

**THE DISAPPEARANCE OF MERCENARIES FROM 1856-1960  
AND THEIR SUBSEQUENT RETURN**

by

Greg Doolittle

A thesis submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Bachelor of Arts in International Relations with Distinction

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Approved: \_\_\_\_\_  
Stuart J Kaufman, PhD  
Professor in charge of thesis on behalf of the Advisory Committee

Approved: \_\_\_\_\_  
Mark Miller, PhD  
Committee member from the Department of Political Science and  
International Relations

Approved: \_\_\_\_\_  
Cynthia Robbins, PhD  
Committee member from the Board of Senior Thesis Readers

Approved: \_\_\_\_\_  
Michelle Provost-Craig, Ph.D.  
Chair of the University Committee on Student and Faculty Honors

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## **ABSTRACT**

Mercenaries are an oft-neglected component of international security as well as history. This thesis seeks to define a mercenary and understand the motivations behind mercenarism. The fulcrum of the thesis is the absence in the usage of mercenaries that occurred between 1856 and 1960; the origins of that break, the evidence that exists for and against it, and the reasons and circumstances for its end will be explored. The rise of private security companies makes this thesis particularly relevant; this will be explored in the context of the trend toward a hollow state. The modern divide in patterns of mercenary usage between countries in the global north and countries in the global south will also be documented.

## **Chapter 1**

### **What is a Mercenary?**

Mercenaries tend to fall under the radar in the popular conceptualization of warfare. A war is thought of as a conflict between opposing sides, an army for each cause, who fight until there is a clear winner or one of them surrenders. Mercenaries gum up the works; they make that clean vision of warfare messy. Mercenaries don't occupy one of the two opposing ideological sides; they don't have to share or exhibit loyalty to a country or a cause in order to propel them to fight. Mercenaries fight for money, and have been known to switch sides in the middle of pitched battle. They are not bound by pesky things like codes of military conduct, and have been known to act with less scruples than regular soldiers. Historically an unwelcome presence in the warzone because of the uncertainty that they bring, mercenaries are in the midst of a modern resurgence after undergoing a hundred year period when they were entirely out of fashion.

This writing will explore the definition of a mercenary, according to the popular consciousness, international law, and political scientists. This is a particularly divisive issue at this moment in history because of the commonplace employment of private security companies by developed countries in their wars abroad. The question of who is and who is not a mercenary has very real ramifications for nations who choose to employ such fighters, as well as for the corporations who contract to provide such fighters.

The place of the mercenary in society will also be discussed. Societally mercenaries have been shunned, thought of as undesirable presences with status barely above that of the common criminal and sometimes below it. It is very easy to get caught up in the fantasy of the mercenary, in the war stories intertwined with the profession, the adventure that goes along with it. More recently, the high pay of private security contractors and their legitimacy in the eyes of western governments has made for a drastic change in the place in society for mercenaries.

The crux of the writing is the idea of the hundred year break in mercenary usage that occurred from 1856-1960. This portion of history at the close of the nineteenth century and the beginning of the twentieth saw some of the most widespread and destructive wars in human history; and yet mercenaries played almost no role in these conflicts. Why did this gap start? Why and how did the break end? Some thinkers contend that this absence never really existed; their arguments will be examined in this section as well.

Not only did this hundred year break in mercenary usage end in the 1960s, it suffered a resounding reversal. Mercenary usage since that time has increased broadly, across both industrialized and developing militaries and conflicts. The rise of the private security company is inextricably linked with this trend. Nations of all types are currently using mercenaries but there is a developed/developing, north/south divide in the variety of mercenaries being used. The evidence of and reasons behind this divide will be discussed.

Mercenaries constitute an oft-neglected topic in international relations. They can and have been the deciding factors in many conflicts throughout the course of history yet tracking their usage and what the presence or lack of such usage

indicates about an actor is almost never undertaken. Mercenaries are deadly and woefully unregulated by both domestic and international governments. Regardless of whether such a lack of regulation is evidence of a healthy free market in force or a decline in the states control of such force, the trade in fighters for hire and the recent history of that trade deserves far more discussion than it receives.

Waging war for the highest bidder is not a decision made lightly. People have been making that decision, the decision to often renounce the citizenship of one's nation, be shipped off to a place far from home and told to fight to survive in the service of a cause to which there is no attachment, since the birth of states. Most of the time these decisions are made under duress. If there is a famine in the mercenary's home country and the only way to feed his family is to go off fighting for a Frenchmen named Napoleon, if Rhodesia becomes Zimbabwe and the jobless white Rhodesian army rents itself out to the highest bidder, if an American soldier serves four tours in Afghanistan and Iraq and is wooed by the six figures being paid out by an organization called Blackwater for essentially the same job, then taking such a job as a mercenary is an attractive option. And yet the public and most international actors find mercenaries distasteful. They are so because they are beholden largely to no one, oftentimes including their paymasters. They are distasteful because they reject the notion that the state has a monopoly on force, and serve as a flagrant example to the contrary. They are unregulated by codes of military conduct, excepting the ones they choose to adopt themselves. Mercenaries are not easily compartmentalized and for that, as well as the myriad atrocities they have committed, they have been given such a bad reputation.

So, what is a mercenary? The simplest and most useless definition is someone who wages war in exchange for money. Countless individuals are caught up, should that net be cast. The entire United States armed forces is made up of individuals who receive salaries and yet none of them are considered mercenaries. Most soldiers in the armies of the various countries in the world, even if they are conscripts, are compensated somehow, and yet the majority of fighting men are not considered mercenaries, nor should they be. So this simplistic definition is of little value except as the cornerstone of a much more specific definition.

Perhaps adding the aspect of national allegiance to our definition will help: A mercenary is someone who wages war, in exchange for money, for the interests of a state not their own. This obviously eliminates national armies. But it restricts the definition to mercenaries that fight for states when in reality mercenaries take up arms for the highest bidder be it a state, a corporation, or an individual. It also would make a Canadian soldier on loan to the United Nations for peacekeeping operations a mercenary while that soldier was protecting Rwandan citizens from Interhamwe militias; this is also certainly not the case.

Ideology could be used instead of national affiliation to differentiate the mercenary: a mercenary is someone who wages war, in exchange for money, supporting an ideology or cause that he does not espouse or believe in. The faults with this definition are a little subtler than the previous proposals. It is often the case that mercenaries find themselves aligned with the interests they fight for, although their first motivation is money. The mercenary is not wracked with guilt about fighting his

kinsmen like some modern day Arjuna<sup>1</sup>; this almost never occurs for obvious reasons. It is most often the case that mercenaries accept funds to fight in the interests of those they agree with politically at a moderate level, yet without the promise of considerable funds they would not take up arms for such causes. A good example is the men of Mike Hoare's 5 commando, who were mostly fervent anti-communists being paid to kill communist rebels in the Congo; in many cases these men would, if confronted with such rebels in their backyard of southern Africa, gladly have taken up arms against them. Another example would be Blackwater employees in Iraq, largely ex-American servicemen who despised the Islamic insurgents they were paid to kill. The primary motivation for these men remained the money, but it could not be said that they were ideologically opposed to carrying out their missions. Usefully, this definition also eliminates units like the Abraham Lincoln Brigade, made up of Americans who fought against the Fascists in the Spanish Civil War because they supported socialism or hated fascists; they were volunteers and therefore not mercenaries.

Perhaps distinguishing the level of mercenary pay from the pay of soldiers who conduct the same duties for a conventional army would be useful. Mercenaries are paid exorbitantly more money to fight than the average soldier; this is why so many former members of the American Special forces are so often seduced by private military contractors, the pay is simply too good to pass up. Or, in the case of lean countries and their environment, mercenaries are compensated in ways inaccessible to

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<sup>1</sup> Arjuna being the hero of the Bhagavad Gita, a Hindu epic. Arjuna spends most of the writing conflicted about fighting a dynastic war against members of his own caste and family.

members of the national army, like Colonel Gadhafi compensating his Tuareg militiamen with arms that they then used to start an insurgency in Mali after his death. A mercenary is a person who wages war, in exchange for exorbitant compensation, at the very least.

