# A Mafia For The State:
# Mercenary Soldiers and Private Security Contractors 1946-2009

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**ABSTRACT**

Mercenary soldiers are an historical constant. The emergence in the last two decades of a 'new' type of 'mercenary' – the private security contractor – has been portrayed as a feature of contemporary warfare, reflecting their acceptance by states into the international security framework. Distinctions are drawn between mercenaries and private contractors, with the latter being depicted as a post Cold War phenomenon, where demands for protection from weak states are met by 'private armies.' Key concerns with private contractors are their access to the use of force, notionally a preserve of the state, and their capacity to operate unregulated, without state control. Critics argue that state inertia towards regulation facilitates the privatisation of warfare.

The purpose of this thesis is to examine the relationship between private security contractors and states; in particular, the origins and mechanisms that allow private entities to operate, without regulation. Private contractors are conceptualised as a tool to extend state interest, a potentially dangerous security resource which requires a risk management approach by states. The question, of how states risk-manage private security actors, has framed the research. This question is underpinned by enquiries into the nature of the relationship between states and private security contractors, the options available to states to retain control, and how these mechanisms operate in the private/public domain. A meta-review of the literature has been undertaken, with qualitative analysis of primary and secondary source data, and selective use of statistical information. Source texts include international security, military history, risk, state-organised crime and analyses of the mafia.

Empirical data contests the belief that private security contractors are a recent phenomenon, operating without state control. Security capabilities for strong states have always included

private actors, adjuncts to the nation-state building enterprise and standing armies. Since 1945, the trend towards state contracting of private security actors, as individuals and corporate entities, is evident. Private security actors have become a risky but necessary resource to address global instability.

The first section of this thesis examines the variety of meanings attached to the 'mercenary soldier' and considers the historical, societal and legal understandings of the terminology applied to these actors. The history of mercenary enterprise is explored, particularly the belief that mercenarism declined during the nineteenth century. Parts 2 and 3 of the thesis consider the activities of private security actors and mercenaries in the years between 1945 until the present day, in the context of an evolving global security paradigm, from the bipolar days of the Cold War through to the multi-polar conflicts of the present time. The final section of the thesis considers the utility of private security actors to states by analogy to a mafia, examining the similarities and limitations of such a model. In conclusion, it will be argued that private security actors operate within particular parameters, with limits set by strong states.

Private contractors are strategic agents of strong states, responding to the insecurity dilemmas affecting weak states. Weak states are environments of high risk and low trust, lacking stable security structures. As strong state agents, private contractors resemble a mafia, introducing a privately ordered market of protection into politically unstable regions, acting as insurance guarantors, trust brokers, intermediaries and gatekeepers. Private security activity is still subject to strong state imposed constraints, through measures that are subtle, flexible and effective, for armed groups of men have always represented both a security resource and threat to rulers and states. Enforcing a preferred world order, private security actors are a critical component in the security framework, acting as a mafia for the state.

# STATEMENT OF ORIGINALITY

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

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Ruth Delaforce

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*Part I – From Mercenary Soldier*
*To Private Security Contractor*


# Chapter 1 – Introduction


# Chapter 2 – The Mercenary Soldier: Myth and Reality

# Chapter 1 – Introduction

Private contractors are a feature of contemporary warfare, reflecting their acceptance by states into the international security framework. The previous label of 'mercenary soldier' is now replaced by 'private security contractor,' suggesting a more formal, professional persona. In weak states, with politically unstable regimes and high levels of violence, private contractors are entrepreneurs, offering protection for a price. For strong liberal democratic states, private contractors are integral to international security assistance programs, with capabilities that formal militaries cannot offer.

Security contractors are portrayed in contemporary academic and popular literature as a post-Cold War phenomenon, exemplified by the now defunct South African company, Executive Outcomes (EO, discussed in more detail in Chapter 7). EO and later companies were, and are, indicative of a changed international security framework, where private actors appear to have access to the legitimate use of force, notionally a preserve of the state. Critics argue that state inertia on regulation, at domestic and international levels, facilitates the privatisation of warfare. With no international regulatory regime, the state's existence may eventually be threatened by private security actors.

State reluctance to introduce domestic legislation or accede to international regulation might imply disinterest or a lack of concern. However, disinterest in transnational private security activity seems unlikely, given the potential for such actors to provoke conflict within and between states. If private security contractors are not subject to a regulatory regime, a possible inference is that such actors are beneficial to both weak and strong states, their employment being circumscribed by less overt measures. These measures may not be explicitly codified, but operate as forms of sanction or coercion, nevertheless.

The aim of this thesis is to consider private contractors as a tool to extend state interest, a potentially dangerous security resource which has required a risk management approach by states. The question, of how states risk-manage private security actors, has framed the research. This question is underpinned by further enquiries into the nature of the relationship between states and private security contractors, the options available to states to retain control, and how these mechanisms operate in the private/public domain.

While the contemporary debate on private actors focuses on their potential threat to the state system, this thesis considers an alternative approach. Throughout history, mercenary soldiers have presented challenges to authority, generating responses to mitigate risk. The contemporaneous risk management approach adopted by states does not rely exclusively on explicit codified principles or rules, but instead on subtle, less tangible, forms of sanction. A gap in the literature is the identification of these informal mechanisms, and how they are employed by states. This thesis addresses that gap, by looking beyond the activities of private security companies to the 'hidden hand' or 'unseen methods' of the strong state, where uncertainty in the international security system requires the capabilities of non-state actors (Aldrich 2002, p. 5). It will be argued these private security capabilities are subject to state-imposed limits.

The research is limited to a review of private security actors originating from strong liberal democratic states. The rationale for this approach is the origins of private security actors, and data currently available to researchers. The majority of private security actors are based in Great Britain and the United States, and the data on their activities and relationships with states is accessible from a variety of sources. While this same data has been utilised by

previous researchers, the following analysis highlights previously neglected interactions between private actors and states, in particular, the disparity between democratic ethos and state practice. The relationship between communist states and private actors is not reviewed in this thesis; to do so would require a different focus, beyond the scope of this study.

The research reviews transnational private security actors operating between 1946 and 2009. To date, the literature has differentiated between two sets of private security actors, being mercenaries that operated during the Cold War, and the corporate entities that seemingly emerged in the post-Cold War era. Evaluating the distinction between these two sets of phenomena is important, as informal strategies demonstrate continuity in practice by states. Limiting the discourse to a post-Cold War framework is to ignore the state's historical use of private actors, and the mechanisms that have allowed the integration of non-state entities into an international security paradigm.

*Methodology, Data and Limitations*

Contemporary studies of mercenary soldiers and private security have tended to view such actors within a militaristic framework, analysing their activities in the narrowly defined historical dimension of the post-Cold War era, and within a strict dichotomy of public and private security domains (in particular, see Kinsey 2006; Singer 2003).

Kinsey (2006, p. 7) differentiates between private security entities of the Cold War, who operated 'in a marginalised' environment of 'legitimate non-state violence,' contrasting their activities to the post-Cold War era, where 'private violence' is now 'an instrument of foreign policy.' In doing so, Kinsey (2006, pp. 9-33) categorises private security actors according to their activity, which may require the use of lethal force, arguing that contemporary private

military companies are 'a different type of security actor from the classic mercenary' of the Cold War.

Alternatively, Singer (2003, p 42) asserts that, since the end of the Cold War, 'globalisation' has facilitated expansion of the 'private military market,' primarily due to 'corporatisation of military services.' In doing so, Singer (2003, pp. 73-136) distinguishes between corporate entities based upon their proximity to the 'battle space,' although use of force is also a feature. For Singer (2003, p. 55) privatisation in the post-Cold War era has left governments with reduced 'control over the primary means of warfare, which was once key to the formation of states.'

The approaches taken by Singer (2003) and Kinsey (2006) focus upon privatisation of military services within a system composed of strong states, where a particular type of state - the liberal democracy - is the ideal model. By contrast, the approach taken in this thesis was to look beyond the 'ideal model' of a liberal democratic state, to consider the internal and external pressures on strong and weak states alike, and the characteristics of these states which may facilitate both the employment and control of private security entities.

The methodology employed was an historical tracing process, reviewing and contrasting the processes of state formation, and the evolution of state security in post-Second World War environment. A meta-review of the literature on international relations included a theoretically informed analysis of the role of states in past and present global security frameworks, and state monopoly on the use of force. In this context, the history of colonisation and decolonisation were pertinent to understanding the experiences and security weaknesses of post-colonial states, and the consequences, both real and imagined, for

European powers and America. Case studies are presented that indicate state security, insurgency and counter-insurgency practices, and foreign or privately-sourced support, are not unique to a post-Cold War environment, but a continuation of previous doctrines.

Significant issues in texts on mercenarism and private security are the variety of definitions and descriptors of these actors. A gap in the scholarly discourse is consideration of labelling as a political exercise; therefore, research included an examination of the application of descriptors, and of political myth, in the selection and promotion of images approved by the state. This thesis considers the use and control of mercenary soldiers by states and realms as a risk-oriented enterprise, where trust also is an important feature.

The literature review on a post-Second World War world considered the economic, political and media environments, as contextual background for the involvement of mercenaries in the dissemination and execution of insurgency and counter-insurgency doctrines, and the changing circumstances that assisted and restrained their endeavours. These changes were the conflicts of bipolar and multi-polar worlds, privatisation of government services, the impact of an expanding weapons industry and the revolution in media and communication technologies.

References are common in the texts on a nexus between the security agencies of strong states and private security phenomena. As the origins of many private actors are strong state security agencies, the literature review included post-1945 histories of these agencies, their methodologies and identified linkages to private actors. To understand the mechanisms of interaction between these agencies and private security actors, particularly in covert activity, criminological texts on organised crime groups and their nexus with the state were

considered; these analyses also examined the role of private ordering in markets, state-organised crime and corruption. The texts provided a conceptual framework of the mafia, enabling differential analysis of the roles of private security actors, as agents of protection, intermediaries between differing forms of political communities, as power-brokers and enforcers, and their capacity to act as insurance guarantors for strong states, weak state regimes and political contenders.

Finally, the review also considered the role of secrecy, and informal strategies for control and communication, employed by secret societies such as the mafia and security agencies. In this context, informal communication was explored as a tool of diplomacy between states, in contrast to the more formal, codified interactions that have previously framed the debate and critiques of private security actors.

Qualitative analysis of secondary source material, comprising autobiographical and biographical accounts, media reports, historical records and academic treatises was undertaken. The source material included autobiographical and observer accounts of mercenary and private security enterprise. Although issues of bias and data validity are evident in these source texts, personal accounts served to elicit similarities and anomalies on mercenary characteristics, perspectives of strong and weak states, and perceptions of risk, trust and threat management. Data analysis also included primary source material, being legislation and Hansard reports.

Statistical data on mercenary and private security enterprise has been incorporated into the study, although its inclusion requires some qualification. The data is problematic, for the usual techniques of validation are not available; statistical information relies upon mercenary

self-identification, and is prone to bias and misinterpretation. A primary argument in this study is that mercenary soldiers are quasi-legal subjects, dependent upon state approval, and engaged often in covert activity that necessitates secrecy. Therefore, statistical data is often hidden and difficult to replicate or substantiate. Other types of statistics included in this thesis are historical military and migration records, of particular relevance when considering the lack of soldiers during the nineteenth century, and data-sets on the rise of 'new wars' during the post-Cold War era.

The data relied upon in this thesis includes historical accounts and media reports on the activities of private security actors. Such material can be problematic for, as Singer (2003, p. ix) notes, there is a 'fine line of legality' where some companies are 'often at the centre of dangerous covert or semi-covert operations that many clients (including governments) would rather not have discussed.' Therefore, data integrity is a significant issue, where companies and governments may wish to withhold or alter reports on their activities and relationships. The information, or data, may be incomplete, inconsistent, or emanating from a single unsubstantiated source. Instances of imperfect data will be noted in the text where this occurs.

A major impediment in undertaking study into state relationships with private security actors is that such activity often occurs in secrecy, which in turn raises significant issues of data validity. Access to information may be facilitated or obstructed by both sets of actors (private security entities and the state) and, if released, may be subject to filtering processes. These processes include the dissemination of data that is incomplete or altered, either wholly or in part, to present a distorted picture of events, or state policies and practices. A major challenge for the researcher is, as Aldrich notes, attempting to redress a 'missing dimension' of history

where interested parties seek to control access to information (Aldrich 2004, pp. 929, 931; also see Aldrich 2000, pp. 333-349; Andrew and Dilks 1984).

With these qualifications in mind, however, it is still possible to identify state approaches towards the management of private security actors. Methodological strategies adopted in this thesis include data triangulation and contextual literature review, for example, on specific conflicts or individual state policies. New forms of technology and communications have also facilitated information dissemination by participants and commentators, evading formal, state-authorised, filtering processes. Further, errant private actors generate responses from states, providing clues to informal coercive mechanisms; illustrative of this was a British-led mercenary coup attempt in Libya, thwarted by British, American and Italian security agencies (see Mockler 1985, pp. 151-154; Seale and McConville 1973).

*Terminology and Definitions*

There has been robust debate in the scholarly discourse on the applicability of terms such as mercenary, private military or private security company, to contemporary actors. Analysts have produced various typologies, based on known activities, in attempts to define and name the private security actor. These definitions and typologies are more fully explored in Chapter 2 of the thesis. At the time of writing (2010) the popular nomenclature used is private military and security company (PMSC) for a corporate entity, and private security contractor to denote an individual.

For the purposes of this study, terms such as mercenary or private security contractor, private security or military company, are used as they appear in literature pertaining to the particular historical timeframe under review. The rationale for this approach is that historical variation

in nomenclature reflects societal legitimacy or otherwise of private actors, a labelling exercise, it will be argued in this study, which is perpetuated by the state. A further note is required on the rather more fluid definition of private actors used in this study; they are defined as soldiers, employed by a foreign state or realm as either individuals or through corporate entities, but operating in a (seemingly) private capacity.

*Overview of Thesis*

Chapters 2 to 4 of the thesis outline the historical context of mercenary soldiers and private security contractors, and the utility and risk they have presented to rulers and states. Chapter 2 considers community and political perceptions of the mercenary soldier, how these images are formulated and disseminated, and traces changes in definition. Chapter 3 explores the historical use of mercenaries as a security resource, and conflicting hypotheses on why mercenarism fell into decline during the nineteenth century, at the height of the nation-state building enterprise. Chapter 4 reviews the differential security capabilities and needs of strong and weak states, the operational environments of private actors.

Parts II and III outline the dominant post-1945 security issues that facilitated the use of private security actors, and framed their relationships with states. Part II, comprising chapters 5 and 6, reviews the use of private actors in the context of a bipolar Cold War framework. Chapter 5 describes the immediate decade following the Second World War, presenting a case study of the Belgian Congo, the first overt foray of mercenary soldiers into a newly created, weak state. Chapter 6 traces the transition of mercenary soldiers to their formal corporate persona, and their increasing scope of employment.

Part III of the thesis, chapters 7 and 8, are set within the multi-polar global framework of the post-Cold War era. Chapter 7 addresses the years between 1990 and 2001, and perceptions that private security contracting was a new phenomenon. Chapter 8 outlines state responses to the 2001 terrorist events, which facilitated the overt, formal incorporation of private actors into a revised international security environment.

Part IV of the thesis reviews the relationship between private security actors and states. Chapter 9 explores the mechanisms of private security operation and state control by analogy to an industry of protection, the Sicilian mafia. In this analogy, issues of trust, instrumental relationships and protection are reviewed, mechanisms that enable private agents to operate in weak states, environments of low trust and high insecurity. Chapter 10 concludes with examination of the potential that private security entities offer both strong and weak states, why states may perceive a regulatory regime to adversely affect their use of an informal security resource, and how states risk-manage their mafias.

The purpose of these chapters is to substantiate the proposal in this thesis, that private security actors and mercenaries represent a unique resource for the extension of strong state power, one which is both powerful and risky. It will be argued that the risk-management approach by states to this resource relies upon informal mechanisms of management, a system that facilitates state objectives while retaining state control.

## *Chapter 2 - The Mercenary Soldier: Myth and Reality*

Since the early 1990s, scholars have devoted considerable time and effort in developing typologies and terminology to describe a 'new' form of transnational private security activity. The security industry has also supported this effort in redefinition, with one member proclaiming, 'Never call me a mercenary' (Bearpark, cited in Percy 2007, p. 231; Shepherd 2008, p. 3). The following chapter explores the reasons why, since 1945, redefinition of the mercenary has become important, and the role of states in assigning legitimacy, or a conditional approval, of private security actors.

