) project provides empirical confirmation of the scope and intensity of Wagner Group activities in Mali. According to the ACLED report from 2022, since December 2021 when the beginning of the Wagner Group's operational engagement in Mali was recorded, there has been a significant increase in incidents involving targeting of civilian populations in areas where Malian armed forces operate supported by foreign fighters identified as members of the Wagner Group (ACLED, 2022). This represents one of the rare quantified empirical findings on the impact of PMCs on conflict dynamics in the region.

Specifically, ACLED data show that in the period from December 2021 to August 2022, over 50 incidents involving alleged Wagner Group members on the territory of Mali were recorded. Of this number, a

significant proportion of incidents (approximately 40%) was classified as events involving violence directed against civilians (ACLED, 2022). These data are consistent with qualitative reports from Human Rights Watch and UN bodies documenting systematic patterns of human rights violations (Human Rights Watch, 2023; UN Human Rights Council, 2023).

The massacre in the village of Moura in central Mali, which occurred between 27 and 31 March 2022, represents the most documented individual incident illustrating the legal problematic of PMC activities in asymmetric conflicts. According to the Human Rights Watch report (2022) and the subsequent investigation by the UN mission MINUSMA, members of the Malian army accompanied by foreign fighters described as members of the Wagner Group gathered and executed several hundred civilians, predominantly members of the Fulani ethnic community. The UN Working Group on the Use of Mercenaries in its statement of January 2023 qualified this incident as a potential war crime and crime against humanity, and called for an independent investigation (UN Human Rights Council, 2023).

Legal analysis of the Moura incident reveals fundamental problems of the existing regulatory framework. If it is accepted that the foreign fighters who participated in the massacre were employees of a private military company such as the Wagner Group, the question arises of their legal status and the applicable legal regime of responsibility. According to existing international humanitarian law, several qualifications are possible. If foreign fighters are qualified as civilians who directly participate in hostilities, they lose protection from attack during such participation, but remain bound by the fundamental guarantees of humanitarian law from Article 75 of Additional Protocol I, including the prohibition of torture, cruel

treatment, and killing of persons hors de combat (ICRC, 1977; Melzer, 2009).

Alternatively, if foreign fighters were qualified as mercenaries under Article 47 of Additional Protocol I, they would not have the right to combatant status or prisoner-of-war status. However, this qualification faces the already mentioned problem of cumulative criteria. Particularly problematic is the criterion that a person must be specially recruited to fight in an armed conflict and the criterion related to motivation primarily by desire for personal gain. PMC employees can argue that they were recruited to provide security or advisory services, not to directly participate in combat, and that their motivation includes professional and other non-financial factors (Bosch & Kimble, 2025).

The question of state responsibility for the actions of private military companies further complicates the legal situation. The Articles on Responsibility of States for Internationally Wrongful Acts of the UN International Law Commission (2001) provide that acts of private persons may be attributed to the state if those persons act on the instructions or under the control of the state, or if they exercise elements of governmental authority. Application of these criteria to the relationship between the Wagner Group and its state clients, whether the Russian Federation or recipient states such as Mali, is extremely complex due to the deliberate non-transparency of these arrangements (Marten, 2019; Spearin, 2024).

The Russian Federation consistently denies any official connection with the Wagner Group, despite extensive evidence of financial, logistical, and operational ties between the company and Russian state structures (Marten, 2019). This strategy of plausible deniability is particularly effective in the context of asymmetric conflicts where attribution of specific acts to particular actors is inherently difficult. On the other hand, the state of Mali, which engaged the Wagner

Group, has an obligation to ensure compliance with international humanitarian law by all actors operating under its jurisdiction, including private military companies (Bosch & Kimble, 2025). The absence of effective mechanisms of oversight and accountability in the Malian legal system significantly impedes fulfillment of this obligation.