To use a modern example, during the Iraq War, an unmarried US army soldier made \$83-85 per day including relief from US taxes while a Blackwater USA security contractor made \$600 dollars a day, \$945 per day if he was a middle manager, and \$1,075 a day if he was a senior manager. David Petraeus, at one time the top US commander in Baghdad, made \$435 dollars a day.<sup>2</sup> As shocking as this information was when it was first published in the Washington Post along with reports that Blackwater personnel were wantonly shooting Baghdadis in traffic, it should have come as little surprise that such mercenaries were being paid far more than the US troops fighting in the country with them.

When it comes to mercenaries, money always comes first: a mercenary is someone who wages war in exchange for exorbitant compensation and whose primary motivation is that compensation. The mercenary may be ideologically aligned with the side he is fighting for, he may even be opposed to it; his primary motivation for fighting remains compensation. He may be fighting in his own country or half a world away; he remains motivated primarily by that compensation. He may be working for a government, a corporation, an individual, or an insurgent group or criminal organization; he is motivated by compensation, not always purely, but primarily.

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<sup>2</sup> Pincus, Walter. "U.S. Pays Steep Price for Private Security in Iraq." *Washington Post*. The Washington Post, 01 Oct. 2007. Web. 18 Apr. 2014.

International law has something to say on the matter. The International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries defines a mercenary. The statute is transcribed verbatim below:

1. A mercenary is any person who:
  - (a) Is specially recruited locally or abroad in order to fight in an armed conflict
  - (b) 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 rank and functions in the armed forces of that party;
  - (c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
  - (d) Is not a member of the armed forces of a party to the conflict; and
  - (e) 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.
  
2. A mercenary is also any person who, in any other situation:
  - (a) Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:
    - (i) Overthrowing a Government or otherwise undermining the constitutional order of a State; or
    - (ii) Undermining the territorial integrity of a State;

- (b) Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;
- (c) Is neither a national nor a resident of the State against which such an act is directed;
- (d) Has not been sent by a State on official duty; and
- (e) Is not a member of the armed forces of the State on whose territory the act is undertaken.

The definition adopted by the UN working group is thorough and a big step forward. Mercenaries were a matter that required addressing by the UN and addressed they were, in a non-binding general assembly resolution. A clear agenda is present in this definition and it is most evident in section 1:E and section 2:E. These provisions were written in specifically to allow private security companies to escape from regulation. Private security companies will be addressed in further detail later in the writing, but they are a significant industry in Russia and the US (two members of the UN Security Council). These private entities take on the legitimacy of the militaries and state security agencies who hire them, even though they are not permanent members of these institutions. They are “sent by a state on official duty” however, and are therefore wrongfully immune from mercenary status. For this reason the UN’s non-binding definition is flawed.

At this point is important to point out the interests at work here in the international lawmaking process. In the United States alone, the private security

industry is estimated to be worth \$350 billion<sup>3</sup>. That is enough money to fund a very powerful interest, an interest that will place pressure on lawmakers all over the world to ensure that their employees are not labelled as mercenaries and no pesky international governing body will become an obstacle to their profits. It is very clear that these interests were at work when these international laws were created.

International law has another noteworthy component that pertains to the matter of mercenaries. Article 47 of Protocol I additional to the Geneva conventions pertains exclusively to mercenaries. This convention has been signed and ratified by 173 states (the US has signed it but not ratified it) and the Red Cross has declared that these protocols are recognized as customary international law and thus valid for all states regardless of ratification<sup>4</sup>. As such article 47 is the strongest, most widely accepted regulatory maneuver pertaining to mercenaries in existence. It states:

1. A mercenary shall not have the right to be a combatant or a prisoner of war
2. A mercenary is any person who:
  - a. Is specially recruited locally or abroad in order to fight in an armed conflict;
  - b. Does, in fact, take part in the hostilities;

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<sup>3</sup> ASIS International. "The United States Security Industry: Size and Scope, Insights, Trends, and Data." *Institute of Finance and Management* (2013): n. pag. Web.

<sup>4</sup> Sommaruga, Cornelio. "Appeal by the International Committee of the Red Cross on the 20th Anniversary of the Adoption of the Additional Protocols of 1977." *Appeal by the International Committee of the Red Cross on the 20th Anniversary of the Adoption of the Additional Protocols of 1977*. International Committee of the Red Cross, 31 Oct. 1997. Web. 08 Sept. 2013.

- c. 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;
- d. Is neither a national of a Party to the conflict nor a resident of territory controlled by a party to the conflict;
- e. Is not a member of the armed forces of a party to the conflict; and
- f. 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.

The regulation is undeniably flimsy and, as with all of the other Geneva Conventions, there is no formal enforcement mechanism, no way to force compliance if a state chooses to disregard the law. There are two gaping loopholes in the regulation<sup>5</sup> that contribute to its weakness. The first loophole is that states can easily incorporate mercenaries into their armed forces; this effectively means that a private fighter hired by a state would not be considered a mercenary. This is a significant, some say deliberate, opening for continued mercenary use because states have historically been the largest employers of mercenaries.

The second large loophole in the regulation is the failure to prohibit foreign advisors and trainers from being used as a private force. Section 2(b) states that mercenaries must fight in order to be mercenaries and section 2(f) makes

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<sup>5</sup> Percy Page 171-176

personnel sent by a state who isn't a party to the conflict ineligible for mercenary status. Taken together, a military advisor who does not fight and is sent from one state to a different state would not be considered a mercenary. The flow of military advisors between allied countries is a common occurrence and this exception was placed in the protocol because the signatories wanted that sort of exchange to continue uninterrupted. These sorts of military advisors are not mercenaries because they are employed by a military of a state. This loophole only becomes a problem when a state hires a PSC to provide military advisors and these advisors are not working for the armed forces of a state but for a corporation, not out of allegiance to their nation but for exorbitant monetary compensation, once again circumnavigating the state monopoly on force. The increase in the use of private security contractors (which occurred after this protocol was drafted and ratified) has made this second loophole far more significant than it was when the signatories crafted the document.

As it stands right now, international law is inadequate to provide a truly functional definition for a mercenary. Too many countries with an interest in employing PSCs and other such unconventional forces have manipulated the international lawmaking process. The definitions currently on the books are deliberately designed to exclude the modern mercenary. Modern political scientists offer far better choices in the way of definitions for the modern mercenary.

There is a small but important body of recent work on mercenaries conducted by political scientists. This writing will focus on two of them: FJ Hampson and Sarah Percy. Both thinkers put forth innovative definitions that seek to assess mercenaries as both historical contributors to warfare and part of its modern reality.

Hampson defines mercenaries in terms of three aspects: that they are foreign, motivated by financial gain, and use force *not* as members of the armed forces of the state who hired them.<sup>6</sup>

Hampson is on the right track with his third point, alluding to the state monopoly on force and how mercenaries have broken and continue to break that monopoly. He fails to acknowledge, however, that in previous centuries mercenary units and legions were hired by national armies and then incorporated into those national armies; they did fight *as* members of the armed forces of the state who hired them.

A prominent example of this (and there are many to choose from) is the Hessian mercenaries in the American Revolution. The Hessians were a necessity for the British once they determined to go to war with America, as the British army was simply too small to do the job<sup>7</sup>. The Hessians were soldiers of the German Prince Hessian-Kessel, independent ruler of Hanau. He, like many of his Prussian neighbors, was in the habit of contracting his army out as “auxiliaries” for other absolute rulers, possessed of divine right, as was his privilege. These auxiliaries were trained troops, under the command of their own officer corps, that were supplied by their clients (which is why the Hessians wore red coats in the American Revolution) and who followed the instructions of those client’s high command. The Hessians were widely regarded as the best of these sorts of troops then available in Europe, yet they met their

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<sup>6</sup> FJ Hampson, “Mercenaries: Diagnosis Before Proscription” *Netherlands Yearbook of International Law* Volume 22

<sup>7</sup> Atwood page 23

defeat dramatically at the hands of George Washington at the battle of Trenton<sup>8</sup>. The Hessians provide an excellent example of mercenaries incorporated into the national army of another nation.