The following chapter considers the range of perspectives on mercenary soldiers, from myth to reality, and differential understandings of their role in warfare and state-building. These understandings are dependent upon, not only their activity or expertise, but an employer's needs. For rulers and states, mercenary soldiers were and are a risky resource, which has to be managed. A particularly effective strategy is the creation and promotion of selected images, which may demonise or sanctify the object; the myth of the mercenary is one in which states have defined and redefined images according to their needs and, in doing so, can bestow legitimacy.

The primary actor with a monopoly on the use of force is the state, operating within an international system built on political, legal and economic interactions between states (Bull 1977; Carr 1946; Mearsheimer 2001; Morgenthau 1967; Waltz 1979). The capacity of private security actors to operate within the international paradigm is facilitated by states, with state-imposed constraints. A powerful tool available to states in demarcating the boundaries of private security enterprise is the manufacture of myth, a 'strategic deception' that can also involve labelling of the actor (Aldrich 2004, pp. 926, 929, 931). Since 1945, the range of

terminology applied to private security actors is illustrative of state control. Mercenary soldiers, individually or in groups, have risked being labelled as deviants where they operate without (weak or strong) state sanction. Deviancy is a variable epithet, however, for not all states may adopt similar attitudes towards mercenaries at the same time. This chapter considers how, particularly since 1945, the myth of the mercenary has been utilised to facilitate the agendas of power brokers.

For the purpose of this study, myth is defined as 'a set of propositions in narrative form, accepted uncritically by a culture,' a story that serves to maintain social control (Beahrs 1992, p. 758; Heehs 1994, p. 2). The myth of the mercenary is a compilation of selective images drawn from historical events and persons. These images can be good or evil, for the myth is facilitated by the norms that exist at the time (Bank 1999, p. 462). The reality of mercenary soldiering may be at odds with the mythic image, but whether reality intrudes and negates the myth is dependent on those who promote such images.

Understandings of mercenary soldiers may be derived from moral and legal interpretations. Literal definitions of mercenaries use two criteria: foreign fighters, who fight for (monetary) reward. Moral arguments on mercenarism are subjective, for they are situated in a unique context that changes according to historical and political circumstance. Attempts to legally define and prohibit mercenary activity were not undertaken until the onset of the European nation-state enterprise, when the state assumed a monopoly on the use of force (Thomson 1996, 1990). Legislation prohibiting the recruitment and enlistment of foreign fighters began during the late eighteenth century and continues to this day (Thomson 1990; Percy 2006).

The lack of legislation or absolute prohibition at national or international levels, and limited charges or convictions on mercenary activity, indicates that states themselves are reluctant, or find it difficult, to address the issue of mercenarism. What are the features of mercenarism that elicit such reluctance, and what are the challenges for states in prohibiting such activity? The answers to these questions may be discerned through a risk analysis approach, where private security actors are identified as a threat and managed accordingly. For rulers and states, mercenary groups are both a military resource and a potential threat. The need to utilise and neutralise such military prowess has led those in authority to develop strategies in handling this security resource, for mercenaries have always presented the capacity to act as both predators and saviours for their employers. One strategy of control is creation of the mythical mercenary that, carefully orchestrated, can facilitate state objectives.

*Myth and Reality*

Myths operate in various forms throughout community life, examples being narratives of religion, philosophy and history (Bidney 1955, p. 383). Political myth is a narrative of the past that serves to legitimise or discredit a regime or actor, as well as to foster social control, by emphasising cooperation and maintenance of a preferred status quo (Bank 1999, p. 462; Beahrs 1992, p. 758). Myth is not fact, for its creation requires the exclusion of large amounts of relevant data (Beahrs 1992, p. 758). Brunner (1994, p. 4) observes that, if all members of society had a 'wholly objective grasp of reality,' myths would be unnecessary. Because society members are limited in knowledge, cognition and experience, myths are relied upon instead to 'enable collective action in a complex, changing world that no one really understands' (Brunner 1994, p. 4). Myths comprise unexamined assumptions, 'accepted through socialisation, and reaffirmed through each generation' (Heehs 1994, p. 1; Brunner

1994, pp. 2-3). In place of relevant information, a simple, unified construct is promoted by authority to maintain social cohesion (Beahrs 1992, p. 758; Bidney 1955, p. 391).

However, myths can be transformed, adapting to changed circumstances, where each variation and redefinition of a myth occurs 'at the margins' of society (Brunner 1994, p. 4). Transformation of the dominant myth can occur through challenges by advocacy groups, and a gradual, structured response from leaders to facilitate positive outcomes (Beahrs 1992, p. 759). Political myths are also subject to a 'paradox effect,' where societal belief of what is appropriate may deter open discussion of differences between myth and reality, that is, the dichotomy between 'altruistic societal image' and the 'more base motivations that drive the underlying social machinery' (Beahrs 1992, p. 759).

The following analysis explores the myth of the mercenary as a superhero, whose alter-ego in reality has been defined by the state. The transformation of mercenary, from outlaw to protector, is one in which legitimacy has been contingent on state approval, and redefinition at the margins of society.

*The Myth of the Mercenary: Portrayal in Film, Book and Games*

How does myth become a cultural narrative? Kurtz (1999, p. xxxv) refers to the 'commercialisation of storytelling' as a process in which the authority for 'storytelling' previously held by the state has been transferred to 'professionals in the new media,' who disseminate narratives of popular culture through television, interactive video games and film. In this new cultural 'framing process,' violence is a necessity in solving serious problems, but the mechanisms by which violence is employed, and the legitimacy of such actions, still lie

with the state, where the use of force and the 'public discourse about violence' reflects the interests of those in power (Kurtz 1999, p. xxxv).

Contemporary fictional depictions of mercenary soldiers promote the myth of a rogue warrior, 'superhero,' 'anti-hero,' protector, or maverick with a conscience. The mercenary as superhero is portrayed in popular media as exemplifying morality and justice, at times in contrast to (enemy) state agents, and where violence involves danger, in turn, danger presenting an opportunity for courage (Rieter cited in Miranda, 2009, p. ii). Mercenary soldiers achieve superhero status, not only by engaging in overwhelming violence, surviving and annihilating the 'enemy,' but in the moral stances they portray: their employment of violence protects the defenceless (Dyson 1997). As Kurtz (1999, p. xxxv) describes it, a cultural narrative that promotes 'fighting "bad" violence with "good" violence.'

Representations of mercenaries in these narratives – film, fiction and interactive media games - are drawn from composite images or subjective perceptions. Representations of mercenary soldiers in film highlight their 'superhero' mythical image. The mercenary is hired by characters with 'good' or 'bad' intentions, often for assignments in 'third world' countries ruled by despots; their clients include the families of kidnap victims, missionaries, mining company executives, opposition party leaders and aspiring tyrants; for example, *The Mercenaries/Dark of the Sun* (1968), *Universal Soldier* (1971), *Let's Get Harry* (1971), *The Man Who Would Be King* (1975), *Wild Geese* (1978), *The Dogs of War* (1981), *The Last Samurai* (2003), *Blood Diamond* (2006), *Mercenary For Justice* (2006), and *Rambo IV* (2008). In fiction, also, the mercenary soldier is attributed superhero status, capable of overcoming evil.

The theme of mercenary soldiering has been incorporated into a variety of genres, including juvenile, romance and science fiction, as well as military exploits; for example, on romance, the *Soldiers of Fortune* series by Diana Palmer and *Morgan's Mercenaries* by Lindsay McKenna; on science fiction, the *Falkenberg's Legion* book series by Jerry Pournelle, and *Hammer's Slammers* series by David Drake; on military exploits, *In the Hour Before Midnight*, *Bloody Passage*, and the *Sean Dillon* series by Jack Higgins, and *Casca: Eternal Mercenary* series by Barry Sadler; and on juvenile fiction, *Marvel Comics* and *DC Comics*. Further, mercenary soldiering has become a unique feature in the most recent forms of interactive media, such as internet-based war-games, X-Boxes and PlayStations; for example, war games such as the web-based *Mercenaries 2: World in Flames* and *Warhammer Online: Age of Reckoning*, and the PlayStation2/XBox games *Mercenaries: Playground of Destruction* and *Mercenary Madness.*

How these images are collated and portrayed does not necessarily indicate that the mercenary soldier is inherently good or evil, but that he (for mercenaries are overwhelmingly male) is subject to particular societal norms or influences that will determine his mythical status (on norms, see Finnemore and Sikkink 2008; Percy 2007; Thomson 1996). In doing so, creating the myth of a mercenary soldier is to endow the image with selective characteristics, drawn from a range of historical events and persons (Munz 1956, pp. 1-16). These images serve not only to humanise the warrior, but to suggest that any person may also become a political actor, fighting for a cause.

*The Mercenary Reality: Media, Society and State*

In reality, the mercenary is often described, in pejorative terms, as 'prepared to fight for anyone, anywhere, in order to earn a living' (de St Jorre 1967, p. 20). In contrast to the citizen

soldier, fighting for 'king and country' and being paid the queen or king's shilling, mercenary soldiers who seek employment, not on the grounds of ideology or patriotism, but for money alone, are, in some way, dishonourable (Blanco 1965, p. 127; Coady 1992). The most compelling feature of the mercenary is his capacity to kill other human beings and it is the context in which this is done that will determine his status, as either a mythical superhero or outlaw (de St Jorre 1967, p. 20).

Perceptions of the mercenary as outlaw are drawn from recent history, with incidents such as the coups d'etat orchestrated by legendary leaders, Bob Denard and Mike Hoare; EO's reported participation in combat against Angolan resistance groups; and the deaths and wounding of Iraqi civilians, allegedly after being shot by American private security contractors in 2007 (Burchett and Roebuck 1977; Cleary 1999, p. 161; Mockler 1985; Scahill 2007). These incidents (described more fully in Parts III and IV of this thesis) infer that mercenaries are undisciplined and uncontrolled, in their interactions between each other, with civilians, and with other combatants, where the laws of war do not apply.

Representations of the mythical mercenary soldier, as 'superhero' or 'outlaw,' are dependent on a variety of factors, including the nature of their activities, their employer, other antagonists, and the contemporary international political climate. Selective portraits of mercenaries are reproduced in the media, facilitated by powerful interest groups with agendas either to promote or denigrate such activities. Throughout history, mercenary soldiers have been political exiles and actors, economic opportunists and adventurers, who have not only been an enabling resource for power brokers, but also a potential threat. Perceptions of resource or threat have simultaneously induced rulers to employ various mechanisms for the transfer of this military and security prowess between themselves. It is these mechanisms that

have transformed the use of mercenary soldiers from an acceptable resource to a potentially deniable asset.

Gaining control over privatised violence, firstly by regents, and then states, was effected through the development of bureaucracies, taxation systems and ultimately political-legal frameworks that designed and defined the acceptable from the illegal. As part of this process, the operating environments for mercenaries have increasingly been dictated by states.

### Definitions of 'Mercenary'

How are private security actors defined? As noted previously, private security contractors reject any comparison to mercenary soldiers. This disavowal necessitates analysis of the difference between these two sets of actors. The term 'mercenary' has invoked different perceptions of the utility or threat that such actors may pose for authority. These understandings may be differentiated according to literal definition, historical circumstance, society perception and legal interpretation.

*Etymology*

According to *Webster's Dictionary* (2010), the definition of 'mercenary' is either 'one that serves merely for wages' or 'a soldier hired into foreign service,' while the *Australian Concise Oxford Dictionary* provides similar interpretations, as someone 'motivated chiefly for the desire for gain,' or 'a professional soldier hired to serve in a foreign army' (Webster's 2010; *Australian Concise Oxford Dictionary* [Hughes et al] 1992, p. 706). The word 'mercenary' has its origins in the Latin '*mercenarius*' meaning 'hireling,' which in turn is derived from '*merces*,' meaning 'reward' (Oxford English Dictionary, p. 706). Literal understandings of 'mercenary' may therefore be seen to comprise two elements, a motive for

gain (whether monetary or other reward) and foreign affiliation (Coady 1992, p. 55; Lynch and Walsh 2000, p. 135).

*Historical Understandings*

Historically, the definition of 'mercenary' was that of a soldier who fights on behalf of his paymaster, where groups of mercenary soldiers may be outsourced by one ruler to another, as supplementary military forces, a 'force multiplier.' Mercenary soldiers were also defined by their nationality, country or community of origin. For example, Greek mercenaries were often defined according to their originating community, whether Sparta, Arcadia or Thrace, in addition to being known as 'Greek' soldiers while in the employ of Persians and Egyptians (Yalichev 1997, pp. 56-61, 174). In Greece, Egypt and earlier times, mercenaries departed their homelands to join armies or small bands, following particular military leaders, or as political exiles, or seeking employment for their specific martial skills, such as archers and hoplites (Russell 1942).

Until the Middle Ages, mercenary bands wandered the European continent, seeking employment as soldiers (Contamine 1984; Howard 1976). During seasonal interims or at the onset of peace, discharged soldiers would roam the countryside, looting and raiding to sustain themselves. In Italy, between the fourteenth and sixteenth century, bands of soldiers were united under military commanders who contracted with leaders of city-states to provide defensive forces or, alternatively, to fight wars on their behalf.

Until the eighteenth century, mercenary soldiering was the responsibility of these military commanders, who in turn outsourced their use to rulers. From the eighteenth century on, however, these practices changed. Mercenary soldiers were no longer directly accountable to

a military commander, but instead to the regent or ruler, and the transfer of military units between rulers became the norm (Major 1992, p. 106; Kiernan 1957, pp. 69, 78-81). Mercenary soldiering had moved from the private domain to the public, and regents had assumed the authority to control violence.

According to Lynch and Walsh (2000, p. 152) after the French Revolution, the underlying principles that supported the employment of mercenary soldiers could no longer be sustained. The introduction of liberalism negated the precepts of mercenary use, instead focusing upon standing armies that were responsible to the state, and where nascent concepts of nationalism and patriotism became dominant, superseding traditional obedience to a divine ruler (Black 1998, pp. 880-886; Lynch and Walsh 2000; Van Creveld 1999, pp. 140-141). The transition of mercenary activity, from individual to commander, regent to state, exemplified political changes in the control of violence, and growing reliance upon international diplomacy, treaties and the use of force by standing armies as representatives of the state. However, mercenarism did not decline.  Instead its overt activities, previously undertaken on European and North American continents, were transferred to military operations supporting empire-building, for imperialism inevitably requires mercenary soldiers (Johnson 1962; Killingray and Omissi 1999; Trundle 2004, pp. 6-8; Yalichev 1997, pp. 26-27, 37, 61 ,78, 87); this contention is explored further in chapter 3.

Therefore, the historical perspective of communities, rulers and scholars on the use of mercenary soldiers is contingent upon the political evolution of realms into states, where attitudes towards foreign mercenary soldiers as a useful resource were ultimately offset by notions of patriotism and nationalism, and codified laws of war.

*Moral Understandings*

There are conflicting arguments on historical moral perceptions of mercenary soldiers. Percy (2007, p. 76) contends that a humanist tradition of anti-mercenary use originated in the twelfth century, citing Macchiavelli's assertions that mercenaries were untrustworthy, unlikely to fight and would ultimately betray their paymasters (Macchiavelli [1513] 1997, pp. 45-46). By contrast, changes (both positive and negative) in moral perception may be traced, from Vitoria in the 1500s to the late 1800s, where the moral presumptions on mercenary use related to efficacy and capability issues (Burmester 1978, p. 41).

While Percy (2007) argues that the moral aversion to mercenarism is derived from an evolution in humanistic norms, Thomson (1990) and others have situated such disdain in more recent historical times, with the introduction of standing armies, notions of honour and patriotism, and the nation-state building enterprise (Avant 2000; Burmester 1978). The soldier receiving payment by the state is legitimised, for national affiliation also authorises his use of violence, in fighting wars on behalf of the state (Coady 1992, p. 57). By contrast, the mercenary soldier fights with no legitimate authority, for he is a 'lucrepath' whose motive is the (monetary) reward (Lynch and Walsh 2000, p. 136).