Bosch and Kimble (2025), in their analysis published in the *Journal of African Law*, examine in detail the question of state responsibility for violations of international humanitarian law and international human rights law by the Wagner Group / Africa Corps in the African context. The authors conclude that, although formal incorporation of Wagner Group members into the armed forces of host states has not been proven, their invitation to assist state organs and active role in hostilities may satisfy the criteria of attribution according to the complete dependence or effective control tests developed in the jurisprudence of the International Court of Justice. They further argue that states which fail to intervene to prevent abuses by their PMC partners violate their due-diligence obligations through persistent non-action. However, practical implementation of these standards remains challenging in the absence of access to relevant evidence and cooperation from states involved in PMC engagement.

The analysis shows significant evolution of private military company activities in the Sahel region during the observed period. In the early phase of the conflict (2012–2020), PMC presence was relatively limited and focused primarily on logistical support and training of local forces. The arrival of the Wagner Group in Mali at the end of 2021 marks a qualitative change, with a transition to active participation in combat operations (Spearin, 2024). This transition coincides with the withdrawal of French forces and deterioration of the security situation, suggesting that local authorities saw in the

Wagner Group a replacement for Western military support.

Spearin's article (2024) published in *International Journal*, analyzing the role of the Wagner Group as an instrument of Russian foreign policy in Africa, identifies specific patterns of activity that differ from traditional private military companies. Unlike Western PMCs that primarily provided protection of personnel and facilities, the Wagner Group actively participates in combat operations, including offensive actions against rebel groups. Moreover, Wagner's activities often include non-military dimensions such as control of natural resources, spreading disinformation, and support for authoritarian regimes, which further complicates legal analysis.

Finally, it is worth highlighting findings relevant to the question of effectiveness of the existing legal framework. Despite documented violations of international humanitarian law by Wagner Group members in Mali, by the end of the observed period no criminal proceedings had been initiated against perpetrators before national or international courts. Malian authorities, although nominally launching investigations, have not presented any concrete results. The International Criminal Court, although it has jurisdiction over the situation in Mali since 2013, has not launched an investigation specifically related to the activities of private military companies. This impunity represents the clearest empirical indicator of the inadequacy of the existing legal regime (Bosch & Kimble, 2025; Kimble, 2022).

CONCLUSION

The conducted research confirms the fundamental hypothesis about the inadequacy of the existing international legal regime for regulating the activities of private military companies in asymmetric conflicts. The analysis of the legal framework,

theoretical considerations, and empirical findings from the Sahel region converge toward the conclusion that structural gaps in international humanitarian law, in combination with deliberate exploitation of these gaps by PMCs and their clients, result in significant legal uncertainty and factual impunity for serious violations of human rights and humanitarian law (Bosch & Kimble, 2025).

The definition of mercenary from Article 47 of Additional Protocol I has proven practically inapplicable to employees of contemporary private military companies. The cumulative nature of the six criteria allows for relatively easy avoidance of mercenary qualification through various contractual and organizational arrangements. The concept of direct participation in hostilities, elaborated in the ICRC Interpretive Guidance (Melzer, 2009), provides a useful analytical matrix, but its application to the complex reality of asymmetric conflicts remains challenging. Ambiguities around the boundary between defensive activities legitimate within the framework of self-defense and offensive operations that constitute direct participation create space for manipulation and avoidance of accountability.

The Montreux Document, as the most comprehensive international instrument for regulating PMCs, demonstrates the limitations of an approach based on soft law. Its legally non-binding nature, focus on state obligations rather than direct obligations of companies, and the fact that a significant number of states involved in PMC engagement have not supported the document significantly diminish its practical effectiveness (Kimble, 2022; SIPRI, 2023). Empirical findings from Mali show that reaffirmation of existing legal obligations, without effective mechanisms of implementation and accountability, does not result in significant change in the behavior of private military actors.