The political theorist Sarah Percy defines a mercenary as a fighter outside legitimate control who cannot prove attachment to, and motivation as a result of, a cause.<sup>9</sup> This definition is broad, deliberately so according to Ms. Percy. It manages to sidestep the nationality trap, leaving room within the framework for the eventuality that institutions other than countries recruit mercenaries. The phrase “legitimate control” is also very clever. By the letter of international law, a state hiring mercenaries is an illegitimate transaction so, even if the state did in fact control those mercenaries (rarely the case) that control is not legitimate. It also allows for PSC’s to be considered mercenaries because a corporation is not an institution capable of conferring legitimate control upon force. Percy’s definition is innovative, expansive, and refreshingly original. Hers is the definition of mercenary that will be adopted for the purposes of this writing.

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<sup>8</sup> Atwood page 95

<sup>9</sup> Percy pages 54-57

## Chapter 2

### Mercenaries and Their Place in History

There have been a few points throughout history where mercenaries have received legitimacy and societal approval which they have often been denied. Later in this writing, the case will be made that the modern era is one of those historical points. One of the earlier and best known of these historical instances was the time of Xenophon in the third century BCE.

Xenophon came from the Athenian aristocracy and, while undoubtedly a man who lived by the sword, he was more than just a hired cutthroat. He was a contemporary and pupil of the philosopher Socrates, and a noteworthy historian in his own right. Xenophon's *Anabasis* is to students of Greek what Caesar's *Gallic War* is to students of Latin, often the first unabridged text to be read in the ancient tongue being studied. As a result Xenophon's personal history and the history of his compatriots in the Ten Thousand has been widely known to classicists and educated people for generations.

Xenophon initially signed on to a force of ten thousand Greek soldiers recruited to fight for the young Persian Prince Cyrus the Younger, who was attempting to seize the throne from his brother Artaxerxes II. Xenophon and the Greeks fought hard and well for Cyrus, winning a decisive battle at Cunaxa. Cyrus was unfortunately killed at that battle which made Xenophon's victory irrelevant. The expedition was thrown into total disarray by the loss of its paymaster and, assaulted by enemies on every side and deep in enemy territory, the mercenaries were forced to cut their way out of Persia by force, heading back to the sea and what they thought was the safety of the Greek coastal cities. To make matters worse the terrain that the Ten Thousand had

to cross to reach the sea was utterly inhospitable, consisting of both barren deserts and high mountains.

Throughout this desperate journey to the sea, the Ten Thousand became something of a unique marching government, electing their leaders (one of which was Xenophon himself) as they went and voting to determine which course of action should be taken. It was Athenian direct democracy under fire and, even in Xenophon's pointed and direct narrative, the story makes for compelling reading. Even when they arrived at the sea they were not safe; the mercenaries fought a war of dynastic rivalry in Thrace and were eventually absorbed into the Spartan army after they returned to Greece.

What is most relevant to this writing is the reception received by Xenophon when he returned to his home city-state of Athens. He was not welcomed home with open arms but rather exiled shortly after his arrival. There are various theories as to why this exile was visited upon Xenophon, but the most plausible and compelling is that he fought against Athens for their rival Sparta at the battle of Coronea. Athens was a city state and the idea of being possessed of a nationality was many hundred years away. And this revulsion for the neighbor that would take up arms against his neighbor, for the man who showed no loyalty for the place he had laid his head and where his forbears had lain theirs was extremely unusual. Xenophon had sold his sword to the highest bidder and had swung it against Athens who would not welcome him back, perhaps an early instance of this national betrayal that would make mercenaries so unpopular during their hundred year absence centuries later. His affiliation and loyalty to Socrates who was famously executed for "corrupting the

minds of the youth of Athens” probably did not help his cause nor did fighting for the hated Persians.

Xenophon and his march with the Ten Thousand has long been fodder for the fantasies of schoolboys, filled with brilliant feats of arms with odds stacked as high as the Pontic Mountains that served as the backdrop for the tale. His status as one of history’s most famous mercenaries makes his inclusion in this work almost a necessity, but upon closer inspection the circumstances of his mercenarism provide insight into the perceptions toward mercenaries throughout history. Xenophon is an example of a mercenary who abandoned his homeland in search of riches and glory, was lucky enough to find both, but received a chilly reception upon his return. Mercenaries who take up arms against their homelands in the modern age are treated as traitors or just the same as the enemy soldiers fighting alongside of them, but when they take up arms for third parties they remain welcome in their societies. Xenophon was unusual in his day to receive the chilly reception he did and it would have been unusual for him to receive such treatment in a more modern conflict, the Thirty Years War, as well.

During the Thirty Years War, which occurred in Europe from 1618-1648, mercenary usage was standard operating procedure. The war was fought over shifts in the balance of power in Europe, the result of the centuries-long rivalry between the Bourbon monarchy in France and the Hapsburg Holy Roman Empire. Religious affiliation played a large part in determining what side of the war a specific lord was on, with France (though Catholic) supporting the Protestant upstarts that were seeking to dislodge the hegemony of the Papal-endorsed Holy Roman Empire. The war eventually ended out of necessity, with mainland Europe so decimated by war and

the famine that resulted from pillaging harvests that the fighting simply could not go on. The Peace of Westphalia which ended the long conflict was notable for a number of reasons including the beginning a decline in the influence of the Catholic Church, the ascendance of the house of Bourbon, and also the rise of an empire in Sweden as a result of the heroics of Gustavus Adolphus.

The conflict was an interesting time in military history as it relates to mercenaries. The idea of a standing army was a recent military innovation<sup>10</sup> and something of a rarity. The majority of fighting was done by armies raised for the specific purpose of fighting a battle in the immediate future. The only semblance of a permanent standing army outside of the noble corps of officers (which were not always the soundest military minds) were mercenaries. There were 1,500 mercenary captains active in Germany during the thirty years war and many of them had their soldiers mustered all the time<sup>11</sup>. Thus the belligerents in the Thirty Years War looked to mercenaries to provide both the strongest forces in their armies as well as the weakest.

The man who provided the strongest mercenaries to the Holy Roman Emperor Ferdinand II was Albrecht von Wallenstein<sup>12</sup>. Wallenstein is something of an enigma as he was a protestant (a member of a Czech denomination called the Unity of the Brethren<sup>13</sup>) and yet he fought doggedly for the Catholic emperor Ferdinand, whose

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<sup>10</sup> Childs page 34

<sup>11</sup> Childs page 35

<sup>12</sup> Mortimer page 1

<sup>13</sup> Rebitsch page23

other protestant subjects arrayed themselves against him. Failing to satisfy this writing's definition of a mercenary himself because of his unwavering attachment to the Holy Roman Empire, Wallenstein raised huge armies of mercenaries<sup>14</sup> for Ferdinand. These were extremely successful in battle, notably against Ernst von Mansfeld (more on him shortly). His success and his ambition eventually led him to be dismissed from imperial service, only to be brought back when Gustavus Adolphus screamed out of Sweden in 1630, completely altering the landscape of the war in favor of France and the protestant rebels. Wallenstein, almost unable to ride because of debilitating gout, conjured a large army seemingly out of nowhere that routed the Swedes at Lutzen where Gustavus Adolphus was killed<sup>15</sup>. Again Wallenstein's ambition was feared and the emperor, whom Wallenstein had spent his life serving, had him killed by certain Scottish mercenaries in his retinue.