The rules of war or 'just war theory' are derived from St Thomas Aquinas' writings, where motive is dependent upon just cause and the 'right' intention, being to 'promote good and avoid evil' (Lynch and Walsh 2000, p. 138; Aquinas 1975, pp. 2a, 2ae, 40). While the state is endowed with the authority to initiate war, and the regular soldier is thereby authorised on its behalf, mercenary soldiers cannot claim the same moral high ground or 'military code' as justification for their actions (Coady 1992, p. 61). For mercenaries, their (assumed) motive of reward, and lack of national affiliation ensures their exclusion from the ranks of 'acceptable'

war-fighters.  As the state adopts the mantle of 'good,' reflected in its standing armies, those fighting outside its purview are 'evil.'

Macchiavelli (1992, pp. 45-46) argued that the use of mercenary soldiers was immoral, for they were unreliable, untrustworthy, 'not bloodthirsty enough to fight and die,' disunited, ambitious, lacked discipline, were disloyal and cowardly.  In summary, there was no commitment by mercenaries to fight to the death on behalf of a foreign ruler, but instead an incentive to ensure their own survival, to live and enjoy their rewards after battle (Coady 1992, pp. 60-61; Macchiavelli [1513] 1997, pp. 45-46).  Further, mercenary soldiers might abandon their position and join the opposing side, should the rewards offered be greater. Alternatively, mercenaries may be motivated by a blood lust or penchant for killing, not regulated by a higher political authority (Coady 1992, p. 55). Murder or killing on the battlefield is sanctioned by the state, but where the soldier has no political affiliation, it then becomes a crime.

It is perhaps the lack of control that can be exerted upon mercenary soldiers that has instigated this moral disdain.  Where standing armies are state subjects, imbued with a cultural and national identity, training, honour, tradition, duty and a lingua franca, soldiers are not only faced with the potential for patriotic sacrifice, but also are subject to a controlling authority (Arendt 1958, p. 328). By contrast, mercenary soldiers have 'no fundamentalist commitment to state authority,' are not accountable and have no moral responsibility, for they operate outside the system, uncontrolled (Lynch and Walsh 2000, p. 147).

In this context, perceptions of mercenaries are often drawn from activities off the battlefield, while they are idle, discharged or unpaid, with historical and recent accounts replete with acts

of looting, rampage and drunkenness (for example, Brown 2006, pp. 72; Bruce 2005, pp. 331-359; Caferro 1998, pp. 36, 65-72; de St Jorre 1967, pp. 20-21; Holloway 1989, pp. 647-648; Keller 2009, pp. 117-145). Unregulated soldiers, with no controlling mechanisms or accountability, reflect the potential return to a Hobbesian state of anarchy, with no Leviathan or divine authority (Hobbes 1968). Moral arguments against mercenarism therefore rest upon their potential to disrupt the social contract, threatening state control and leaving individuals in an anarchic world, without protection, in which 'man is against man'(Hobbes 1968, p. 148).

With opprobrium directed towards the mercenary as a potential disruption to the social order, there is limited consideration of the employer's role. State-sanctioned security agents are not immune to similar moral debates: the most savage era of genocide occurred during the twentieth century, where state-sanctioned war led to the emergence of the 'righteous warrior,' as an ideologue, nationalist, imperialist or following tribal loyalties, and in some cases more inclined towards 'blood-letting' than mercenaries (Lynch and Walsh 2000, p. 141). The moral illegitimacy of mercenary soldiers is a reflection of contemporary political evolution and state creation, where the historical mechanisms used by rulers to outsource potential threats or, alternatively, to hire additional military force as required, have been thwarted by growth of the state as the predominant political actor.

*Legal Understandings*

Legal understandings of the 'mercenary' derive from international and national legislation, the latter being introduced during the late eighteenth and nineteenth centuries in European states and the USA (Thomson 1990, pp. 36-37). Thomson (1990, p. 32, 41-45) traces neutrality legislation to the emergence of nation-states, arguing that the control of private

violence by the state was intrinsic to recognition of the state as having a legitimate monopoly on use of force (this theory is explored further in chapter 3). The evolution in legal definition and enforcement of state neutrality included a prohibition on the raising of recruits for foreign armies (Burmester 1978, pp. 41-47; Layeb 1989, pp. 272, 275-277; Riesman 1940, pp. 794-799).

Neutrality during times of war included the neutral state's prohibition on the local recruitment of mercenary soldiers to supplement belligerent forces (Burmester 1978, pp. 52-53; Major 1992, p. 118; Thomson 1990, p. 37). In the context of neutrality legislation, mercenarism was an illegal activity (Major 1992, p. 118; Thomson 1990, p. 38).  To be a mercenary was not, in itself, a crime, but to engage in mercenary activity was (Shearer 1998, p. 20).   Legislation that prohibited mercenary activity was first introduced in the USA in 1794, in European states between 1804 (France) and 1904 (Sweden), South American states between 1826 (Haiti) and 1936 (Colombia), and in South Africa (1998) (see Thomson 1990, pp. 40, 42; Walker and Whyte 2005, p 666).

The American *Neutrality Act of 1794* was the first in a series of national legislative instruments prohibiting mercenary activity, its introduction considered to be a strategy to avoid confrontation between the new republic and European states involved in regional conflicts, as well as reflecting national antipathy towards Hessian mercenaries employed by the British during the American War of Independence (Percy 2007, pp. 123, 126; Layeb 1989, p. 272; Thomson 1990, 1994).  Sections 959 and 960 of the *Federal Foreign Relations Act of 1988* prohibits a US citizen from travelling or serving as a mercenary with a foreign power at peace with the USA (see Walker and Whyte 2005, p. 668; Zarate 1988, p. 134).

More recent American legislation covering the activities of private security contractors include the *International Trafficking in Arms Regulation* 1976, a regulatory licensing regime on the export of military equipment and services, and the *Military Extraterritorial Jurisdiction Act (MEJA)* in 2004 (Layeb 1989, pp. 272-307; Percy 2006, 25-30). While *MEJA* was introduced to prosecute criminal actions by personnel contracted to the US Department of Defence in localities outside the USA, it has since been expanded (*MEJA Expansion and Enforcement Act 2007)* to include all contractors to (American government) departments or agencies where the contractor is employed in a region outside the USA (Elsea et al, 2007).

Britain's *Foreign Enlistment Act 1819,* later amended and introduced as the *Foreign Enlistment Act 1870,* was one of the first legislative initiatives by a state to specifically prevent the recruitment of its citizens - who were defined as 'any natural-born Subject of the British crown' - into another state's army (Mackenzie 1999, pp. 54-55, fn 9; Thomson 1990, pp. 38-39; Waddell 1987, pp. 1-18). According to Waddell (1987, pp. 1-18) the legislation was an attempt to balance conflicting British foreign policy, being its potential trade interests in South America and recruitment of British subjects to fight with insurgents against Spanish imperial forces and, on the other hand, its alliance with Spain against German and Russian threats. While the Act prohibits the 'inducement or engagement' of its citizens to participate in the 'military or naval service' of a foreign power, it is considered inherently weak insofar as there is no reference to, and therefore no prohibition on, participation in 'guerrilla movements or "stateless" fighters' (Walker and Whyte July 2005, p. 655).

At the international level, the mercenary soldier is defined within Article 47 of Protocol I to the 1977 Geneva Convention, which specifies six cumulative criteria. The criteria include that the person is a foreign-born subject, recruited to take part in a conflict in which his (or her)

national state is not a party, participates for private gain, is not a member of the armed forces involved in the conflict, and is not acting on behalf of another state (Article 47 Protocol 1, 1977). Critics of the Convention argue that its limitations include reliance upon an individual meeting all criteria to be designated as a mercenary, and that inclusion of foreign soldiers within a state's forces renders the criteria inapplicable (Beyani and Lilly 2001, pp. 15-20; Percy 2006, pp. 41-45; also see Zarate 1998, pp. 79-80). Further, a mercenary is defined as an individual person, and does not include corporate entities or groups of soldiers within its purview (Percy 2006, p. 44; Kinsey 2006, pp. 269-293).

The 1989 *International Convention against the Recruitment, Use, Financing and Training of Mercenaries* entered into force in 2001, its definition on 'mercenary' reflecting the criteria outlined in Article 47 (Percy 2006, p. 43). The Special Rapporteur on the Use of Mercenaries, was an appointment held role within the Human Rights Commission, by Enrique Bernales Ballesteros (November 1999, pp. 48-50) who argued that the 'criticisms levelled at the definition' in the Convention were not significant, and that the Convention would still 'help to fill the present legislative gaps and to combat mercenary activities more effectively.'

Conventions addressing mercenarism at a regional level are confined to a single instrument assented to by the Organization of African Unity (now the African Union), the *1972 OAU Convention for the Elimination of Mercenaries in Africa*. Enacted in response to mercenary activities during African decolonisation, and particularly focused upon what were perceived to be covert activities of previous imperial states, the Convention has limited effect (Hutchful 2000, pp. 215-216, 245-247). The Convention defines a mercenary as a person who is either recruited locally or abroad, takes part in hostilities, is motivated by the 'desire for private gain,' is neither a national, resident or member of the armed forces participating in hostilities

and, notably, 'is not sent by a state other than a party to the conflict on official mission' (African Union 1972).

In 2006, the International Commission of the Red Cross (ICRC) and the Swiss government initiated a series of meetings attended by industry representatives, non-government organisations and states, to draft a document on the application of international human rights law to private security companies (Swiss Federal Department of Foreign Affairs, 2009). The 'Montreux Document' was issued in September 2008, comprising two parts, and is an official United Nations publication.  Part I outlines international human rights and humanitarian law as they pertain to states (the latter being categorised as contracting, territorial or home states), outlining their obligations in interactions with private security companies.

Part II of the document specifies preferred best practice for all states in their contracting arrangements with private security companies, outlining potential regulatory and licensing regimes, and responsibilities of the corporations and employees.  The document does not create new international legal obligations, and is described as 'a legally non-binding document;' its primary aim is to provide guidance for states, companies and individual contractors in drafting contracts that comply with humanitarian principles (Swiss Federal Department of Foreign Affairs, 2009).

Clause 9 of the Montreux Document (2009) sets out the following definitions for both corporate entities and individual contractors:

> 'a) "PMSCs" are private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel.
> b) "Personnel of a PMSC" are persons employed, through direct hire or under a contract with a PMSC, including its employees and managers.'

Despite the introduction of conventions at an international level to prohibit mercenary activity, there are currently limited avenues for recourse to legal proceedings. For example, in 1986, Nicaragua instituted legal proceedings in the International Court of Justice (ICJ) against the USA for supporting insurgency activity, including allegations that British 'private security' actors had trained insurgents and laid mines in the Nicaraguan harbour of Managua (Kempe 1990; Major 1992, pp. 137-141; also see *The Republic of Nicaragua v The United States of America* (1984) ICJ 392). Although the Court found that the USA had supported insurgent activity, the USA refused to recognise the ICJ's jurisdiction or its finding of American complicity (Major 1992, pp. 137-141).

### *Redefining the 'Mercenary'*

In South Africa, legislation prohibiting mercenarism was enacted in 1999, the *Regulation of Foreign Military Assistance Act 1998,* following the notoriety of one private security contractor, Executive Outcomes (EO) (Barlow 2007; Percy 2006, pp. 30-32; Vines 2000, p. 171). The Act sought to impose greater control over the South African private security industry, requiring that all 'foreign military assistance' be authorised by the Minister for Defence. The Act regulates rather than prohibits such activity although it does prohibit participation by South African nationals as combatants in 'armed conflict for private gain' (Walker and Whyte 2005, p. 666; see section 1, *Regulation of Foreign Military Assistance Act 1998*).

Overt attempts to define or differentiate between mercenary companies and soldiers do not appear to have been considered until the 1990s, when EO's emergence instigated a search for ways to define and categorise these actors (Shearer 1998; Singer 2003). Tracing the changes

in terminology and typology may be interpreted as an increasing push for legitimacy, noticeable since the late 1980s. Until the post-Cold war era, the public perception of mercenaries was derived from media reports and state announcements, constructing myths about foreign fighters as mercenaries, and mainly in a negative sense. In the years between 1945 and 1960, foreign fighters were referred to as mercenaries or soldiers of fortune, in contrast to the descriptor 'private security,' appearing to have been first applied in 1954 to a European company hired by Dunlop Rubber in Malaya (*The Times*, 16 September 1954).

During the 1960s, again, both descriptors of mercenaries and private security were used. However, these terms could imply positive or negative images. Examples include the (negative) activities of mercenaries in the former Belgian colony of Congo, reproduced in the media and denounced by non-European states, and the (positive) mostly covert, operations undertaken by British firms with strong links to security agencies (de St Jorre 1967; Cooley 1999, p. 94). In the 1970s, the descriptors of private security and mercenary were again interchangeable, depending upon who was applying the label and for what purpose. In this context, the proposed 'Hilton assignment' in Libya – an operation disrupted by state security agencies – involved 'mercenaries' (Mockler 1985, pp. 151-154; Seale and McConville 1973). The US magazine, *Soldier of Fortune*, also promoted terms such as mercenary and volunteer. Again, companies involved in officially sanctioned covert operations were referred to as 'private security' entities (Cooley 1999, p. 94; Geraghty 2007, pp. 2-3).

During the 1980s, 'mercenaries' was again the term being used, with negative connotation, in relation to their involvement in the Iran-Contra program, and fighting Colombian cocaine cartels. The emergence of Executive Outcomes (EO) in Africa, and attendant publicity, prompted a review of the lexicon in the mid-1990s. EO did not fit within the scope of the UN

definition of a mercenary, being a corporate entity and not an individual (Gillard 2008, p. 160; Percy 2006, p. 42; Shearer 1998, p. 20). Nor did EO personnel fall within the purview of the UN definition, being corporate employees, rather than fighters hired directly by a foreign state (Gillard 2008, p. 160; Percy 2006, p. 42; Shearer 1998, p. 20). Attempts to define this corporate entity also generated debate upon how to construct a viable typology, the term 'mercenary' being deemed to be inapplicable, due to the contracting of corporate entities by states, primarily, rather than between states and individuals.

One of the first attempts at a typology of the 'new' companies according to their activities was undertaken by Shearer (1998). Categorisation was determined by whether the entity – a corporation – was involved in combat, logistical, support or other roles. If the entity was determined to be involved in combat, it was described as a private military company and personnel were company employees (Shearer 1998, p. 26). Key challenges in applying this framework were assessing whether employees and corporate entities were engaging in, or had engaged in, combat (Shearer 1993, pp. 23, 71). Firstly, the analyst required some knowledge or evidence of which activities the company was engaged in, and secondly, companies (and employees) might, and sometimes did, move between non-combat and combat-related activities. Shearer (1998, p. 72) contended that one solution to this dilemma was the presence of an independent human rights monitor during private sector security operations.

Singer (2003, pp. 91-95) proposed an analogy to differentiate between those companies involved in the theatre of battle and those peripheral to it. This was the 'tip of the spear' where the spearhead denoted the battle zone, and a typology that differentiated actors according to proximal activities that placed them within the theatre. According to Singer (2003, p. 44) the more appropriate label for entities closest to the theatre of battle was 'private

military firm,' reflecting the corporate personae of private armies; but, again, applying the label depended upon evidence.   The typology was also complicated by the unintended involvement of non-military company employees, performing duties that normally would not place them in the battle zone (Singer 2003, p. 95; Kinsey 2006, p. 10).   Other writers have argued for refinements or alternatives to Singer's approach (Avant 2005, pp. 16-22; Kinsey 2006, pp. 10-13; Percy 2007, p. 59). The most recent, highly differentiated, categorisation developed by Brooks (2008) distinguishes between corporate entities according to their known activities, comprising logistical, combat support, and security sector reform.

*A New Phenomenon?*

There appears to be little distinction between the corporate military and security entities that were established in the 1960s, and those appearing since the 1990s.   The major security service suppliers in these early decades were British companies, who independently contracted with states, often previous colonies and protectorates.   As with EO, a number of these companies provided a range of services, including insurgency and counter-insurgency operations, close personal protection and military training (Cooley 1999; Mockler 1985; Geraghty 1980, 2007). Therefore, EO's participation in combat, an activity that prompted the search for new definitions and typologies, in fact was not a new phenomenon.