The case study of the Wagner Group in Mali illustrates the most dramatic manifestations of the legal gap. Documented massacres, such as the one in Moura in March 2022, remain unpunished despite clear evidence of violations of international humanitarian law (Human Rights Watch, 2022; UN Human Rights Council, 2023). The strategy of plausible deniability used by the Russian Federation and the Wagner Group (Marten, 2019), in combination with the lack of political will of the Malian government to conduct investigations and the absence of effective international mechanisms, creates a climate of complete impunity. This impunity is not only a legal problem but has profound humanitarian consequences, as it encourages further violations and undermines the confidence of civilian populations in the possibility of protection.

Based on the conducted analysis, it is possible to formulate several recommendations for reform of the existing legal regime. First, the development of a legally binding international instrument that would explicitly regulate the activities of private military and security companies is needed. The draft UN Convention on Private Military and Security Companies, prepared by the Working Group on the Use of Mercenaries, provides a starting point for such an instrument, but the negotiation process requires stronger political will from UN member states. Second, the definition of mercenary in international humanitarian law needs to be revised

to encompass contemporary forms of private military engagement (Bosch & Kimble, 2025). Third, mechanisms of individual criminal responsibility for PMC employees need to be strengthened. The International Criminal Court should more actively use its jurisdiction in situations where national judicial systems cannot or will not prosecute perpetrators. Fourth, mechanisms of state responsibility for the actions of private military companies need to be enhanced. Contracting states, territorial states, and home states should have clearly defined obligations of oversight, prevention, and sanctioning of violations of international law by PMCs. The Montreux Document provides a good starting point, but its recommendations need to be translated into legally binding obligations.

The principal original contribution of this article consists in the integration of the most recent (2024–2025) legal scholarship on the Wagner Group / Africa Corps (Bosch & Kimble, 2025; Spearin, 2024) with documented empirical evidence on the Mali conflict (2012–2023) into a unified four-dimensional analytical framework — conflict qualification, person status, direct participation, and state attribution — that maps operational patterns recorded in the field onto the corresponding legal categories. This mapping has not been jointly demonstrated for the Sahel theatre in prior published literature.

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Sažetak: Privatne vojne kompanije (PVK) postale su nezaobilazni akteri u savremenim asimetričnim sukobima, posebno u regionu Sahela gdje su tokom protekle decenije doživjele značajnu ekspanziju. Ovaj članak analizira pravni status zaposlenih privatnih vojnih kompanija u kontekstu međunarodnog humanitarnog prava (MHP) i međunarodnog prava ljudskih prava (MPLJP), s posebnim naglaskom na sukobe u Maliju, Burkini Faso i Centralnoafričkoj Republici u periodu od 2012. do 2023. godine. Primjenom metode pravne dogmatike, komparativne analize i studija slučaja, rad ispituje primjenjivost postojećih pravnih okvira, uključujući Ženevske konvencije, Dodatni protokol I, UN Konvenciju protiv plaćenika iz 1989. i Montreux dokument iz 2008, na djelovanje PVK u asimetričnim sukobima. Nalazi istraživanja ukazuju na značajne praznine u međunarodnom pravnom režimu koji reguliše PVK, posebno u pogledu kvalifikacije statusa njihovih zaposlenih kao civila, boraca ili plaćenika, što ima dalekosežne implikacije za pitanja odgovornosti i kažnjivosti. Analiza slučaja Wagner Grupe u Maliju pokazuje kako odsustvo jasnog pravnog okvira omogućava nekažnjivost za ozbiljna kršenja međunarodnog humanitarnog prava. Rad zaključuje da je potrebna temeljna reforma postojećeg pravnog režima, uključujući razvoj pravno obavezujućeg međunarodnog instrumenta koji bi eksplicitno regulisao specifičnosti djelovanja PVK u savremenim asimetričnim sukobima.

Ključne riječi: *privatne vojne kompanije, asimetrični sukobi, međunarodno humanitarno pravo, Sahel, Wagner grupa, Montreux dokument, pravni status boraca.*