Another, more conventional, mercenary leader during the Thirty Years War was Ernst von Mansfeld<sup>16</sup> who fought for the Protestants. This man specialized in low-quality, high-quantity armies that often scattered whenever a real battle seemed to be in the offing<sup>17</sup>. Mansfield was the second-hand shop of mercenaries, furnishing the lowest of the low who were almost entirely ineffective in battle, and who were valued as tools of intimidation, good for sparking fear with their numbers, but little else. No preparations were ever made for the supply of these lowly mercenaries who pillaged

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<sup>14</sup> Mortimer page 76

<sup>15</sup> Mortimer page 179

<sup>16</sup> Polisensky page 58

<sup>17</sup> Polisensky page 112

their rations wherever they went and, if they were forced to remain immobile, they often starved to death<sup>18</sup>. Mansfeld himself spent the thirty years war dancing amongst protestant overlords, raising and disbanding these sorts of rubbish mercenary armies everywhere he went until his of fever death in 1626.

Mercenaries continued to be used in armed conflict in Europe, though to a much lesser extent than they were used in the Thirty Years War. The advent of the standing army, loyal to the lord who raised and garrisoned it, relegated the mercenary units who had their heyday in this conflict to a second class status of soldier. Another factor in the beginning of this mercenary decline was the advent of personal politics as motivation for fighting in a country not one's own.

A classic example of this is the Irish Legion, *La Legion Irlandaise*, raised by Napoleon who was desperate to bolster his army after the Reign of Terror had seen many of the best French officers exiled or guillotined<sup>19</sup>. These Irishmen were mostly exiled already after agitating against the hated English and were only too happy to take up French arms to fight against the British. The Legion was mostly involved in coastal defense of France but Napoleon had grand plans for the invasion of the Emerald Isle and, for a while, he supplanted the Stuarts as the subject of Irish liberation fantasies<sup>20</sup>. This planned invasion was eventually called off in 1805, but *La Legion Irlandaise* remained an example of a unit resembling mercenaries who were

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<sup>18</sup> Childs page 38

<sup>19</sup> McGarry pg 192

<sup>20</sup> McGarry pg 195

incorporated into the French army until it was disbanded in 1815 by Louis XVIII who was eager to remove soldiers who might retain loyalty to Napoleon from his army.

This interesting smidgeon of history from the Napoleonic wars serves here as an example of the phenomenon of men who fight not for pay or for a nation, but for a cause. According to the definition of a mercenary being used in this writing, such men were not mercenaries. As political ideology became a more powerful impetus to move historical events, mercenaries became scarcer and scarcer as the beginning of their absence approached.

## Chapter 3

### The Hundred Year Absence of Mercenaries

This absence occurred from 1856 until 1960. That one hundred and four years saw warfare on a scale that has not been matched before or since. And yet mercenaries played no part in them; they were decidedly out of favor during the period only re-emerging during the Cold War.

Deborah Avant one of the most accomplished modern thinkers on the privatization of force, affirms the existence of the hundred year absence in her own research, although she fails to recognize it as such. To start with, she avoids using the term “mercenaries” altogether because of its slippery connotations<sup>21</sup> yet she does contend that a market for force outside of the state or authority has existed for a very long time, and in the feudal, pre-state period it was the only way to obtain force<sup>22</sup>. She cites historical examples of political forces purchasing the services of allegiance-less fighting men all the way up through the Jacobite Rebellion in Britain (circa. 1745) then skips ahead to the 1960s, reaffirming the idea of the hundred year gap<sup>23</sup>. More important than all this agreement with historical context, Avant makes the case that the modern (since the end of the Cold War) market for force is an altogether different beast than the one that had existed when mercenaries first disappeared. The hundred year gap evident in Avant’s research as well as the research in this writing began after the Crimean War.

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<sup>21</sup> Avant Pg 22

<sup>22</sup> Avant Pg 27

<sup>23</sup> Avant Pg. 29

The Crimean War was waged from 1853-1856. Ostensibly fought over the rights of pilgrims in the Holy Land as well as over which nations were charged with protecting which pilgrims, the war was, in all actuality, fought because of the crumbling of the Ottoman Empire; the British and their allies were eager to ensure that the massive territory of the wheezing state was not subsumed by their rival on the European continent, Russia. Though largely eclipsed by the American Civil War and the two World Wars that would begin fifty years later, the Crimean war sunk to a level of attrition that the world had not yet seen. The unveiling of trench warfare, the increased accuracy of rifles and artillery guns caused by the rifling of barrels as well as Minie balls, and the sheer amount of artillery at the disposal of both sides, all led to a great deal of carnage. There were social innovations that came out of this terrible war too like the work of Florence Nightingale which birthed modern nursing as well as the end of the practice of selling military commissions<sup>24</sup> to the highest bidder in the UK.

Because of the massive loss of life due to these new military tactics, especially artillery bombardment, the British especially were strapped for manpower. The reluctance of the British population to join up to fight in faraway Crimea compounded this shortage of troops. The solution was mercenaries from Germany, Switzerland, and Italy. These mercenaries were contracted at considerable expense to the crown<sup>25</sup> and proved largely ineffective in combat. Some combination of the distasteful memory of this war on the continent and the prevailing notion that mercenaries were a backward

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<sup>24</sup> Albert V. Tucker, "Army and Society in England 1870-1900: A Reassessment of the Cardwell Reforms," *Journal of British Studies* (1963) 2#2 pp. 110-141

<sup>25</sup> Bayley Page 67

way to fight wars between young nations made the Crimean War the last war to use mercenaries on a large scale for one hundred years<sup>26</sup>.

Perhaps the most compelling reasons for belligerents to abandon mercenaries was the ascendance of nationalist ideology. Gastony makes a psychological argument that the idea of nationalism grew out of “defensive aggression” buried deep in the psyche, wherein humans will act collectively and defensively to protect their interests, not only to defend themselves<sup>27</sup>; this is an argument that makes nationalism, or some unsophisticated vestigial form of it, as old as the human consciousness. There are a vocal minority of scholars who believe that nationalism first began in the fourteenth century<sup>28</sup>, but most contend that mood only began to strike policy makers in the late nineteenth century<sup>29</sup>. It is no coincidence that the mood shifted away from using mercenaries right around this time.

Nationalism is a channel of thought that radically shaped the nineteenth and twentieth century, perhaps even more so than socialism. It is difficult to define nationalism, as it “can mean emancipation, and it can mean oppression”<sup>30</sup>. It is not in the interests of this writing to get bogged down in defining nationalism; the simple definition here borrowed from Peter Alter will suffice: “nationalism exists whenever individuals feel they belong primarily to the nation and whenever affective attachment

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<sup>26</sup> Bayley Page 135

<sup>27</sup> Gastony page 51

<sup>28</sup> Hastings page 77

<sup>29</sup> Zimmer page 15

<sup>30</sup> Alter page 2

and loyalty to that nation override all other attachments and loyalties”<sup>31</sup>. Such an ideology was not a universally-held concept in the late nineteenth century but it had taken root by the time of the Crimean War. In that conflict men fought for their nations because they felt they belonged to them, and their loyalty to those nations overrode all other loyalties. That is, unless they were mercenaries.

Whether or not mercenaries belong to their nations is a difficult question to answer. Sometimes they fought in conflicts in which their nations had no stake, indeed they were often known to fight against the interests of their state (like Xenophon). It is certainly likely that their loyalty to their nation did not override all other attachments, as they routinely fought and died with the primary motivation of enriching themselves. Machiavelli famously hated mercenaries because so much effort had to be put in to discern their loyalties<sup>32</sup> and nations fighting in the twentieth century had no easier time of that than he did, making them distinctly unpopular during that hundred year period.