Another unique feature that prompted revision of the lexicon was EO's ability to acquire and use weapons, military materiel and transport.   These acquisitions of the corporate actor are, however, not unique.   Since the 1950s, private security companies have sourced or been provided with funds, weapons, military materiel and transport, to facilitate their activities.   In Malaya, Dunlop Rubber provided 70 armoured vehicles to assist the security company in securing its estates in the early 1950s (*The Times,* 16 September 1954). In the Congo in the

1960s, Belgian company *Union Miniere* reportedly provided funds, weapons and transport for the mercenary army of Tshombe (Mockler 1985, pp. 54-55; Smith Hempstone 1962, p. 190).

An important feature of companies that emerged in the 1990s - such as EO and since - is their use of 'public relations and legal jargon' to mitigate the attention focused upon their activities. Madsen (1999, p. 97, fn 88) notes that a 'common thread' of these companies is their 'abhorrence of undue press attention.' Rather than information supplied via state announcements and censored media reports, as practised in the 1960s, these corporate entities now manage their own publicity (Madsen 1999, p. 89). The director of resource companies affiliated with EO and Sandline had 'frequently sued or threatened to sue media organisations… for reporting on his companies' activities' (Madsen 1999, p. 97, fn 88).

A critique of the new image contends that politicians in liberal democratic states have 'quickly accepted a convenient if illusory dichotomy as it has been handed to them,' where the 'old-style (and bad) dogs of war' contrast negatively with the 'new-style (and good) private military companies of the 1990s' (International Consortium of Journalists – ICIJ 2002, p. 1). In particular, public relations advisers and media releases have become tools of the new private security actors, who 'no longer operate in total darkness' (ICIJ 2002, p. 12). During the 1990s, for example, private security entities such as EO and Sandline were 'seeking legal recognition and standing,' by their 'rebranding as peacekeepers and conflict resolvers' (ICIJ 2002, p. 1). In the years since 2001, particularly in Iraq and Afghanistan, security entities have increasingly promoted their use of force as defensive and protective measures, rather than as offensive.

However, this image is damaged occasionally by their use in operations such as the interrogation of Iraqi prisoners in Al Ghraib prison, and targeted assassinations of terrorist leaders (Ciralski, 1 January 2010; Merle and McCarthy, 26 August 2004; Speer, 18 February 2010). The deployment of armed contractors from Blackwater, with orders to 'shoot to kill' in the hurricane-devastated US city of New Orleans, also conflicted with the positive image (Scahill 2007, pp. 321-332). Perceptions of legitimacy are still fragile, although mitigated by a lack of community outrage at operations against state-defined 'enemies.'

Cooley (1999, p. 94) notes that, since the 1960s, there has existed a British 'hierarchy of private security firms (and) individuals, at the bottom (being) lesser known lads and smaller firms, these doing the "dirty work" which the larger ones avoided,' while at the top are companies with links into the British government and security agencies, who also have had direct involvement in combat-associated activities. The capacity of security actors to operate depends upon their connections with the state, and high level agents within the state and government. In this context, the development of a typology may be of limited value. Instead, the connections to power represent a tool in assessing how such companies operate and their activities.

*Legitimacy and Security*

In 2009, the contemporary terminology for describing security actors is that of 'private military and security company' (PMSC) and their personnel as 'private security contractors' (for example, see Alexandra, Baker and Caparini 2008). The use of such terms assigns legitimacy to an actor, and a distraction from their activities; although interpretations vary, the primary definition now used for corporate entities and individual contractors is captured in the Montreux Document (2009) at Clause 9, p. 6.

Media reports and state announcements routinely refer to 'private security' and 'contractors,' inducing a sense of community acceptance towards private entities with the capacity for use of force. In particular, the roles of such actors are often interpreted via the media as defensive use of force, rather than offensive (for example, see The Age, 18 September 2004). One security company asserted they provided 'consultants' and not 'bodyguards' for journalists operating in high conflict zones, such as Iraq (Kain, 2004). The myth of the mercenary has been reconstructed, where an unsafe world becomes more secure.

Mercenary soldiers have historically represented both a security resource and risk for their employers, and perceptions of their utility and potential threat have affected the ways in which rulers have sought to portray mercenary activities. The previous section has described these contrasting perceptions and reviewed how the mercenary myth is gradually being redefined. The following section considers the mercenary from the perspective of risk discourse.

*A Risky Resource*

The following section examines the characteristics of mercenary soldiers, their origins and motivations, and how rulers and states have sought to identify and strategically manage the potential threat to their authority from groups of armed men. Identifying and managing the risks posed by mercenary soldiers and private security actors have required, for states and rulers alike, a calculation of 'causal connections between present actions and future outcomes,' and attempts to influence preferred outcomes or mitigate unwanted effects (Jaeger

et al 2001, pp. 17-18; also see Althaus 2008; Kallman and Maric 2004, pp. 57-68 on risk identification and management).

*Characteristics of Mercenary Soldiers*

Common features of mercenary soldiers can be elicited across time and space. Historically, motivations to become mercenary soldiers have included professional military expertise, aspirations for promotion in military rank, lack of economic and employment opportunities, to seek adventure or political opportunity, or as exiles.  At times, soldiers were forcibly impressed or tricked into mercenarism.

Mercenary soldiers were often valued for their specialist skills, in eras where private wars were the domain of rulers, and supplementary forces were required on an ad hoc basis. Specialist skills were sought by commanders in the Roman Empire, in Ancient Greece, during the Middle Ages, and in the ages of imperialism, and included professional expertise in fighting, or with particular weapons, or knowledge of terrain or of enemies.  The maintenance of infantry and campaigning skills, and technical expertise were highly sought after and valued.  Since 1945, many of those who choose private activity also claim expertise in military training and skills, describing themselves as professional soldiers (Barlow 2007; Hoare 1967; McAleese 2000; Spicer 1999).

While in modern times, mercenary soldiers are portrayed as volunteers, historically, enlistment also included impressment or forcible recruitment (Contamine 1984, pp. 50-151; Yalichev 1997, pp. 50, 52).  Recruits came from targeted communities on the peripheries of realms and states or neighbouring regions, where the terrain was often mountainous or difficult (Kiernan 1957, p.70). Their origins were rural, impoverished communities, with

limited employment or life opportunities (Enloe cited in Major 1992, p. 148; Kiernan 1957, pp. 70, 77; Russell 1942; Yalichev 1997, pp. 25, 27, 32, 47, 120). At the height of European imperialism, mercenary soldiers were recruited from indigenous colonies by deception, through 'gambling parties' that raised debts to be repaid through military service, or by tribal leaders providing young men or slaves to their colonial masters (de Moor 1999, p. 58-60).

Risk management included separation; recruits were frequently segregated into legions representing nationality, such as the Irish in France, Irish and German legions in the American War of Independence, Batson's Scouts in the Philippines, Indian Sikhs in Malaya and the Ambonese in Dutch East Indies (Bruce 2005; de Moor 1999; Bartlett and Jeffrey 2006, pp. 11-13; Keller 2009; Linn 1999, p. 118). Not only did such legions ensure cultural and religious cohesion, but also a lingua franca that facilitated ease in communicating orders (de Moor 1999; Killingray 1999a, 1999b). To retain order, legions were commanded by one or more officers of the recruiting realm or state.

These practices continued during the Cold War era, where mercenary soldiers in the Congo and later African wars were divided into groups according to lingua franca, whether French or English, often commanded by officers of the previous colonial regime (Hoare 1967, p. 45). Similarly, in the post-2003 Coalition occupation of Iraq, contractors have been deployed to specific roles according to nationality, with associated remuneration schedules; the nationality hierarchy is headed by personnel from liberal democratic states, followed by South American and Asian nationals, with indigenous members occupying low level positions (del Prado 2008, p. 438).

For those who chose mercenary soldiering, the opportunities included freedom from poverty and persecution. The mercenary phenomenon included political exiles, such as men from Thrace in Ancient Greece, to soldiers from the Celtic tribes of Britain, of Irish, Scottish and Welsh origins (Griffin 1938, p. 9; Kiernan 1957, p. 69; Russell 1942; Yalichev 1997, pp. 14, 25). 'Wild Geese' was the name given to the Jacobite Irish exiles, leaving Ireland with British consent, and travelling to France in the seventeenth century to fight on behalf of French nobles (Bruce 2005, p. 338, fn 16; Griffin 1938, p. 9). For many exiles, especially the Irish, military experience was not only an escape from political persecution but an opportunity to regroup, with the hope of eventually returning to free their homeland from its persecutors (Murtagh 2006, p. 306). With similar aspirations, a number of former EO combatants - long-term political exiles from Sao Tome e Principe - returned to their home state and initiated a coup d'etat in 2003 to gain power, political recognition and economic compensation (Seibert 2003).

Historically, the mercenary life offered camaraderie, refuge and anonymity, as well as opportunities for employment, income and travel (Russell 1942, pp. 103-105; Trundle 2004, pp. 2-3). Mercenaries who had previously been employed by a state or ruler could gain promotion by transferring to another (private) army, as occurred with British recruits joining Bolivar's South American forces (Brown 2006, pp. 82-83). Alternatively, soldiers discharged from state militaries for disciplinary violations also could join the mercenary brigades, exemplified by Costa Georgiou, self-described as 'Colonel Callan' in Angola (Burchett and Roebuck 1977; Mockler 1985, pp. 170, 181, 186-231). Of primary significance, however, is that mercenarism offered, and still offers, the opportunity for each soldier to become a political actor, influencing not only outcomes of wars, but at times able to initiate conflict, and make or keep the peace.

As political actors, mercenaries were potential threats to existent states and rulers. Mercenary soldiering was the opportunity for individuals to act unilaterally, not as servants of existing power brokers. Mercenarism also offered (and continues to offer) opportunities to attain power through avenues not available in their states of origin, as praetorian guards and advisers for others who aspire to rule. Alternatively, mercenary activities presented the capacity to operate on behalf of their state of origin, as covert actors.

A feature across time is the importance of mercenary leaders, whose charisma, or role as power broker, ensured that soldiers were often noted by their allegiance to the commander, no matter which cause they fought for. Examples range from Xenophon, the Greek 'pretender,' Wallenstein, John Hawkwood of the White (Free) Company in Italy, to contemporary leaders such as Bob Denard of 'les affreux' fame, Eeben Barlow of Executive Outcomes, Mike Hoare of 5 Commando, and Tim Spicer of Sandline and Aegis (Contamine 1984, pp. 158-159; Howard 1976, p. 25; Mockler 1985, pp. 56-116; 235-257; Shearer 1998; Trundle 2004, p. 3).

*A Resource and A Threat*

The approach by rulers towards mercenary soldiers has been ambiguous, for groups of discontented men, or men with military expertise, within society have been a potential resource, but also a threat to authority (Kiernan 1957, p. 76). Critical eras for mercenary recruitment reflect political and socio-economic pressures: unemployment, poverty, famine, over-population and post-conflict demobilisation. Historical strategies by authorities to both mobilise and contain this risky resource have included facilitating the recruitment of mercenaries by other rulers, or assisting the enlistment and deployment of men for military service with other powers (Childs 1996, p. 209; Kiernan 1957, pp. 69-70, 77). In these

instances, the potential threat is out-sourced, at least for the interim. Kiernan (1957, p. 69) refers to the recruitment and removal of Welsh archers during the fourteenth and fifteenth centuries as also making 'that country more easily governed by its foreign masters.' A more recent example is that of South African company, EO, removing security agents who were previously fighting the nascent regime (Pech 1999, p. 81). Its establishment and employment of personnel who may have threatened the incoming regime allegedly occurred following discussions between the company's executive and an African National Congress representative (O'Brien 2000, p. 50).

Rulers who hired mercenaries also took risks, for example, with command and control, idle or demobilised soldiers, dissatisfaction with payment or reward, and the potential for military campaigns to be subverted. For employers of mercenaries, high risk events were demobilisation and lack of conflict. In the latter case, boredom while awaiting campaigns to begin or continue, the transfer or deployment of troops, and lack of food or pay, instigated rampages or desertion, frequently fuelled by alcohol (Brown 2006, pp. 70-74; Kiernan 1957, pp. 73, 77-78; Mallett 1974, pp. 27, 100; Trundle 2004, p. 5). With no compulsory disciplinary codes, employers resorted to forcible removal and the use of other troops to contain mutinies, or, at the extreme, execution (Brown 2006, pp. 64-65; Hoare 1967, p. 174; Holloway 1989, pp. 647-648; Kiernan 1957, p. 75; Mockler 1985, pp. 170-209).

Alternatively, discipline is contingent on the leader's charisma, to retain commitment and compliance. During the first Congo battles of the 1960s, mutiny among mercenary troops was often only avoided by the enticements of their leader, Mike Hoare (Hoare 1967, pp. 48-50). Following a mutinous incident, Hoare (1967, p. 242) observed that, 'Leadership of mercenary troops is by force of personality, and demands a hardness of character,' that must

be demonstrable 'then and there.' Other strategies used by employers to maintain control included the deployment of mercenary troops to remote or foreign terrain (decreasing the incentive to desert or mutiny) or a blend of nationalities within military legions (Kiernan 1957, p. 75).

Desertion was a major factor; whether instigated by hunger, lack of payment, fear of illness and disease, of alien territory or population, or climatic conditions, mercenaries were not always reliable soldiers, committed to battle (Brown 2006, pp. 63-67; Kiernan 1957, p. 71). Such assertions are not without foundation, for some mercenary troops lacked military experience and expressed fear of battle, or instead perpetuated 'mock wars' to maintain contracts and payment. While the Free Companies and Condottieri of the Middle Ages were the focus of Macchiavelli's disdain, similar strategies are recorded in modern history. Limitations on activity occurred during the Biafran war, where mercenary fighters on opposing sides - former colleagues in other African wars - made tacit arrangements not to bomb air strips or cause undue escalation in fighting (de St Jorre, 1972, p. 318).

If not directed towards specific conflicts or used in formally contracted campaigns, mercenaries represented specific threats to authority, as former military personnel with the skills and experience to challenge existing power arrangements. As bandits and rebel groups, their activities included intimidation, highway robbery, blackmail, sieges and looting (Caferro 1998; Contamine 1984, pp. 158-160). Since 1945, some networks established to facilitate private security companies have since been used for activities such as arms trafficking and money laundering (Ellis 1996, p. 193; Musah, 2002, p. 925).

Historically, mercenary soldiers were recruited on the basis that their remuneration included, or comprised, looting and booty, an attractive incentive for enlistment. While on campaigns, the irregular payment (or none at all) and lack of food or supplies, meant soldiers forcibly sought these items from communities they passed through, where there were no communal, familial, religious or ethnic ties, reinforcing negative perceptions of mercenaries. In recent times, looting is still an incentive; Hoare (1967, p. 129) refers to safe-breaking by some Congo mercenaries, despite orders to refrain.

Mercenary soldiers were valued for their independence by rulers, for they were not subject to ideological, tribal or religious commitments, but essentially provided a 'service for money' (Yalichev p. 31, 35). As praetorian guards, they could be relied upon to provide protection and to enforce the ruler's authority, with expertise in military skills, as 'elite bodyguards,' and experience derived from previous employment; 'professional soldier' is a constant refrain of those who later become mercenaries and contractors (refer Davis 2000; Pelton 2006; Puren 1986; McAleese 2000; Shepherd 2008; Smith 2002; Spicer 1999). But with lack of payment or conditions, guards could withdraw or defect; the importance of independent contracted soldiers lay in ensuring their loyalty through payment.

*An Economic Enterprise*

For rulers and states, the economics of hiring mercenary soldiers was simple: an operational resource that could be drawn upon to defend or attack another realm, short-term assets, with no long term commitments or obligations from their employers. The potential threat from this military resource could be neutralised through out-sourcing arrangements that not only removed the risk of demobilised soldiers, but also consolidated alliances between powers,

and/or as an informal mechanism to promote, directly or indirectly, the interests of the originating state.

Economic analysis on the use of mercenaries suggests that, where commerce and trade becomes the focus of a state or realm, security requirements are devolved to specialists rather than citizens. Where security is out-sourced to private entities, there is the potential for such companies to become either predators or saviours. As saviours, private security companies may facilitate and enhance commerce; alternatively, as predators, these same entities may instigate bankruptcy or undermine the ruler's capacity to maintain control (see Caferro 1998; Yalichev 1997, p. 64).