The dubious loyalties of mercenary troops made them all but ineligible for duty in the flagship conflicts of the early 20<sup>th</sup> century. World War I consumed all of Europe utterly; no country had spare men who had the required training to make themselves into a mercenary unit and auction themselves off to another country. And even if such a thing were possible, no country would trust such guns for hire to hold a crucial trench or rush over the line and into no man’s land without the jingoistic nationalism riding upon their consciousness like all the other troops fighting for that country. The wartime strategy employed on all sides of this war was a sort of

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<sup>31</sup> Alter page 4

<sup>32</sup> Machiavelli page 49

patriotism, that caused both the troops at the front and the citizens left back at home to endure unbelievable hardship for the good of their country; these governments put blinders upon their people and yoked them like mules to great effect. Mercenary troops would simply not have fit into this equation. They would have disturbed the illusion even if there had been leftover fighting men to form mercenary units.

The Second World War functioned in much the same way in terms of mercenary usage. The sheer size and scope of this war, involving virtually every country on the planet directly or indirectly in terms of disrupted trade and flow of resources, made it almost impossible for mercenaries to be a factor. So many resources in terms of men and material were being requisitioned by nations for their war efforts that there were no leftovers for a possible mercenary unit to consolidate. There were no spare men and there were no spare resources. Also, like in the First World War, national allegiance was everything. If a hypothetical mercenary unit fought for one side, it would be permanently considered an enemy by the other; the ability of the mercenary to fight for the highest bidder would have been totally nullified by the conditions of this world war. The ferocity of the clash of ideologies also would make mercenarism unlikely; no fascist would be willing to compromise his stiff ideals for an Allied nation and no socialist or republican would be able to fight in good conscience for a fascist. In the heyday of mercenaries before the Crimean War, such ideological views were immaterial to what side one fought for in a war.

Two great changes made the trend against mercenary usage a reality: national affiliation and the importance of the combatants' ideology. The Crimean War marked the first time that entire nations and economies were mobilized for a war at any level. The advent of international news coverage facilitated by the telegram made it so that

the citizens at home knew how the soldiers off fighting fared. Nationality became a relevant question to what side an individual fought for during war; this was not conducive to a mercenary. The ideology of the fighter also began to matter after the Crimean War. Especially in WWI and WWII soldiers were frenzied by propaganda that constantly contrasted the morality of the side on which they were fighting with that of the opposing side. There was no room for ideological fence-sitters who could fight for either side both because the ideologies of the time were so clearly opposed to one another and because associating with such milquetoast characters, had they existed, would have been reprehensible to both sides.

### **Disputing the Evidence Against the Hundred Year Absence**

Some historians<sup>33</sup> contend that this break is a falsehood and that mercenaries have been utilized uninterrupted since the beginning of history, that there is no hundred-year lull that ended in the 1960s. Such historians commonly cite two examples that they claim prove the continuation of mercenary usage: the French Foreign Legion and the Gurkha Regiments in the British army. It should be noted that special dispensation was granted to both of these units explicitly stating that they were not mercenaries in the protocol additional of the Geneva Conventions.

The French Foreign Legion has a long history that continues to the present day. The Legion's direct ancestor was a group of foreigners<sup>34</sup> (mostly Swiss and Germans) who rallied to Napoleon's side during the dramatic but disastrous "Hundred Days"

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<sup>33</sup> Yalichev Page 2

<sup>34</sup> Lepage Page 9

when he escaped from his exile at Elba to fight once more against Wellington and von Blucher. Napoleon was doomed to face defeat at Waterloo but the unit of foreigners who came to his aid comported themselves courageously enough for the restored King Louis XVIII to retain their services; they became his bodyguard, the *Legion Royale Etrangere*. The political opposition found this foreign bodyguard unpalatable after a while and Louis XVIII reluctantly disbanded the unit. During this time the Minister of War, Marshal and Duke of Dalmatia Nicolas-Jean-de-Dieu Soult was facing two major problems: his country was full of discontented and de-commissioned mercenaries that were bound to stir up trouble, and the war for the conquest of Algeria (began in 1830) was going badly and lacked support from the French people and their political leadership. The Marshal came up with the idea of a Foreign Legion, incorporating the King's old bodyguard and these other listless mercenaries into the French army before sending them off to fight an unpopular war in Algeria; this way he would clear his country of violent foreigners doggedly loyal to Napoleon and continue fighting in Algeria without the political repercussions involved with spending French lives to do it. This was the beginning of the *Legion Etrangere* or the French Foreign Legion. Initially, it is true that the French Foreign Legion was made up of self-declared and no doubt unscrupulous mercenaries. But by the period of the hundred year break from mercenaries, 1860-1960, the Foreign Legion had ceased to be a mercenary unit and had become a path to French citizenship and the prospect of a new life in *l'Hexagone*. Sometimes the legionnaires were deviants or petty criminals in their country of origin, but they fought for France out of gratitude for the second chance, not for any sort of greed or because they had been bribed to do so. The Foreign Legion is now fully incorporated into the French military on a permanent

basis, and thus the legionnaires cannot be viewed as mercenaries under international law. To claim that the French Foreign Legion invalidates this idea of a mercenary absence that ended in the 1960s is to misunderstand the Legion itself as well as the treatment of mercenaries in modern international law.

The Gurkha Regiments are a very similar example. The fighting prowess of the Nepalese Gurkha clans was first discovered by the British during the Anglo-Nepalese War of 1814. This war, fought between the Gurkha ruling classes and the British East India company was extremely expensive for the company, as Nepal was so remote, removed from any vestige of a typical supply line. Skirmishing with the fierce Gurkhas through the Himalayan foothills imbued the British with a grudging respect for these hill-peoples and, when the war ended with the treaty of Sugauli, the British began employing the Gurkhas as police-like regiments in India, often to quell dissent or civil disobedience against colonial rule. The Indians despised the Gurkhas, thinking them immoral and backward northerners that were so easily bought off by the British and so easily compelled by those same British to oppress their Indian cousins<sup>35</sup>. The British delighted in the success of their Gurkha regiments and considered them “as politically reliable as British troops.” This was the start of a long and mutually beneficial relationship that lasts to this day. Gurkhas have fought in all of the conflicts that Britain has engaged in since that time including both world wars. As a result, if Gurkhas are in fact mercenaries, the theory of the hundred year lull in mercenary activity would be invalid. But the Gurkhas, like the French Foreign Legion, are not mercenaries because they are seamlessly and permanently incorporated into the British

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<sup>35</sup> Omissi Page 213

army. Nepalis clamor to join the Royal Gurkhas in the hope of making a better life for themselves and their families. There are training programs in most large towns in Nepal all of which attempt to train one of the scant few Nepali men who are offered a commission in the Royal Gurkhas. As of 2009, Gurkhas with four years of service are entitled to stay in the UK<sup>36</sup>. There is a significant community of expatriate Gurkhas in the United Kingdom and they consider the UK to be their country as much as Nepal. Like the French Foreign Legion, to refer to the Gurkha Regiments as the sort of ruthless soldiers of fortune, beholden to only their wallet, as that animal that the Geneva Conventions seek to regulate is to misunderstand them.

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<sup>36</sup> "Nepal Thanks Lumley over Gurkhas." *BBC News*. BBC, 27 July 2009. Web. 03 Nov. 2013.

## Chapter 4

### **The End of the Absence and the Rise of Private Security Companies**

This absence from the usage of mercenaries lasted until the 1960s and then mercenaries began popping up all over the world.

Mercenaries first re-emerged in Africa as a way to quickly end the civil wars that were festering across the continent. Mike Hoare and his Commandos in the Congo are an excellent example. Hoare led two commandos of white mercenaries during the Congo Crisis in the 1960s. His last foray as a gun for hire ended in disaster when he tried to stage a coup in the Seychelles. His mercenary adventures ended when his force was discovered in the airport and he was forced to commandeer a plane to South Africa where he was promptly arrested and sentenced to ten years imprisonment for hijacking.

Hoare has some interesting things to say about why men choose the life of a mercenary. Hoare was an officer in the British Army during World War II after which he moved to South Africa to run a safari company as well as a mercenary business. He was hired twice to command units in the Congo, putting down a rebellion by the breakaway Katanga region and helping to quash the Simba Rebellion in the sixties. Mr. Hoare is a man of his time and that time has decidedly passed; his predictably-titled memoir of leading mercenary commandoes in the Congo, *Congo Mercenary*, is full of entertaining war stories yet colored with misogynist, colonialist, homophobic, imperious fulminations that strike the modern reader as laughably dated, small-minded thinking. His experience as a mercenary and as a leader of such men remains valuable, even if only as historical testimony.

Hoare spends a great deal of time bemoaning how difficult it is to find good men to populate his units. Mercenarism in the 1960s seemed to attract “alcoholics, drunks, booze artists, bums and layabouts”<sup>37</sup> whom Hoare shipped back to Johannesburg with relish. He also shipped back gay men, and seemed befuddled by the large amount of them he attracted in his recruitment drives, all rejected because of the prejudice at the time against having gay people in military units. What remained after the layabouts and homosexuals were culled were “a number of ex-regulars... a good assortment of genuine adventurers (a dying breed), youngsters, who did not know what to do with themselves and thought they would ‘give this a bash,’ and quite a few undergraduates and professional men who did not know why they volunteered and whom I did not embarrass by asking in case they might ask me the same question.”<sup>38</sup> The obvious and common motive of these disparate groups of men is well stated by Hoare, “it was plainly the desire to make big money quickly, all risks accepted.”<sup>39</sup> There was no ideology, racial or political, that united these mercenaries, it was the lure of cash. Hoare himself seems to bemoan this, saying later “much as I would like to say that we were motivated by anti-communist sentiments I am unable, in truth, to say so. Here and there, there may have been an idealist whose actions were governed by these principles, as there were also some who came for the adventure and not basically the reward, but by and large we were there for one reason only -

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<sup>37</sup> Hoare page 66

<sup>38</sup> Hoare Page 67

<sup>39</sup> Hoare page 68

money.”<sup>40</sup> Without a shared ideology or national affiliation, however, Hoare had his problems maintaining unit cohesion. Some of his troops tried to desert to the other side for more money “in the best tradition of mercenary troops”<sup>41</sup>.

One of the enduring problems with mercenaries is that they become the arbiters of justice in the spaces they occupy, beholden to no higher power, because they have monopolized violence in that space. In one episode, a rapist was brought before Hoare so that he could sit in judgment upon the offender. He heard the evidence against the man as well as his statement, before sending the accused away. Sentencing involved three of his officers and himself writing down their proposed punishments on slips of paper before they all chose one. One man wrote down thirty five strokes with a cat of nine tails (almost a death sentence), one man wrote down death by firing squad, one man wrote down that the accused should be given a pistol with one bullet in it and told to commit suicide, and Hoare himself wrote that the big toe of each of the man’s feet should be removed. Hoare’s vigilante court seemed to reward creativity and the man’s toes were summarily blown off with a Colt 45.

This episode in Hoare’s memoir is difficult to come to grips with. Here is this man who is beholden to no one but himself and sees fit to dispense justice in an utterly barbaric fashion. Rape is an utterly inexcusable crime but it is to be prosecuted in a court of some repute, not some kangaroo tribunal assembled by a bunch of guns for hire covered in road dust. The episode is a vivid and striking example of how mercenaries corrode the state’s monopoly on the use of force. The societies in which

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<sup>40</sup> Hoare page 69

<sup>41</sup> Hoare page 182

such force is dispensed by mercenaries are damaged by it, even if they might support such measures in the short term as they surely did in the case of Hoare and his toeless rapist.<sup>42</sup>The break from mercenary usage existed in order for such wanton interpretations of justice, not to mention the pillaging by rogue mercenaries before the break occurred, to be held in check.

Hoare was far from alone in ending the absence in Africa. The Biafran War or the Nigerian Civil War saw the use of mercenaries who fought for the largely Igbo secessionist state of Biafra; the Biafrans essentially hired an air force since they had little to no trained combat pilots on their side<sup>43</sup>. British and American mercenaries fought in the Angolan Civil War, especially towards the beginning of the 27-year-long conflict, when it was at its most intense<sup>44</sup>. Bob Denard, a Frenchman by birth, made a career out of staging coups (four of them from 1975-1995) in the Comoros Islands with his band of mercenaries, some of which succeeded and some of which did not<sup>45</sup>. Such mercenaries were unwelcome in Africa and frequently executed when they were captured by those they fought against. Even the African governments and interests who hired these mercenaries did so with reluctance, aware of the violence and lawlessness that these mercenaries brought along with them.

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<sup>44</sup> Death Sentence for Mercenaries." *BBC News*. BBC, 28 June 1976. Web. 9 Apr. 2014

<sup>45</sup> Nicholson, Sophie. "Obituary: Bob Denard." *The Guardian*. Guardian News and Media, 16 Oct. 2007. Web. 7 Apr. 2014.

These mercenaries that emerged in the 1960s and early 1970s were usually dependent upon the leadership of one charismatic figure, who would raise the mercenary troops from their home countries and lead them in the field of battle wherever they were hired. This is distinct from the concept of a private military company, where the leadership of one man is not the axis mundi of the entire enterprise. Bob Denard, Mike Hoare, and Carl Gustaf von Rosen (leader of a Biafran Air Squadron) are all examples of these mercenary leaders around whom whole offensives revolved. This one man, cult-of-personality-style leadership strategy grew increasingly out of fashion for two reasons: for the instability that occurred if one of these leaders died; and because, as mercenarism became a profitable venture, more shareholders who wanted in on the action, were precluded from access by the controlling interests of these Kurtz-esque leaders.

Deborah Avant is a leading thinker on the commodification of force that began to occur when this new wave of post-charismatic leaders began emerging in the 1980s. In the 1960s, when the break in mercenary use breathed its last in the jungles of the Congo, the soldier of fortune was a shadowy figure “informally organized, secretive, and directed at a specific customer base<sup>46</sup>”. Avant makes the case that the characteristics of private security companies have changed since the days of the charismatic leader and the Cold War mindset. Now PSCs “have a corporate structure and operate openly, posting job listings on their websites and writing papers and articles mulling over the costs and benefits of the private sector in security”<sup>47</sup>.

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<sup>46</sup> Avant Pg. 29

<sup>47</sup> Avant pg. 30

International public opinion has accepted them; this is a development that is both young and unique in the history of warfare.

Private security companies do a great many things for a diverse array of customers. Corporations, individuals, and governments hire PSCs to fight, cook, guard, repair equipment, maintain vehicles, consult on security arrangements, the list goes on. Not all employees of private security companies are mercenaries. Some PSCs have no employees who are mercenaries. Some PSCs are made up of exclusively mercenaries. Referring back to Ms. Percy's definition (a fighter outside legitimate control who cannot prove attachment to, and motivation as a result of, a cause), if a PSC employee is not a fighter or directly providing logistic to support to a fighter, she is not a mercenary. PSCs take great care to avoid being characterized as mercenaries and some of them, perhaps even most of them, are justified in doing so. This writing seeks to deal with the phenomenon of PSCs who do engage in mercenarism, and there is certainly a sizeable group of them that do.

WatchGuard International is usually given the distinction of being the first PSC, founded in 1965 by a group of former British Special Air Service (SAS) operators<sup>48</sup>. The end of the Cold War in the early 1990s gave PSCs a gigantic boost because it resulted in a drawdown of public military expenditures and the resulting exodus by Special Operations Forces from conventional armies<sup>49</sup>. This drawdown allowed these veterans to take up employment with PSCs for far greater financial

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<sup>48</sup> The SAS: Savage Wars of Peace: 1947 to the present, By Anthony Kemp, John Murray, 1994, Pg. 88-89

<sup>49</sup> [\\$150,000 incentive to stay in US elite forces](#), The Daily Telegraph article dated 07/02/2005

compensation than they were making in the military, as has already been discussed. Perhaps the most famous American company to have benefited from the glut of trained forces in the job market is Blackwater (later Xe Industries, currently Academi), but this is a worldwide phenomenon; accordingly the South African PSC Executive Outcomes, the British PSCs Sandline and KAS International, as well as Blackwater will be discussed.