Between the thirteenth and early sixteenth centuries, Free Companies and Condottieri emerged in Italy, companies of mercenary soldiers following their respective commanders, contracted to the merchants of Italian city-states, to defend or initiate wars on their behalf (Contamine 1984). The citizens of Italian city-states, centres of European commerce, had limited capacity or motive to undertake military endeavours, including protecting their borders. Contracting military companies to provide security seemed viable propositions, but the city-states were vulnerable, with limited avenues to impose control should their security providers turn on them (Caferro 1998; Contamine 1984; Mallett 1974). Nor were contractual commitments honoured, at times resulting in frequent changes of sides, a reluctance to fight, and economic incentives to prolong campaigns. Siena, an Italian city-state besieged by mercenary companies during the thirteenth and fourteenth centuries, exemplified the worst of these endeavours (Caferro 1998; Contamine 1984).

A cost-benefit analysis of state-provided security was the basis for Nozick's (1974) concept of a minimal night watchman state. Nozick (1974, pp. 10-22) argued that, although security was a public good, not all citizens accessed the good equally and those who had limited use of the public good should therefore not be required to pay its full price. Nozick (1974, p. 22-25) contended that, if society provided security as a minimal good, society would then pay according to use. The use of mercenaries, as an example, would represent a more economical outcome, with a reduction on state capacity and resources. Brauer (1999; pp. 140-144) argues for a similar cost impact analysis of private security, where state provision of this good might not be an optimal use of resources.

Until the nineteenth century, mercenary companies were the preferred security option, on a pay by use basis. Apart from the contractual costs of mercenary companies, rulers and states were not responsible for the maintenance of these armies, with no pension schemes or compensation, and dismissal of troops when no longer required (on contractual arrangements see Caferro 1998; Contamine 1984; Howard 1976). By contrast, the costs of maintaining standing armies presented difficulties for emergent European nation-states. In Great Britain, raising a standing army through voluntary enlistment was an ongoing challenge as, with limited military budgets, the government could not match civilian wages (boosted by the onset of the Industrial Revolution) and the standard of suitable recruits fell dramatically (Rowe Bearce and McDonald 2002, pp. 562-564, 569-570). By contrast, continental European standing armies were conscripts, with cheaper wages and substantially lower military budgets, but still facing manpower shortages.

However, as the Industrial Revolution and colonisation progressed, all European states found the economic pressures of retaining standing armies and attracting suitable recruits required

other strategies. The recruitment of indigenous troops into colonial armies was an attractive option, for they were reasonably fit and available in high numbers, but also cheap to employ, with limited financial commitments by the colonial state towards post-military support (Mann 2006; Stapleton 2006).

While the nation-state building enterprise of the nineteenth and early twentieth century focused on standing armies and citizen-soldiers, since the mid-twentieth century, economic and technological progress, and global interdependence, has acted against this former impetus and the 'out-sourcing' of security has gained momentum. Since the end of the Second World War, security functions have progressively moved from the public to private sector. Further, actors who worked within state security agencies have joined the private sector, maintaining established networks and retaining corporate security knowledge. One consequence has been a gradual revision of the myth of the mercenary.

*Revising the Myth*

For the state, construction of mercenary images, both positive and negative, can serve three purposes: justifying the state's monopoly on the use of power; as an instrument of social control; and to accommodate the controlled use of private actors in response to evolving security challenges (Bank 1999, p. 462; Beahrs 1992, pp. 755-767; Brunner 1994, pp. 2, 4. Brunner (1994, p. 2) observes that, 'Political myth is comprised of the most basic assumptions that justify and explain the possession and use of power – whether or not the assumptions are true.' Myth is not fact, but comprises unexamined assumptions, 'accepted through socialisation, and reaffirmed through each generation' (Brunner 1994, pp. 2-3; Heehs 1994, p. 1). Relevant data is excluded, and in its place a simple, unified construct is promoted by

authority to maintain social cohesion (Beahrs 1992, p. 758; Bidney 1955, p. 391). Thus, a myth can support the ideological structures of state (Beahrs 1992, pp. 755-769).

The myth may also be adapted to changing circumstances, where redefining the narrative 'at the margins' occurs through challenges from advocacy groups (Beahrs 1992, p. 767; Brunner 1994, p. 4). In this context, states may act to promote society's acceptance of a revised myth, 'to avoid dissolving the bonding cement that the old myth had provided' (Beahrs 1992, p. 767). The exigencies of a rapidly changing security framework have caused states to redefine the mercenary myth, for mercenaries are, as de St Jorre (1967, p. 20) observes, 'A pretty ordinary lot; only circumstance has rendered them extraordinary.'

Part II of the thesis considers the theme of changing circumstances for mercenary enterprise. The following review highlights the dual policies employed by European nation-states, creating formal standing militaries, while continuing to employ mercenary soldiers. Underscoring the arguments presented in this thesis, the imperial expansion of nation-states required manpower, both to enforce and extend state power. Mercenary soldiers represented a resource to achieve this goal, but required careful management. Chapter 3 reviews mercenary enterprise across the centuries prior to 1945, and the evolving security frameworks that both facilitated and constrained the activities of irregular soldiers. During the nineteenth century, in an era of nation-state building, mercenaries were a scarce resource. European powers adopted various strategies to fill their armies, conserving manpower, looking towards imperial territories for additional personnel, and implementing careful management strategies to offset the risk of foreign recruits.

Chapter 4 considers the operational environment for mercenaries in a post-1945 world, where former imperial territories were gaining independence and emerging as fragile states. The differential factors of strong and weak states are analysed, with the implications for mercenary enterprise. In this paradigm, security is contingent upon the circumstances of state formation and interstate relationships, where mercenaries and private contractors represent an informal asset, a capability that addresses the security gaps between weak and strong states.

Chapters 3 and 4 provide a framework for analysis of mercenary enterprise in the decades after 1945, not only illustrating the continued use of private actors to extend state power, but also the differing requirements and perceptions of security by strong and weak states. For strong states, domestic security was increasingly tied to perceptions of an unstable international paradigm. Weak states became the proxy sites of security vulnerability for strong states. Weak states, instead, were focused on more immediate security issues, of regime endurance and then national stability.

*Part II – Security and the State:*
*The Role of Mercenary Soldiers*

# Chapter 3 – Mercenary Enterprise Before 1945

# Chapter 4 – States and Mercenary Enterprise

## Chapter 3 – Mercenary Enterprise Before 1945

Mercenary soldiers have long been a security resource for rulers and empire-builders, first recorded in the employ of King Sargon of Mesopotamia, in 2350 BC, and since then in Ancient Greece, Egypt and Rome (Trundle 2004; Yalichev 1997, pp. 75, 77, 41-61, 237-260). Foreign fighters coalesced into groups in the Middle Ages, as Free Companies and Condottieri, and later armies for hire, led by military commanders such as Wallenstein. During the first age of imperialism, foreign fighters joined the Spanish Conquistadores, defended European trading posts, and fought in conflicts initiated by European chartered trading companies (Adams 1996; Gilbert 1972; Lane 1979). The threat posed by specific groups of foreign fighters to their originating and host societies is a continuing theme, epitomised by the Irish 'Wild Geese' (Griffin 1938, p. 9). Before the nineteenth century, mercenary soldiers were an acceptable mode of military agency for rulers, supplementary forces in times of need and, as threats, extradited to other realms.

By the nineteenth century, however, circumstances changed, for European realms had embarked upon a process of nation-state building, which included the creation of standing armies. The scholarly discourse links the creation of professional state armies to a decline in mercenary soldiering. This decline was attributed by Thomson (1990, 1996) to the emergence of an international norm against mercenarism, while Avant (2000, pp. 52-53) argued instead that the impetus was European perception of the Prussian 'model citizen army' as an optimal fighting force. The decline in mercenarism was also attributed to a decreased demand by states, relying instead upon their citizen soldiers to fill military needs. However, despite ongoing recruitment into European armies, historical records indicate a growing shortage of military manpower during the 1800s, reaching critical levels in the last quarter of

that century (Bohigas 1968; Rowe Bearce and McDonald 2002; Wright 1942). The demand for soldiers was intense, but what had occurred with the potential mercenary resource?

The following chapter examines the history of a mercenary enterprise that has extended across centuries. Until the nineteenth century, mercenary soldiers were perceived to be useful and acceptable adjuncts into the armies of rulers and nascent states. During the nineteenth century, however, analysts argue that the use of mercenaries declined, due to the emergence of nation-states, and concomitant ideals of citizen-soldiers and reformed standing armies (Percy 2007; Thomson 1996). Empirical evidence presented in this chapter challenges these assumptions, for states continued to seek, and to employ, foreign fighters through three distinctly different strategies.

The first option for European powers was to employ indigenous men from their imperial territories. Whether indigenous imperial recruits may be defined as mercenary soldiers is a contentious issue, for scholars have argued that these men were 'not really foreign' but instead, 'part of the imperial project' (Parsons 1999; Percy 2007, p. 164). However, the strategies instituted by European imperial powers towards indigenous imperial soldiers indicate similar patterns of risk management, when compared to past and contemporary employment of mercenaries. In particular, issues of trust and loyalty permeated and influenced imperial measures of control.

The second option for European powers was the creation and incorporation of foreign legions into their formal armies; three states employed this option, Britain, France and, to a lesser extent, Spain. The third option for European states was facilitating recruitment of their citizens for conflict abroad; examination of this strategy indicates that states were not adverse

to these recruitment drives, but considered a variety of measures, formal and informal, to retain control of this resource. While the formal pursuit of criminal charges was fraught with risk for the state, informal measures appeared to have fewer consequences, and are indicative of the risk-management strategies later employed by strong states, in the years after 1945.

The purpose of this chapter is to examine the circumstances surrounding the seeming decline in mercenary enterprise. Empirical data indicates that, contrary to Thomson's (1990) contention of a drop in state demand for mercenaries, the need for military manpower was high and the declining supply of men drove states to conserve their manpower, while seeking additional personnel for their militaries. Furthermore, historical records indicate that the practice of mercenarism continued, albeit in a less overt manner. Traditional sources of supply were reduced, for potential recruits were instead diverted into formal state armies or pursued alternative careers.

While nation-states consolidated their power, promoting the ethos of nationalism and patriotism, there were still concerns over internal rebellion (Abernethy 2000, p. 376-377). European states looked for ways to continue the nationalist enterprise and identify additional military resources, particularly mercenary soldiers. The argument presented in this chapter is that recruitment of mercenaries had not ceased, nor had states committed themselves to absolute prohibition. Instead, European states aspired to control the mercenary market. For liberal democratic states, the use of mercenaries presented additional security resources, capable of extending political and commercial influence, but a resource which required careful control.

*Mercenary Enterprise Before European Imperialism*

Mercenary armies have been recorded from earliest times, in ancient kingdoms of Egypt, Rome and Greece, a story that is 'over 5000 years long' (Yalichev 1997, p. 261). Particularly valued for their martial skills and as elite bodyguards, mercenary soldiers were drawn from the periphery of ancient realms, often as exiles or aspiring political actors, as well as driven by economic factors (Yalichev 1997, p. 27). Extant historical writings on mercenary soldiers refer almost incidentally to their existence, often focusing instead upon the exploits of charismatic leaders who attracted such a following (for example, see Trundle 2004, p. 3 on Xenophon).

The first recording of mercenary soldiers is in Mesopotamia, as royal guards for King Sargon of the Akkadian period (*c* 2350 BC) (Yalichev 1997, p. 13). In the ancient world, 'citizen militia' of empires and realms were often replaced by mercenary soldiers, with Nubians from Egypt and the Sudan recorded in 2300 BC Egypt, 'Indo-European, Asiatic and African' soldiers in 1200 BC Mediterranean states, Greek mercenaries fighting on behalf of Babylon and Egypt during the seventh century BC, through to Germans and Huns fighting on behalf of the Roman Empire in the fourth century AD (Yalichev 1997).

Mercenaries in Ancient Greece are recorded during the eighth and seventh centuries BC, with a decline in the fourth century BC, when many mercenary bands are believed to have been eventually subsumed into the formal armies of ancient rulers (Trundle 2004, pp. 5-6). Mercenary soldiers were recognised as more than just foreign fighters, where identity was created beyond state boundaries, with separate 'mobile military communities' that were disconnected from both state and society (Trundle 2004, p. 3). Their commanders were 'international statesmen' building networks across the Mediterranean, not only of Greek

origin, but Persian, Egyptian, Syracusan, Assyrian and Babylonian (Trundle 2004, p. 3). Mercenaries were recognised as an important supplement to Greek military forces, and their increased use is coincident with the onset of coinage and introduction of payment for service (Trundle 2004, p. 2).

Between the ninth and twelfth centuries, Christian mercenaries were recorded in the employ of 'Moslem' rulers, while 'Latin' soldiers fought for the Turks and Greeks, employed as technical specialists (crossbowmen and infantry) as well as elite bodyguards (Contamine 1984, pp. 59-60; Richard 1952, pp. 171-175). From the twelfth century on, European armies comprised a 'drifting population of professional soldiers,' with English troops at times including men from as far afield as Brabancon, Flanders and Genoa (Bean 1973, p. 219). Historical records refer to mercenaries as both predators and saviours. Examples include the defection of mercenaries from Emperor Henry to his enemies when their services were unpaid, the resort to brigandage by unemployed bands of soldiers across the European continent, while the renowned prowess of Frankish mercenaries caused Mongol rulers to ban conquered princes from employing the soldiers (Bean 1973, p. 219; Contamine 1984, pp. 243, 245-247; Richard 1952, pp. 171-174; Hale 1972, p. 33).

During the Middle Ages, mercenarism had become a more formalised activity. Contamine (1984, pp. 90, 93-95) refers to money being the 'almost obligatory link between authority and soldiers,' with sources from the twelfth century on itemising the cost of hiring soldiers. Free Companies and Condottieri were active during the thirteenth to fifteenth centuries across Europe (Contamine 1984, pp. 119-134; Howard 1976, pp. 25-27). Successive invasions of Italy during these times brought an influx of foreign fighters, including former Knights Templar, returning from the Crusades (Caferro 1998, p.3). The Free Companies included

foreign fighters – German, French, Hungarian, English – as well as Italians (Contamine 1984, p. 158).

The 'condotta system' was described as being 'reasonable and economical (with the employment of) mercenaries who could fight whilst merchants, active in their counting-houses, earned the money to pay them' (Renouard cited in Contamine 1984, p. 157). Some 'Condottieri' leaders (or 'contractors') gained citizenship and respect, the most notable being John Hawkwood, Erasmo de Narni and Bartolomeo Colloni (Caferro 1998, p. 2; Contamine 1984, p. 161; Howard 1974, p. 25). However, the soldiers also realised their importance to community survival, contributing to political intrigues and terrorising vulnerable city-states such as Siena, which eventually succumbed to continual assaults from the Free Companies in the thirteenth century (Caferro 1998; Contamine 1984, pp. 158-160).

Swiss mercenary groups comprised the largest export of private soldiery during the Middle Ages, hired by French nobles and as praetorian guards for the Vatican (Contamine 1984, p. 170). From the fourteenth century on, and with an increasing population and poor economy, Switzerland became 'a reservoir of infantry mercenaries for the service of different foreign powers, drawn from the mountainous cantons' (Contamine 1984, p. 135; Howard 1976, pp. 15, 27-28). The loss of men to other European armies, however, led to a call in 1422 by the Swiss Diet for a prohibition on mercenary soldiering, to prevent their subjects 'from running to the war' (Contamine 1984, p. 136).

During the Thirty Years' War in sixteenth century Europe, and with no standing armies, Albrecht von Wallenstein's mercenary force became the largest in Western Europe, at its peak totalling up to 100,000 men. Wallenstein fought on behalf of the Hapsburg monarchy, but his

army eventually grew so large and expensive to hire that inevitably it was destined for disintegration or permanent attachment to a state (Kiernan 1957, p. 77). Wallenstein's commanders had a financial interest in the company, although the soldiers received little or irregular payment, and desertion was common (Kiernan 1957, p. 78). Wallenstein was the only entrepreneur of his time who came close to 'transforming his military effectiveness into political power,' having acquired 'huge estates in Mecklenberg,' in an era where war was endemic in Europe and professional soldiers seeking employment were plentiful (Howard 1976, pp. 29-30).