KAS International was something of a successor company to the original WatchGuard International. Also founded by SAS veterans, the organization is notable for taking up arms for rhinoceroses at the behest of the World Wide Fund for Nature (called the World Wildlife Fund at the time)<sup>50</sup>. The unit ranged through a multitude of countries in Southern Africa including Zimbabwe, Zambia, Namibia, and South Africa. The unit fought smugglers and poachers of rhino horn, who share a disregard for borders. KAS International had little to no regard for the jurisdictions and militaries of the various countries it operated in, oftentimes because said militaries were involved in the poaching operations the unit was seeking to combat. This is a great example of mercenaries and PSCs working for an organization and an individual (in this case Prince Bernhard of the Netherlands) and circumventing the state monopoly on force, in this case for an exceptionally good cause.

Sandline International is another PSC that was famously involved in the Sandline Affair in Papua New Guinea in 1997, the conflict in Sierra Leone in 1998 that resulted after the ouster of President Kabbah, and in an aborted Liberian coup to oust Charles Taylor in 2003. The Sandline Affair, for which the organization is

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<sup>50</sup> "Pretoria Inquiry Confirms Secret Battle for the Rhino." *The Independent*. Independent Digital News and Media, 18 Jan. 1996. Web. 3 Apr. 2014.

understandably best known, involved a contract between Sandline and the Prime Minister of Papua New Guinea at the time, Sir Julius Chan. Chan and his government were embroiled in conflict with a breakaway region called Bougainville. The national army became increasingly unable to bring the Bougainville Revolutionary Army (the Tamil Tigers of Bougainville) to heel, so Chan called in Sandline Mercenaries. This infuriated the military establishment of Papua New Guinea, who forcibly disarmed the Sandline mercenaries and called for the resignation of Prime Minister Chan, who complied following rioting in the streets. Sandline was also involved in providing security for Sierra Leonian President Kabbah after his ouster, and in providing support to Liberians United for Reconciliation and Democracy (LURD) a rebel group bent on ousting Charles Taylor.

South Africa, South West Africa (modern day Namibia), and Rhodesia (modern day Zimbabwe) were all part of a unique contribution to the modern history of mercenaries. As the white minority, apartheid or apartheid-like regimes ended in these countries, huge swathes of their militaries were essentially dissolved overnight. The portions of these militaries most urgently marked for dissolution were the ones in charge of covert operations, whose primary mission was to infiltrate and root out black liberation agitators. The men who made up these units suddenly found themselves without a job, in some cases without a country, and saddled with an ideology that the world was rapidly turning against. Many of them signed on to PSCs. In fact, the Apartheid government in South Africa set up an office called the Civil Cooperation Bureau (CCB) that acted as both a hit squad for Defense Minister Magnus Malan and

an office charged to discreetly funnel personnel from the South African military into the employ of PSCs<sup>51</sup>.

One of these PSCs that benefited from the actions of CCB was Executive Outcomes, a South African PSC that was originally made up almost entirely of a specific regiment of the South African Defense Forces, 32 Battalion. Executive Outcomes saw action in Angola, fighting on behalf of the Angolan government against the National Union for the Total Independence of Angola (known by its Portuguese acronym UNITA); Executive outcomes succeeded in defeating UNITA in the field but the United Nations and the United States pressured Angola to terminate the contract and allow for a UN peacekeeping force to take the place of EO<sup>52</sup>. After Angola, Executive Outcomes landed a contract to fight in Sierra Leone for the government<sup>53</sup>. It is worth noting at this point that the word “government” is being used loosely, as the government of Sierra Leone was, at the time, led by an up-jumped 25-year old Captain named Valentine Strasser who famously wore a “Sunny Days in Cyprus” T-shirt to a Commonwealth heads of government meeting there. Chaos reigned. Strasser brought in Executive Outcomes to fight the Revolutionary United Front (RUF) who were waging an insurgency against him in the jungles around Freetown. Executive Outcomes was paid predominantly in blood diamonds. They succeeded utterly in routing the RUF, effectively bringing an end to the fighting in Sierra Leone in 1995.

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<sup>51</sup> *Truth and Reconciliation Commission of South Africa Report, Volume 2*, 2003, p. 39

<sup>52</sup> Barlow pg 26

<sup>53</sup> Akam, Simon. "The Vagabond King." *New Statesman*. N.p., 2 Feb. 2012. Web. 26 Apr. 2014.

The distaste of neighboring countries pressured Sierra Leone to terminate the contract of Executive Outcomes. A peace accord was signed in Abidjan, Cote d'Ivoire in 1996 but the RUF soon thundered back and civil war resumed, sacking Freetown in the aptly named Operation No Living Thing. EO also had contracts with large multinational corporations like Chevron and Texaco.

The most infamous private security company is Blackwater Worldwide. It was contracted through various American government agencies (including the Defense Department, the State Department, and the CIA) to do all sorts of tasks during the Second Gulf War and the War in Afghanistan. Blackwater made hundreds of millions of dollars, largely through no-bid government contracts<sup>54</sup>. The company became notorious for killing Iraqi civilians in Baghdad traffic while providing diplomatic security for various American and Iraqi dignitaries<sup>55</sup>. Blackwater also prompted the first battle of Fallujah<sup>56</sup> when four of its employees were killed by Iraqi militants, and their bodies were burned before being strung up on a bridge over the Euphrates to taunt NATO forces; the company is an undeniably integral part of the history of the Second Gulf War and the US involvement within it. The company was

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<sup>54</sup> Bennett, Brian. "Victims of an Outsourced War." *Time.com*. Time Magazine, 15 Mar. 2007. Web. 7 Apr. 2014.

<sup>55</sup> Fainaru, Steve. "U.S. Security Contractors Open Fire in Baghdad." *Washington Post*. The Washington Post, 27 May 2007. Web. 26 Apr. 2014.

<sup>56</sup> "US Expects More Attacks in Iraq." *CNN*. Cable News Network, 6 May 2004. Web. 26 Apr. 2014.

also involved in the War in Afghanistan to a lesser extent, famously guarding the Afghan President Hamid Karzai after US Special Forces relinquished the duty.<sup>57</sup>

Blackwater is a classic example of when the military-industrial complex goes horribly wrong. Blackwater was contracted to do tasks that the United States military was more than capable of carrying out for far less money than Blackwater was paid. The public in the United States was justifiably shocked every once in a while during the war when Blackwater employees committed atrocities, but the vast majority of them went unreported. By the time the Iraq War document leak orchestrated by WikiLeaks in 2010 uncovered the true extent of the atrocities that Blackwater committed under the aegis of the United States government, the public was desperate to begin moving on from the long slog that the Iraq War had become and Blackwater was no longer even an entity. This demonstrates the fundamental problem with private security companies, their lack of accountability and, more importantly, the fact that they do not have to uphold Uniform Codes of Military Conduct.

This code of conduct basically tells a soldier what rules he has to follow in order to be a soldier. In the US, these rules are enforced by the Uniform Code of Military Justice. If a soldier breaks a rule, he is punished in the system laid out by UCMJ. He can be court martialed, kicked out of the military, or even executed if his offense is grave. Private security contractors are not beholden to such laws. Occasionally they have internal documents governing the conduct of their employees, but these do not have the strength of the American judicial system behind them, nor

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<sup>57</sup> Tepperman, Jonathan. "Can Mercenaries Protect Hamid Karzai?" *Council on Foreign Relations*. Council on Foreign Relations, 18 Nov. 2002. Web. 26 Apr. 2014.

are they enforced with any regularity. PSCs are immune from this sort of constraint upon their conduct, a fact that may even contribute to certain American agencies' (like the CIA) preference for using PSCs to conduct certain illegal tasks. "It is often unclear who is responsible for investigating, punishing, or prosecuting crimes by military contractors"<sup>58</sup> and many government actors including American ones take full advantage of such anonymity.