Particular regions became sources of mercenary soldiers. Between 1691 and 1692, nineteen thousand Irish soldiers and their families – described as 'Wild Geese' in Jacobite ballads – travelled to France and fought on behalf of French nobles (Griffin 1938, p. 9). The Irish developed generational allegiances with the French, underscored by a mutual antagonism towards Britain. For over 150 years, either as political exiles or emigrants, Irish soldiers fought in brigades for France, Spain, Italy, on behalf of the Dutch, and served in the Russian army (Griffin 1938, p.10; Murtagh 2006, pp. 295-314; Ohlmeyer 2006, p. 164).

Poverty and limited economic opportunities also drove the state of Hesse-Cassel to promote its only resource, men, where mercenary soldiering offered a potential avenue out of poverty, as well as the opportunity for travel. In contrast to the concerns expressed by Swiss rulers, however, the Duke of Hesse-Cassel considered his manpower as an asset to be out-sourced, and not a threat to the continuing existence of his realm. Hessian soldiers were provided by the Duke to Great Britain, and sent to fight on behalf of the British during the American War of Independence.

Foreign legions were also supplemented by mercenary soldiers from Poland, seeking both political and economic opportunities. Emigrants to Italy formed the Polish Legion of six thousand officers and men in Lombardy, fighting under Napoleon in the Second Coalition War (Zubrzycki 1953, p. 248). The Legion included soldiers who had fought against Russia, and later sought exile in Austria, Italy, Turkey and France (Zubrzycki 1953, p. 248).

Mercenaries were also present during the first phase of imperialist expansion, with foreign fighters enlisted into Conquistadores in South America, as security forces for trading enclaves in Africa and Asia, and private armies for European chartered trading companies (Adams 1996; Mottram 1939).

*The First Age of Imperialism – Conquistadores and Chartered Trading Companies*

Global expansion and colonisation was initiated by the Spanish Conquistadores in the fourteenth century, many being former soldiers, whose 'joint venture' expeditions were financed by 'private entrepreneurs' and the Spanish royal family (Bakewell 2004, p. 103; Pastore 1997, p. 333). The Conquistadores that departed for South America included not only Spanish citizens, but foreigners from Portugal, Italy and Greece (Grunberg 1994, p. 274). With the 1519 expedition to New Spain was an Indian from Cuba and two Africans, Guidela and Juan Guarrido (Grunberg 1994, pp. 279-280). Reflecting the aspirations of other mercenary soldiers, the Conquistadores were 'men who tried to find what they could not obtain in their own country... wealth and a better life' (Grunberg 1994, pp. 283-284).

African soldiers were present in European armies during the first age of imperialism. Portugual's victory over the Congolese in Africa was attained with an army of 200 Europeans, including Italians, Portuguese, Greeks and a Fleming, and three thousand

'Africans' (Abshire 1969, p. 43). The major armies that facilitated European expansion were, private concerns. These were chartered companies, operating as quasi-states or realms that reflected their national origins, their commanders seizing opportunities as political actors (Abernethy 2000, p. 219; Frost 2003; Guelke 1976, pp. 25-42; Howard 1976, pp. 43-53; Lane 1979, pp. 35-49). The companies employed private soldiers in both offensive and defensive capacities. In the case of the English East India Company, groups of regular soldiers were 'bought' from the British government as force multipliers, in addition to levies raised from the local European community (Cole and Priestley 1936, p. 160). At times, such sales were not without problems; in 1778, one regiment mutinied following a rumour they were to be 'sold to the East India Company' (Gilbert 1975, p. 92).

During the eighteenth century, imperial interests were represented by trading companies and merchants, with minimal military support from the metropole. In West Africa, with limited expeditions to the hinterland and commerce being conducted along the coastline, the territories of trading companies often intersected those of other European powers (Ukpabi 1974, p. 134). Later expansion into the hinterland required an adjustment of military policy; forts were assessed to be vulnerable not only to offensive actions from rival European states, but also from indigenous forces, and the defence of trading posts and enclaves was left to the private armies of chartered companies (Ukpabi 1974, pp. 134-135).

The British domination of India and colonisation was effected only through the recruitment and deployment of Indian troops, 'sepoys,' into its imperial forces (Haron 1990, p. 277). During its early stages of domination, the East India Company recruited 'Bengalis, Tamils, Purbiahs and Maharattas,' being 'organised and trained on the same lines as the British Army,' with senior British officers, and junior Indian officers (Haron 1990, p. 277). In

addition to indigenous Indian troops, the East India Company also hired British regiments, as well as its own army, raised from the European community (Cole and Priestley 1936, p. 6). The East India Company's army was, by 1850, larger than that controlled by the metropole, with 200,000 Indians (increasing to 311,000 by 1857), and 40,000 European troops, including men hired from the British army and the Company's local European contingent (MacMunn, cited in Haron 1990, p. 277).

The Dutch East Indies Company, in existence from 1602 until 1799, recruited over one million Europeans for service in Asia (de Moor 1999, p. 53). Although comprising significant numbers of Europeans, indigenous soldiers were also recruited during the 1620s, being 'Japanese, Chinese, freed slaves of non-Indonesian origin and Pampangas from the Philippines' (de Moor 1999, pp. 53-54). The need for soldiers became acute in the latter part of the eighteen century, the Company paying Javanese princes to provide indigenous soldiers, local men who demonstrated the 'desired qualities of reliability, trustworthiness and unconditional loyalty' (de Moor 1999, pp. 53-54, 58). This practice gained momentum with the high mortality rate of European soldiers, unable to adapt to 'the realities of jungle warfare' (de Moor 1999, p. 54). New ethnic groups were recruited from Batavia, organised separately under their own chiefs, who were, in turn, commanded by European officers. Few recruits were provided with firearms, which were, in any event, antiquated and of poor quality (de Moor 1999, p. 55).

The first age of imperialism was the expansion of European territory, 'saltwater empires' that were initially represented by coastal enclaves and trading posts, and controlled by quasi-private entities representing their respective European powers (Abernethy 2000). These chartered trading companies employed private armies, supplemented at times by military

personnel from the metropole (Adams 1996; Mottram 1939). Although indigenous troops were recruited, the strategy was perceived to be risky. Risk management strategies included the creation of separate indigenous units officered by Europeans, rather than integration directly into the army.

The second era of imperialism involved the expansion of these enclaves to territorial domination, creation of colonial territories, and adjustments to military manpower. In the latter case, military manpower became critical, where European powers needed an army not only to defend the metropole, but to support the offensive strategies in acquiring imperial territory. Concurrent to imperial expansion was the creation of nation-states and standing armies, according to the scholarly discourse, the turning point for a decline in the use of mercenary soldiers (Abernethy 2000, p. 375). The following section summarises the hypotheses on why mercenarism became an unacceptable strategy for European states during an age of nation-state building.

### *The Nineteenth Century: Imperialism and the Dearth of Men*

The nineteenth century was not only a time of imperial expansion for the European powers, but also marked the onset of reliance by states upon standing armies (Howard 1976, pp. 54-74). The growth of professional standing armies in the nineteenth century is designated as the timeframe in which European states ceased their employment of foreign fighters. The primary analyses on the declining recruitment of mercenaries have been undertaken by Thomson (1990, 1994), Avant (2000) and Percy (2007), each defining the 'mercenary' as a 'foreign soldier,' paid to fight.

Both Thomson (1990) and Percy (2007) refer to the evolution of an international norm against the use of mercenaries. Thomson (1990, 1994) argues this was derived from an emerging international system of states asserting their right to control the use of force, an international norm that required states to prevent their citizens from enlisting as foreign fighters, on the premise that private actors could involve their home state in interstate wars. Percy (2007) contends that the international norm was more closely aligned with humanistic tradition, correlated with precepts of just war and just cause. By contrast, Avant (2000), although acknowledging Thomson's argument, suggests that the decline in mercenarism was a consequence of anomalous historical events where states created standing armies to replicate the Prussian model, portrayed during the nineteenth century as an ideal military force.

*Hypothesis 1: Interstate Relations and the Norm Against Mercenarism*

According to Thomson (1996) the decline in mercenarism was a consequence of an emerging international system of states. Extending upon Giddens' thesis (1985, p. 120), that states were responsible for their security both internally and externally, Thomson (1996) argues the potential for individual citizens to initiate conflict on behalf of the state instigated responses where states asserted authority within their territory and externally also. The monopoly on the use of force, and of initiating conflict, became the domain of states, and not private actors. Standing armies were symbolic of the state's control over its use of force. Further, armies were a nation-state building enterprise, promoting the concept of a citizen-soldier, and inculcating the ethos of patriotism (Thomson 1990, 1996).

In her analysis, Thomson (1990) relies upon the establishment of neutrality legislation – passed firstly by the USA in response to British demands – as indicative of an emergent international norm requiring states to recognise each other and to desist from involvement in

conflicts they were not parties to. The consequence of these declarations of neutrality required also that states imposed conditions upon their citizens not to participate in foreign conflicts, being reflected in later legislation prohibiting the recruitment and enlistment of citizens as foreign fighters.

Thomson (1990, pp. 34-40) traces the chronology of prohibition on foreign enlistment and recruitment by states, arguing that the time span for such legislation was consequent to neutrality legislation, and concurrent with regional wars that instigated such state responses. However, Thomson (1990, p. 41) concedes her analysis does not explain the belated passing of such legislation by the former Spanish American colonies in the last quarter of the nineteenth century. Nor can Thomson (1990, pp. 27-30) explain recent derivations of mercenarism used by states, being the secondment of military personnel from one state to another, enlistment of individual foreign fighters, or recruitment into a Foreign Legion under an interstate treaty or contract.

*Hypothesis 2: Humanist Tradition and the Norm Against Mercenarism*
In contrast to Thomson, Percy (2007, p. 165) asserts that a normative prohibition on the use of mercenaries evolved from the humanist tradition, evident from the twelfth century onwards, that culminated in changed relationships between 'the state and citizen' where 'the use of mercenaries was immoral,' and eventually became impossible to sustain. In this context, Percy (2007, p. 165) links a growing distaste for the use of mercenaries as undermining 'the system of military service used in all states,' and 'beliefs about how war and killing could be justified.' Just war theory implied that rulers who undertook to go to war did so for a just cause, and that this cause was shared by their citizen-soldiers; relying upon foreign fighters that had no allegiance to the cause, other than for payment, inferred that their use was not just,

and therefore immoral (Percy 2007, pp. 69-73; on just war, also see Contamine 1984, pp. 264-265).

Both Thomson (1990, 1996) and Percy (2007) refer to a decline in mercenary supply during the nineteenth century, contending that this was a response to reduced state demand. Following Thomson (1990, 1996), Percy (2007) also argues that the emergence of mercenary soldiering during the 1960s, and from the 1990s on, was (and is) aberrant activity in the context of the established international norm against mercenarism. Percy (2007, pp. 185-189) contends that the emergence of mercenary soldiers during the 1960s elicited state responses that articulated a commitment to the international norm, one example being African regimes' support for the *1972 OAU Convention for the Elimination of Mercenaries in Africa*.

*Hypothesis 3: The Model Citizen Army and Ideal Soldiers*

In contrast to Thomson (1990, 1996) and Percy's (2007) assertions of an international norm, Avant (2000, pp. 41-72) argues that the transition from mercenary to citizen armies resulted from specific domestic processes that effected military reforms, in particular the preference for citizen soldiers. From an examination of military developments in France, Prussia and Great Britain during the nineteenth century, Avant (2000, pp. 48-68) asserts that the processes involved exogenous shocks that elicited reforms. Exogenous shocks were military defeats which then caused the European state to re-evaluate its army structures and introduce reforms.

For France, the exogenous shock began with its defeat in the Seven Years War, before the French Revolution, initiating reforms that continued during and after Napoleon's reign. The changes relied on the creation of a myth, the spirit of citizens in the French army, of 'liberty, equality and fraternity' (Avant 2000, pp. 55-56). However, Avant (2000, pp. 55-56) argues

that these reforms were instigated by 'the virtue of necessity,' being a lack of funds that required motivating the population to contribute towards the state enterprise. For Prussia, the exogenous shocks came with the French defeat of its army, leading to reforms that included conscription and 'elimination of foreign recruitment' (Avant 2000, p. 61). Later victories against France in 1813 led to Prussia's model citizen army being viewed by other European states as a significant determinant in its success (Avant 2000, p. 59). The exogenous shock for Great Britain occurred with military defeats in the Crimean War and the Indian Mutiny, eventually leading to the 'Cardwell reforms,' which included voluntary enlistment by its citizens and 'short service recruitment,' in addition to the prohibition on British citizens enlisting in foreign armies (Avant 2000, pp. 50, 63-66).

Avant (2000, p. 68) argues that, rather than motivated by international moral reflections upon the use of mercenary soldiers, European states were instead influenced by the success of a Prussian army composed of citizen soldiers and the deliberate exclusion of mercenaries. Following the Prussian example, European states reformed their militaries, focusing on the recruitment of citizen-soldiers, not mercenaries, an exercise that contributed towards the nation-building enterprise of the nineteenth century. The United States also focused upon raising a citizen army in preference to the recruitment of mercenary soldiers, perceptions of the latter being coloured by Britain's employment of Hessians during the War of Independence.

There are cogent, alternative explanations for the decline of mercenarism during the nineteenth century, where the prohibition on 'foreign fighters' was a step towards control of privatised violence by state. The following section reviews the mechanisms by which European states sought to retain a dwindling supply of manpower and simultaneously expand

military resources during the nineteenth century. These mechanisms included the introduction of legislation prohibiting the participation of citizens and soldiers in 'foreign' wars, the integration of mercenary indigenous soldiers into 'reserve forces' for colonial armies, and the creation of foreign legions within the European militaries of France, Spain and Great Britain.

*Not The Norm? The Question of Manpower*

While Thomson (1996) delineates the international norm that evolved between states, European and the USA, during the nineteenth century, her argument does not address the issue of supply, a factor that concerned all European armies. The following analysis highlights the lack of mercenary soldiers during the 1800s that may have prompted states to fill their armies with either conscripts or volunteers. These actions also depleted the supply of potential mercenary soldiers, subsumed instead into state armies, or attracted by professions other than soldiering (a trend noted in earlier times – see Trundle 2004, pp. 5-6, 8; Yalichev 1997, pp. 26). Tilly (1994, p. 139) refers to the 'fielding of massive armies and navies' by France and Prussia, contributing towards the collapsed market for mercenaries. However, despite these 'massive armies,' historical records indicate that there was a significant dearth in European military manpower.

It is contended that societal changes influenced the mercenary market, especially the Industrial Revolution and the second phase of imperialism, also a time of significant migration, where European migrants sought better lives in newly established colonies (Isaac 1949; McNeill 1984, pp. 17-18; Rystad 1992; Tait 1927). The Industrial Revolution, occurring in Britain during the late eighteenth century, and in Europe during the nineteenth century, precipitated a rise in real wages and alternatives to the previous employment pathways for 'able-bodied men,' of agricultural production and soldiering (Tilly 1993, p. 32).

Global expansion in trade, increased demand for civilian labour and higher wages, adversely affected the capacity of European powers to meet military personnel needs (Rowe Bearce and McDonald 2002, pp. 551, 555).

Britain's policy of voluntary enlistment resulted in 'chronic shortages of recruits' between 1860 and 1915 (Rowe Bearce and McDonald 2002, p. 563). The wages for British soldiers remained low by comparison to unskilled and agricultural labour throughout the nineteenth century (Rowe Bearce and McDonald 2002, p. 570). By 1900, only 17,000 troops were resident as a defence force for Britain, while imperial costs and military requirements grew (O'Brien 1988; Purdy 1863; Rowe Bearce and McDonald 2002, pp. 553, 562; Schuyler 1920). With declining enlistment rates, unable to match civilian wages, and poor quality of potential recruits, the British military lowered recruitment standards until they could be decreased no further (Rowe Bearce and McDonald 2002, pp. 564, 569; Skelley 1977, pp. 237-238; Spiers 1980, p. 40). Enforced conscription was not an option, with significant domestic resistance (Rowe Bearce and McDonald 2002, p. 574).

France re-introduced conscription in 1818, as it 'could not meet its military manpower needs without the draft,' recruiting only 3500 men per year and finding it 'increasingly difficult to find new recruits' (Hippler 2006, p. 283-284). Baker (1998, p. 197) refers to the 'unpopularity of military service' In Europe, men seeking to avoid military service through payment – a practice known as commutation - were exceeding the number of soldiers available to replace them, particularly in France, Belgium and Spain (de Bohigas 1968, p. 288). In France during the 1860s, 'the very announcement of change in military service... increased the stream of citizens departing for Argentina' (Wright 1942, p. 37).

The waves of migration from Europe to the colonies and the New World further depleted the available supply of men for military service. Expansion of imperial territories in the nineteenth century attracted 'voluntary settlement from Europe,' with migrants from Britain, the Netherlands, Portugal, France and Spain, travelling to 'the colonies, dominions and the Americas' (Cohen 1995, pp. 2, 11; Rowe Bearce and McDonald 2002, p. 556). Britain actively supported the migration of its citizens to the colonies, as a remedy for 'social problems at home (and) to support British interests abroad' (Cohen 1995, p.11). During the decade following the Irish famine, three million people left Ireland (Scally 1995, p. 81). Between 1851 and 1930, more than fifty million people emigrated from Europe, including eighteen million from Britain (Mitchell 1980, p. 145). European emigration to the colonies was supported by their metropole, where 'settlement would consolidate colonial authority against internal threats from indigenes and external challenges from rival colonial powers' (Heffernan 1995, p. 36). However, imperial expansion and the ability for states to send troops a long way from home ensured not only a limit to potential revolution at home, but an opportunity for inculcating reliance on the metropole, of patriotism and nationalism (Cohen 1995, p.11).

Britain was the 'last power to eschew the use of mercenaries,' enacting laws against foreign enlistment or recruitment of its citizens (Avant 2000, p. 62). Avant (2000, p. 64) argues that factors for this belated legislation were the effects on foreign policy - annoying other countries and dimming the prospect for allies - in addition to being perceived as 'desperate (and that) mercenaries would diminish morale among the British forces,' while any mercenaries recruited would be 'the dregs of other societies.' However, it may be inferred that states continued to seek recourse to foreign fighters or private forces when necessary but, due

to a lack of supply – in addition to concerns over increasingly complex foreign policies – were inhibited from doing so.

Jin (2008) traces the rise of international diplomacy, and increased reliance upon treaties between states, from the middle of the nineteenth century. With increased control over its territory and army, a state was empowered to negotiate with other states (Jin 2008). Prior to 1850, state use of mercenaries meant that 'governments carried no legal responsibility for their soldiers' Jin (2008, p. 15).

Contributing factors for the prohibition of mercenarism included a clearer distinction between the private and public in European states (and the USA), onset of the nation-state building enterprise, and effective revenue raising and administrative bureaucracies that enabled state capacity for bearing costs of standing armies (Tabarrok 2003; Tilly 1993, pp. 32-35; Van Creveld 1999). In addition, technological development, reformed military organisation, the introduction of steam powered engines and creation of more reliable logistical networks, including railways, facilitated changes in the conduct of war (Black 1998; Howard 1976, pp. 75-135). Military reform for European powers included a focus upon troop homogeneity, with preference for single nationality, citizen-soldiers (Black 1998; Van Creveld 1999, pp. 193-194).

The perceived decline in mercenarism during the nineteenth century is contested, for the enlistment of foreign fighters continued, but was not confined to Europe. It is argued that, due to the decline of available European manpower, states sought to reinforce their militaries by recruiting foreign fighters, indigenous men drawn from their imperial territories. The introduction of citizen armies did not fulfil military manpower requirements, despite

conscription, voluntary enlistment and impressment, and many European states such as the Netherlands, Britain and France, included indigenous troops into their imperial armies to ensure sufficient force strengths. This phenomenon is not unique to modern history, for empires inevitably secure their conquered territories and imperial peripheries through the co-opting of defeated soldiers (Yalichev 1997). Further, the subjects of conquered territories are perceived to be both military resources and threats, and European states instituted historical strategies to control their indigenous mercenary resource.

In reviewing the mechanisms by which European states addressed issues of manpower, an underlying narrative of race and class is apparent. The first preference for all European powers recruiting soldiers was that they be citizens of the hiring state. The second preference was for European men, who may still meet the requirements of 'good soldier material,' exhibiting trust, military skill and discipline, but who also were 'white.' The last preference was for indigenous recruits; issues of trust and commitment to the 'imperial cause' permeated European thoughts and conflicted with their needs for manpower. Examples of this strategy are evident in the recruitment of European men where, with no voluntary enlistment (particularly for West Africa), the states looked to convicted criminals, the unemployed and impoverished for overseas deployment (de Moor 1999, pp. 53-90). However, the need to replenish military force and maintain authority meant that colonies soon became important recruiting grounds for manpower.

*Foreign Fighters in Colonial Armies*

In the second phase of imperialism, and with increasing requirements for personnel, European militaries included indigenous soldiers in their ranks, although these troops were not immediately integrated into the colonial armies, nor were they considered as subjects by their

employers (Haron 1990, p. 291; Ukpabi 1974, p. 133). The indigenous recruits were perceived by their European employers as colonial troops in the form of mercenaries or 'loyal aliens,' for whom military employment provided regular payment, 'new opportunities and, for some, anonymity' (Haron 1990, p. 291; Parsons, cited in Stapleton 2006, p. 40). The perceived benefits of recruiting 'native armies' were that they 'were both cheaper and healthier,' with an indigenous soldier being 'one-quarter' the cost of their British counterparts, and less than half that of a French soldier (Killingray 1999a, p. 7).

The European imperial strategies towards indigenous mercenary recruitment were indicative of historical approaches by rulers to a potential resource and threat, identifiable by the modes of recruitment, military structure and management. During colonial expansion, manpower requirements became critical for all European imperial powers. The costs of maintaining colonial outposts, in personnel and expenditure, conflicted with the need to 'defend the metropole' (Davis and Huttenback 1982, p. 127; Killingray 1999a, pp. 7-8; Ukpabi 1974, p. 133). The high mortality rate among European soldiers – 'the dangers of fever in tropical stations being well known' - and their reluctance to travel to the far reaches of the Empire, was often matched by the disinclination of imperial powers, such as Britain, to 'send its best soldiers,' relying instead on deploying men who were either 'impressed or convicts' (Curtin, 1989, p. 39; Ukpabi 1975, pp. 135, 137; Zirkel 1999, p. 109, fn 3).

All European powers suffered from a lack of funds and manpower to support their imperial territories and the metropole. Between 1815 and 1910, more than 150,000 soldiers were deployed from the Netherlands to the Dutch East India Company, while over 100,000 men were sent from France to Algeria during the1840s (Curtin 1989, p. 28; Lucassen 1995, p. 22). All states found it necessary, despite reservations, to enlist indigenous recruits, the 'non-

European component' of the Dutch company eventually comprising '12,500 Europeans and 23,000 Asians by 1900' (Killingray 1999a, pp. 6-7; Kiwanuka 1970, p. 304; Lacussen 1995, p. 26). The reluctance to recruit from local populations centred upon concerns over the loyalty and commitment of indigenous recruits to the 'imperial cause,' and the potential to 'expose the weakness of imperial power' and 'undermine imperial moral authority' (de Moor 1999, p. 57; Furedi 1999, p. 182). Imperial perceptions were expressed in comments such as that by a German officer, 'With every indigenous soldier, we train a future enemy,' and the US military response to requests for a Filipino colonial army, that 'No natives could be trusted' (Linn 1999, p. 131; Zirkel 1999, p. 110, fn 11).

While preference was given to the filling of army ranks with European soldiers and volunteers from the European settler communities, indigenous men were needed to increase military strength and assist in 'pacification' of the colonies (Haron 1990, p. 279; Killingray 1999a, pp. 3, 14). The use of locally raised forces not only assisted in these 'pacification' campaigns, but also served to thwart potential 'European trespassers' and rivals (Ukpabi 1974, p. 133). Further, imperial mercenaries could be used to thwart potential rebellion in the metropole; France deployed its Senegalese troops during the 1930s as 'strikebreakers' in Marseille and Nice (Mann 2006, p. 18). Imperial powers were careful, though, to ensure that 'soldiers of a tribe against which force was used were not employed for that task,' the policy of 'divide and rule' being intrinsic to a successful 'pacification' campaign (Haron 1990, p. 278).

The shortages of manpower across the imperial reach were subject to differing perspectives by each European state. For Britain, France and the Netherlands, although indigenous soldiers were recruited for service within their home colony, the critical lack of manpower and the exigencies of ongoing conflicts resulted in their later deployment to other colonies

within their respective empires, particularly during the campaigns of the two world wars; examples include African recruits from Ghana serving in the Netherlands East Indies (now known as Indonesia), West Indian troops deployed to British West African colonies, and the French recruitment of African soldiers for service in Europe, Middle East and Indochina (see Haron 1990; Coleman and Brice 1962, pp. 276-379; Killingray 1999a; Mann 2006).

British colonial regiments were raised for deployment across the Empire, particularly in Asia (Haron 1990, p. 278). Indian troops were the 'imperial fire brigade' for Britain, being deployed from 'China to Africa;' not only were they well trained, but also cheap to maintain (Killingray 1999a; Davis and Huttenback 1982, p. 126). Similarly, regiments were raised in the West Indies for service in West Africa, while indigenous soldiers recruited in the British African colonies and initially limited to service in their home state were later sent to other imperial territories or overseas (Killingray 1999a, p. 4; Stapleton 2006, pp. 14-15; Ukpabi 1974, pp. 137-149).

Despite British concerns regarding indigenous recruitment and deployment, attitudes and military policies changed during the latter half of the nineteenth century due to the 'need for soldier material' (Haron 1990, p. 278). By the end of the nineteenth century, 'a battalion of mercenary troops' had been deployed to Malaya and Singapore, comprising 'Gurkhas, Sikhs, Punjabis, and Pathans' and 'eighty-five Arab irregulars' (Haron 1990, pp. 282-284). The 'malarious climate' of West Africa and high mortality of its European troops induced the British to raise and deploy West India Regiments for service in African colonies, where the West Indians were believed to be 'capable of withstanding the climate' and to have a 'high standard of training and performance' (Killingray 1999a, p. 7; Ukpabi 1974, pp. 135, 137-138).

In contrast to the initial British reticence in enlisting indigenous soldiers, France immediately began a recruitment campaign upon its acquisition of Senegal in 1857, facilitated by the local chiefs (Coleman and Brice 1962, p. 376; Killingray 1999b, p. 221; Mann 2006, p. 15). During the nineteenth century, African troops ('Afrique Noire') were being deployed across the French Empire, including 'the stationing of a permanent garrison in France,' much to the disdain of the British (Furedi 1999, p. 181; Coleman and Brice 1962, p. 376). From 1900 to 1960, France included in its military ranks more than 750,000 soldiers recruited from its West African colonies for service throughout its Empire, fighting in both world wars, as well as the 'liberation wars' of Algeria and Indochina (Killingray 1999a, p. 4; Coleman and Brice 1962 , p. 376; Mann 2006, pp. 20-23). The majority of these recruits were conscripts, with nearly half a million being enlisted in the years between the First and Second World War (Killingray 1999a, p. 11; Mann 2006, pp. 17-18). The primary aim of French military policy was to 'defend the metropole against rival European states, particularly Germany' (Killingray 1999a, p. 4).

For the Netherlands, recruitment of forces to secure its newly regained colonies in the East Indies in 1814 was easily achieved, and the initial target of 10,000 recruits was met by the 'large scale demobilisation' following the end of the Napoleonic Wars of 'tens of thousands of European soldiers' (de Moor 1999, p. 56). However, by 1830, manpower resources were depleted and efforts to obtain European men were unsatisfactory, with recruited soldiers comprising 'foreign deserters, convicted military men from Dutch jails, the unemployed and impoverished' (de Moor 1999, p. 58).

The Dutch recruitment campaign instead turned to Africa and the USA, while simultaneously enlisting men from selected communities in its Netherlands East Indies colony, raising what was intended to be 'a second rank reserve force' (de Moor 1999, p. 58). With the critical shortage of manpower, the colonial army remained small, unable to initiate or sustain expansion (de Moor 1999, p. 59). Although distrustful of the Javanese, the indigenous soldiers represented half of the Dutch army's complement, while 'Christian converts' from the Celebes, Ambon and Sumatra were also recruited (de Moor 1999, p. 59; Haron 1990, p. 276; Keay 1997, pp. 26-29). By the end of the nineteenth century, recruitment of indigenous soldiers across the Netherlands East Indies had gained momentum, although subject to continual surveillance by their European officers, who harboured continuing doubts over the loyalty and commitment of their troops (de Moor 1999, p. 59).

In contrast to the major imperial powers, German colonies were too small and unprofitable to sustain the expense of a regular colonial army. Instead, protectorate troops or 'Schutztruppen' were established in South West Africa, East Africa and the Cameroons in the 1890s, comprising 'army volunteers' and a 'levy of indigenous soldiers,' the latter being called up only for short periods, and whose numbers varied according to need (Zirkel 1999, p. 91). With insufficient military force, indigenous rebellion erupted often in the first decade of the twentieth century and the colonial administration relied upon reinforcements from Germany and, under duress, the recruitment of African mercenaries (Zirkel 1999, pp. 101-102). Similarly, the lack of military manpower forced Italy to also aspire to a 'black army,' composed of indigenous troops, not only for the defence of its African colonies, but in Europe, too (Killingray 1999a, p. 5). The Italian assault upon Ethiopia in 1896 included soldiers from other African colonies under Italian rule, while the Portuguese deployed

indigenous troops from its colony of Angola to Mozambique in the 1880s (Kiernan 1957, p. 27).

*Risk Managing the Imperial Mercenaries*

Colonial armies were to remain the 'privileged reserve of the Europeans' (de Moor 1999, p. 58). Common strategies among the European powers in risk managing their imperial mercenaries was the separation of indigenous units in the colonial army, according to a lingua franca, and division between the various ethnic, religious and tribal groups (see de Moor 1999, p. 55; Haron 1990, pp. 279-281; Kiernan 1957; Killingray 1999a, 1999b; Zirkel 1999). It was only during the latter phases of imperialism that full integration of indigenous units into colonial armies occurred (de Moor 1999; Killingray 1999a, 1999b; Haron 1990; Linn 1999, p. 118). All colonial armies were commanded by European ('white') officers, with limited promotion to officer ranks for indigenous recruits (Killingray 1999a, p. 16, pp. 16-17; 1986, p. 430). Non-commissioned indigenous officers were subordinates, with no powers of responsibility or command (Haron 1990, pp. 279-280; Killingray 1999b, p. 222; Ukpabi 1974, p. 137, fn 9).

There were disparities between the European imperial powers in methods for raising indigenous units, but dissemination on strategies did occur; for example, the British advocated the use of African soldiers to Dutch colonial administrators in Indonesia, not only to offset manpower needs, but referring to the virtues of Africans as 'not only good soldiers,' but 'a safe policy for colonial security' (de Moor 1999, p. 57). The aim of the policy was twofold: firstly, to 'replace expensive Europeans and unreliable Indonesians' with 'cheap and loyal Africans;' secondly, it was anticipated that African soldiers would produce a generational supply of military men (de Moor 1999, p. 57). The 'safe policy' was to ensure distance

between indigenous communities and the soldiers serving in colonial armies and, to this end, the Dutch recruited Timorese and Ambonese soldiers for deployment to Java, while 'Italians recruited Eritreans for service in the Horn of Africa and Libya' (Haron 1990, pp. 278, 280; Killingray 1999a, pp. 14-15). Similarly, the US recruited Christians for its Philippine Constabulary, especially for the 'pacification of Moslem territories and suppression of local guerrillas' (Coats, cited in Haron 1990, p. 276).

The initial recruitment of indigenous soldiers included the 'purchase of slaves' and 'recaptives,' 'freed slaves' and 'men seeking refuge or anonymity' (Killingray 1999a, p 14; Killingray 199b, p. 222; Mann 2006, p. 17). Forcible enlistment also occurred, through demands for indigenous chiefs to provide young men for military service with the colonial army (Mann 2006, pp. 16-17; Stapleton 2006, p. 41; on forced labour, see Kiwanuka 1970, p. 299). During the 1830s, for example, the Dutch demanded each Javanese regent provide 5000 soldiers for military service (de Moor 1999, p. 58). European states particularly focused upon the concept of 'martial races' in their recruitment campaigns, although this appeared to derive more from perceptions of loyalty, religious affiliation and community isolation (Killingray 1999a, pp. 14-15; Killingray 1999b, p. 222; de Moor 1999, pp. 59, 62; Mann 2006, p. 16; Stapleton 2006, p. 22; Tatla 1995, p. 69).