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<sup>58</sup> Singer page 127

## Chapter 5

### Private Security Contractors and the Hollow State

The hollow state is a theory coined by Milward and Provan to explain the increasing use of third parties to conduct the business of the state<sup>59</sup>. The theory is broad, asserting that the state has placed many of its duties to provide social services up for auction to contractors in the private sector. The normative question the research asks is what affect all this has on the legitimacy of the state?

The focus of this research has primarily been toward the provision of social services. Increasingly, private firms and nonprofit organizations have become larger and larger players in dealing with societal ills from healthcare to homelessness and explaining that trend is where this theory originated<sup>60</sup>. And certainly, if citizens believe that a corporation or a charity is the only thing protecting them that will affect the legitimacy of the state. But applying this theory to security issues makes for an interesting discussion with relevance to this writing.

If, as Milward and Provan are suggesting, states lose legitimacy when they outsource the provision of social services to non-state actors, it is fair to say that the state also loses legitimacy when it outsources to private companies provisions for the common defense. The market-oriented approach to security (or force, to use the language of Deborah Avant, as before) can be viewed as a crowning achievement for a neo-liberal ideology<sup>61</sup>, a symptom of the unstoppable march toward globalization, or

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<sup>59</sup> Milward and Provan page 2

<sup>60</sup> Milward and Provan page 5

<sup>61</sup> O'Brien page 89

the end-game of Reaganism/Thatcherism<sup>62</sup>. This privatization runs parallel to the privatization Milward and Provan speak of, and it has had a fascinating legitimizing effect upon mercenaries.

As private security companies are thriving in this privatized market for force, mercenaries are imbued with legitimacy at the expense of the state. The market for force is enabling the hollowing out of the state, as it erodes the state's monopoly on force. Max Weber famously defined the state in terms of an entity that has a monopoly on violence. That definition has had to roll with the punches of protracted asymmetric conflict but thinkers like Daniel Warner have adapted the definition to the times claiming the state is an entity that has a monopoly on *legitimate* violence in a given area<sup>63</sup>. This privatization trend is eroding even that weakened definition of a state because it gives PSCs an entrance into the market for legitimate force in the conflict areas where they are contracted to work. It is undeniably contributing to the hollow state trend in an area where the thinkers who coined the phrase have not yet ventured in their research.

This privatization trend is certainly not happening all across the world, however. PSCs and other government contractors are not cheap, which is a large reason for their success. Mercenaries have still managed to undergo a resurgence, however, even in places where PSCs remain a luxury good.

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<sup>62</sup> Singer, *Corporate Warriors*, page 197

<sup>63</sup> Warner page 19

## Chapter 6

### A North/South Divide Amongst Mercenary Usage in the Modern Period

There is a stark divide in the modern era between mercenary usage in the global north and mercenary usage in the global south.

Countries in the global north have a much more institutional and formalized way of acquiring the services of mercenaries. They use private military companies which employ professional soldiers, almost all of whom are veterans of armies from the global north. These soldiers are employed to do similar missions for exponentially more money than they would be making if they remained under the auspices of the regular military forces. These veterans are employed by corporations like Blackwater. These are corporations that exist on the periphery of the law, pursuing profit through force that states and private entities hire them to use. They are efficient, professional, deadly, and they previously fought under codes of military conduct so they know all the rules to break with great effect.

PSCs are not cheap however. They are unscrupulous, often discreet, and very useful but they charge a great deal of money that not all people or countries can afford. They do not have a monopoly on the world's trade in mercenaries however; other options exist. Countries in the global south who do not have access to PMCs or who cannot afford them recruit the more historic type of mercenaries. These are usually irregular soldiers from an ethnic group, tribe, or even political affiliation dissimilar from the nation who hires them. They are cheaper but far less reliable and efficient, prone to turning on their paymasters or abandoning them outright. This style of

mercenary has gone through something of a resurgence since the beginning of the millennium thanks to the demand from countries in the global south.

Such countries use irregulars, more guerilla-like forces, to fulfill their mercenary needs. Also their methods of paying these individuals is much different than what countries from the global north pay their PMCs; these irregular mercenaries from the global south are sometimes paid in cash but more often than not are paid in arms, or “luxury” goods like a house or a car. Such cash transactions are easily manipulated and it is not unheard of for these relationships to turn sour, to the detriment of one party or both.

An excellent example of this sort of mercenary transaction are Col. Qaddafi’s Taureg mercenaries<sup>64</sup>. For years before his ouster during the Libyan civil war, Qaddafi employed the Taureg in his regular army (another refutation of Hampson’s theory, and a much more modern one than Napoleon). The Taureg are fierce fighters, hailing from the area in and around Timbuktu in Mali. They are known across North Africa as experts in desert warfare and that is why Qaddafi recruited them into his army. He seems to have separated them from his regular Libyan troops after the Chadian-Libyan Conflict ended in 1987. In exchange for their loyalty to him he promised the Taureg that he would provide them material assistance for a rebellion back home in Mali (a promise he was never able to keep). He armed them with AK-47s and the like, and he promised them houses and cars if they made a career of the Libyan military. During the Libyan Civil War when Qaddafi was ousted from power

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<sup>64</sup> Peter Gwynn *The Atlantic* “Former Qaddafi Mercenaries Describe Fighting in Libyan War” <http://www.theatlantic.com/international/archive/2011/08/former-qaddafi-mercenaries-describe-fighting-in-libyan-war/244356/2/>

and killed in a gutter, the Taureg militants initially stayed loyal to him but quickly fled back to Mali when NATO began bombing their convoys with air assets. Qaddafi's Taureg mercenaries trickled back to Mali and seem to have contributed to the instability in that country following Libya's Civil War, likely utilizing the weapons, training, and loot they obtained in Libya.

These Taureg mercenaries and their ilk are arguably more destructive than their PMC counterparts. The unrest in Mali caused by the return of the Tauregs has fomented chaos and fragmentation in the country, even provoking a French peacekeeping mission, a disturbing colonial throwback if ever there was one. The modern mercenaries deployed by the western industrialized nations, while disregarding international law, do far less damage when they retire from combat, throw their money in offshore bank accounts in the Seychelles, and wait for the phone to ring once more.

## **Chapter 7**

### **Conclusion**

Mercenaries are wily actors in the international system. They are extremely tricky to define, especially in terms of international law. It quickly becomes obvious that such international law is inadequate for defining a mercenary, yet political scientists have neglected the issue a fair bit themselves, making a working definition something of a tall order. Because of the rise of national affiliations and the tendency of wars to be fought along incompatible ideological grounds during the time, there was a break that occurred from 1856-1960 wherein mercenaries tended to not be used. Thinkers object to the idea of this period without mercenaries because of the presence of Gurkhas and the French Foreign Legion, but these units of fighting men were not in fact mercenaries. Mercenaries underwent a resurgence in activity, in Africa and other areas where colonial conflict was rampant. In the modern period, PMCs have led to a new form of mercenary usage as well as a north/south divide in the sorts of mercenaries used by various countries with the less developed nations using more irregular, guerilla-style fighters. Mercenaries continue to present a neglected issue for the world to fulminate on.

The most important contribution of this writing to those fulminations is the concept of the hundred year absence of mercenaries. Discussed at length and in detail, the evidence against it having been disproven and its consequences contemplated, perhaps the knowledge of this absence of mercenaries from conflict can lead to a more historically-conscious discussion of these issues, especially with regard to private security companies. There has never been a private market for force that has enjoyed the legitimacy, openness, and access to democratically elected, legitimate

governments that the one that exists today does. This writing takes the view that this new and legitimate market for force is not a good thing, and characterizes those who participate in this market as mercenaries, not a universal opinion. Regardless of whether or not this new market is foreboding, the aftermath of the hundred year absence of mercenaries is not something history has seen before, and approaching it warily seems a wise course of action.

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