Community isolation was particularly valued, with many indigenous soldiers being recruited from 'regions on the periphery of the colony' or that 'straddled international boundaries,' even drawn from rival 'neighbouring European colonies' (Killingray 1999b, p. 222). The British colonial army included soldiers from the Pathan tribe in northern India and Gurkhas from Nepal, while indigenous soldiers hired by the German Schutztruppen army were 'Shangaan from Mozambique' and 'Sudanese from Cairo' (Killingray 1999a, pp. 14-15). In

1899, the USA raised an 'irregular force known as "Batson's Scouts,"' in the Philippines region of Pampanga, 'originally a recruiting ground for mercenaries' by the Spaniards (Linn 1999, p. 118).

The European powers encouraged voluntary enlistment, with publicity campaigns emphasising the attractions of military life (Killingray 1999b, p. 222). Inducements included enlistment premiums, payments to community elders or chiefs, free travel on leave, compensation for injuries, retirement pensions and increases in pay (de Moor 1999, pp. 58-60; Killingray 1999a, pp. 15-16). 'Recruitment parties' were promoted by the Dutch, with Javanese non-commissioned officers visiting selected communities (de Moor 1999, pp. 58-60). Despite these campaigns, recruitment levels were frequently unsuccessful, and the limited response prompted attempts to recruit Japanese soldiers following the reopening of Japan in 1866, overtures which were rejected by the Japanese government (de Moor 1999, p. 66).

European states were desperate to fill their armies, not only to maintain security at home, but to gain or retain colonial territories. Indigenous soldiers in European colonies did not meet the criteria of subjects, but instead were viewed as aliens or foreigners. State strategies to maintain control included raising levies, commanded by European officers (Coleman and Brice 1962, p. 374). To offset risks of mutiny or desertion, foreign fighters were deployed to places far away from their native regions. The threat to the state from this military resource was mitigated by the historical tactics of enforced exile.

For indigenous soldiers, recruitment into colonial armies occurred through forced and voluntary recruitment, with the enticement of economic, if not political, opportunities

(Stapleton 2006, p. 14). This was exacerbated by disruptions to traditional culture and livelihood, where European colonial practices reduced opportunities for their indigenous subjects to continue traditional cultural, economic and political processes; regions retaining 'pre-colonial economic structures' tended to produce few recruits (Parsons, cited in Stapleton 2006, p. 40). For European states, the need to supplement their armies and maintain security commitments resulted in the recruitment of indigenous soldiers from their colonies, a strategy perceived to be fraught with risk (Haron 1990, p. 276).

*Mercenaries By Another Name: Foreign Legions*

Formal units of foreign fighters were integrated into European armies, and maintained as separate legions of standing armies. Three states integrated foreign legions into their militaries: France, Britain and Spain. The recruits that filled the legions were drawn from peripheries of states (for example, Gurkhas) or were political exiles, adventurers, or escaping from the past (for example, French Legionnaires).

For the respective employing states, foreign legions served a variety of purposes: a strategy for the legitimate and overt recruitment of foreign fighters by modern states; a reserve force multiplier when military manpower resources were low; control that could be effected through the state, where the potential threat from such military prowess could be mitigated by the state's national standing army; and in addition, the legion provided the state with an alternative security option if facing internal military rebellion. All legions had their origins during the second phase of imperialism, during European global expansion and the onset of critical shortages in military manpower.

The French Foreign Legion was created in 1831, comprising foreign soldiers and French officers. Integrated within French army, its primary role was during the secondary phase of imperialism. The Legion considered Algeria as its 'birthplace,' and the loss of this French colony caused some dissension. From the start of the nineteenth century, Britain recruited Ghurkha soldiers from Nepal. In 1815, the British East India Company 'recruited four irregular corps of Nepalese troops,' totalling five thousand men, 'to take part in the invasion of their own country' (Seddon 1995, p. 367). Assisting with the suppression of the Indian Mutiny, Gurkha recruitment 'became an established tradition' with over 50,000 soldiers at the onset of the First World War (Seddon 1995, p. 367). Integrated into British Army; also has a regiment that integrated into Indian Army following 1947 independence. The Spanish Foreign Legion was created in 1920 with the intent of replicating the French Foreign Legion. Despite its name, the Legion comprised few foreigners, mostly Cuban.

In addition to recruitment of indigenous forces from their colonies, the mercenary industry in European states continued. Despite scholarly claims that mercenarism had declined, empirical evidence demonstrates a continuation of the activity. Mercenarism presented states with opportunities to pursue dual foreign policy objectives, through formal compliance with interstate alliances and conventions, while monitoring potential opportunities should a mercenary endeavour succeed.

### *Testing the State: Controlling Foreign Fighters*

European states demonstrated no aversion to the recruitment of foreign fighters, instead turning to the employment of indigenous colonial subjects. Despite efforts to retain or conserve their own citizen-soldiers, European and North American states often professed ignorance of their own citizens' enlistment in overseas armies, or of foreign recruitment

within their territories, particularly where official foreign policy was at odds with domestic political sentiment.

Before 1945, mercenary enterprise was organised, facilitated or ignored by European and North American states.  At times, the blatant activities of mercenary organisers and recruits instigated diplomatic incidents or criminal investigations.   The following are examples of state responses in the nineteenth and early twentieth centuries, demonstrative of a reluctance to acknowledge, investigate or disrupt mercenary recruitment and organisation, often because states, or state regimes, were themselves supporting or organising such activities.   These recruitment drives also reflected domestic risk mitigation strategies, to offset discontent from post-war mass demobilisation, the effects of famine, overpopulation and, during the Spanish Civil War, of the Great Depression.

*The Spanish American Wars of Independence (1808-1850)*

The wars of independence were fought between Spanish loyalist forces and revolutionary armies, the latter being intent on independence from Spain and self-rule (Bakewell 2004, pp. 387-396; Centeno 1997, pp. 1570-1575). All loyalist and revolutionary armies included mercenaries.  Over 'two thousand German and Irish mercenaries' were recruited by Emperor Pedro I in 1828 to regain the territory of modern Uruguay for Brazil, while revolutionary leaders recruited several thousand soldiers from European states, especially Britain and Ireland (Brown 2006; Hasbrouck 1969; Holloway 1989, pp. 647-648).

Although Britain professed neutrality during the wars, its reluctance to deter recruitment of British military personnel and civilians, together with aspirations for commercial links with the Spanish American colonies, were at odds with its professed commitment to maintaining a

fragile European alliance, in which Spain was a key actor and ally (Waddell 1987, p. 1; Gough 1990, pp. 263-264). Britain 'refused requests from the revolutionary regimes in South America to recognise their independence' or to provide military assistance against Spain (Waddell 1987, p. 1). However, British public opinion was antagonistic towards Spain, a factor conceded by the Spanish during their protests to the British government. Spanish emissaries considered Britain to be undertaking limited measures in suppressing support for the rebels, particularly the provision of military materiel and facilitation of recruitment (Waddell 1987).

For the British government, the recruitment of former military personnel also represented the removal of potential threats to its authority. At the end of the Napoleonic Wars in 1815, Britain had large numbers of demobilised and unemployed former soldiers, a dwindling economy, limited overseas markets that were constrained by European conflicts, and had had to counter rebellion against its rule in Ireland (Brown 2006, p. 15). Systematic recruitment began in London in 1817, undertaken by a Venezuelan agent on behalf of Simon Bolivar, for campaigns in 'Gran Colombia' (known today as Colombia, Venezuela and Ecuador) (Waddell 1987, p. 2). Six British army officers were appointed as colonels and began recruiting their own regiments of officers and sergeants (Waddell 1987, p. 2). Nearly half the seven thousand recruits were Irish, including at least 150 women and children (Bartlett and Jeffrey 2006, p. 352; Brown 2006, pp. ix, 19, 27, 40; Waddell 1987, p. 2). Other nationalities comprised British (English, Scottish and Welsh), French, German, Spanish, North American, Italian and Dutch recruits (Brown 2006, p. 40). The soldiers were divided into foreign legions reflecting their national origins, being British, Irish, Scottish and Hanoverian (Brown 2006).

While 'orthodox historiography' has presumed that the recruits were experienced soldiers, Brown notes that 33 per cent of the recruits were current or former military personnel, with the remainder comprising artisans and 'adventurers' aspiring to a better life (Brown 2006, pp. 22-38). 'Colonisation schemes' for Spanish America were suspected of being 'smokescreens to escape the 1819 *Foreign Enlistment Act*,' although Brown contends that 'a wealth of evidence' existed to 'substantiate the claim that emigration… was an integral part of the expeditions from the beginning'(Brown 2006, p. 19).

In response to repeated concerns by the Spanish on military recruitment, the British delayed the drafting and passing of legislation to control foreign enlistment. The potential for legal proceedings to expose the ambiguity of British foreign policy was a key factor in the delay, where Britain's recognition of the insurgents was 'informal and undefined,' and would highlight its breach of neutrality (Waddell 1987). Although eventually passing legislation against foreign enlistment for the Peninsular Wars, Britain's dilatory responses in prohibiting recruitment between 1817 and 1819 later became the subject for concern by Latin American independent states during the 1840s, with ongoing inter-state conflict (Haskins 1947; Waddell 1987).

During the 1840s, mercenary recruitment on behalf of Ecuador began in Spain, Britain and Ireland, initiated to support the reinstatement of former leader General Flores, who had Spanish support. In Britain, the recruitment campaign was organised by Colonel Richard Wright, a former mercenary with Bolivar and, in Ireland, Sir William Ogilvie, an English baronet (Aken 1989, pp. 104, 217; Haskins 1947, p. 473). Enlistment details were contained in newspaper advertisements, 'under the guise of emigration' (Haskins 1947, p. 473, fn 23). Military personnel were encouraged to enlist, with inducements including 'immediate

advancement in rank' (Haskins 1947, p. 473, fn 26). Recruits are estimated to have included nearly six thousand Spaniards and two thousand from Britain and Ireland (Aken 1989, p. 217). Of the latter, most were 'paupers released from London boroughs,' while many Irish recruits were attracted by opportunities to escape the Famine (Haskins 1947, p. 475).

In December 1846, entreaties by South American states to European powers, Britain and the USA, eventually resulted in the withdrawal of support for the expedition and the arrest of Wright and other recruitment agents on charges of misdemeanour (Haskins 1947, p. 490). Trial testimony indicated Britain's Prime Minister Palmerston was 'well acquainted with all the details of the project and had suggested the idea of using a British flag' for the ships carrying armaments (Haskins 1947, p. 491). The demise of the expedition and withdrawal of European support was initiated by Palmerston, reportedly upon his realisation that Britain's 'commercial stake would be more harmed than benefited' (Haskins 1947, p. 489).

*The Jameson Raid (1895)*

The Jameson Raid is named after its primary protagonist, Sir Leander Starr Jameson, the Administrator-General of Matabeleland (Dunning 1896, pp. 381-383). In December 1895, Jameson led a private army, comprising 500 men that included officers from the British imperial police, in an assault upon the Boer-governed Transvaal province in southern Africa (Dunning 1896). Jameson's army was stopped a short distance from Johannesburg and surrendered to the Boer military, where he was captured and repatriated to Britain, to stand trial on charges under the *Foreign Enlistment Act of 1870* (Wurts 1896).

Other protagonists named in the Jameson Raid were Joseph Chamberlain, Britain's Secretary of  State of the Colonial Office, and Cecil Rhodes, managing director of the British South

Africa Chartered Company and Prime Minister of Cape Colony (Winkler 1949). Jameson's recruitment campaign was undertaken on behalf of Rhodes, who was also charged under the *Foreign Enlistment Act*. Rhodes was keen to acquire the disputed Transvaal territory on behalf of the British government, an area thought to be rich in diamonds. Just prior to the Raid, and ostensibly to protect the region's railway network, Rhodes' company had been ceded territory by the British Colonial Office, an area bordering the Transvaal known as the Pitsani Strip. However, the Pitsani Strip was also the site where Jameson's army gathered in preparation for the assault. Reports of 'secret telegrams' between Joseph Chamberlain, Rhodes and his Company's London offices, were alluded to in the press, believed to be evidence of Colonial Office influence in the attempted Raid, and that Chamberlain's authorisation of the Pitsani Strip transfer to Rhodes' Company had occurred to facilitate the assault.

The short trial in 1897 resulted in the conviction of Jameson as a 'first-class misdemeanant,' receiving a sentence of 15 months imprisonment, although he was released early due to illness. Rhodes' solicitor refused to produce the 'secret telegrams.' Later reviews of the trial noted that the prosecution made no demands upon Rhodes to produce the telegrams or other documents, witnesses in the trial had been 'encouraged to withhold evidence,' and that the case ended before 'important witnesses from the Colonial and Foreign Offices could testify' (Winkler 1949). A Select Committee hearing into Chamberlain's involvement absolved him of any responsibility, although he reportedly mentioned, just prior to the proceedings began, that 'I did not want to know too much' (Winkler 1949, p. 848).

A number of documents 'missing' from the Committee hearings were later referred to in a biography of Chamberlain's life, indicating 'a strong probability that Chamberlain was aware

(of the Raid and) was sympathetic, to the point of encouraging and fostering it' Winkler 1949). Supporting Chamberlain, British Prime Minister Salisbury warned Rhodes prior to the trial that, if the 'secret telegrams' were revealed, the British South Africa Company's charter would be revoked; a warning that was subsequently complied with by Rhodes (Winkler 1949). The Boer government later received 'compensation' from the Company, while Jameson was 'lionized by the press and London society' (Winkler 1949) Not all soldiers recruited by Jameson were similarly treated; Cecil Rhodes' brother (Colonel Frank Rhodes) and other leaders were jailed in the Transvaal for fifteen years for 'high treason,' while a 'trooper' sued unsuccessfully for compensation, claiming that 'recruitment for the Raid had exposed him to potential criminal offences' (Harvard Law Review 1899, pp. 215-216).

Sir Graham Bower, secretary to Britain's High Commissioner in South Africa at the time, later referred to having 'serving his country (as a) scapegoat,' being found 'guilty of complicity' in the Raid by the Select Committee. Bower referred to his silence during the Committee hearings as necessary to ensure that 'peace in Europe' was not endangered and, following entreaties from Rhodes, had promised not to repeat private conversations. Describing Chamberlain as 'brazenly lying to parliament,' Bower also referred to forged documents that were made public (Schreuder and Butler 2002).

*American Mercenaries in Central America (1850-1920)*

Between 1850 and 1930, American mercenaries and soldiers of fortune were active in Central American states, securing the investments of entrepreneurs based in the US and Europe. During the first era of the 1850s, a private army led by William Walker, in an alliance with aspiring Nicaraguan leaders, gained land which attracted investment from 'hundreds of southern slave-owners' (Langley and Schoonover 1995, p. 6). Walker and his army was

eventually 'driven out' of Central America, only to return in 1860 having 'launched another invasion' of the region (Langley and Schoonover 1995, p. 6). Between 1900 and 1930, American mercenaries were being recruited in New Orleans on behalf of US entrepreneurs, to secure investments in banana production, as well as enlisting with aspiring rebel leaders or regimes in Nicaragua, Guatemala and Honduras (Langley and Schoonover 1995, pp. 31-166). US response to recruitment and military activity was muted; one mercenary was appointed a 'Special Agent of the State Department' for a short time, while simultaneously being employed as a police chief in Guatemala (Langley and Schoonover 1995, p. 156).

*American Legion in Canadian Expeditionary Force (1916)*

In 1916, Canada's Minister of Militia and Defence, Sam Hughes, initiated attempts to recruit five battalions of Americans citizens into the Canadian military to support Britain in the First World War (Haycock 1979, p. 115). Hughes proposed to 'lure 60,000 US citizens into Canada,' although such recruitment 'contravened the *1818 US Foreign Enlistment Act* and the British Army Act' (Haycock 1979, p. 116). The attempted recruitment conflicted with the US government's neutrality policy in force at that time, which prohibited its citizens from participating in the war (Haycock 1979, p. 116). While Britain 'needed the manpower' and did not wish to dissuade the Canadian proposition, Hughes was advised that no inducements should be offered and Anglo-American relations were not to be aggravated through any Canadian initiative (Haycock 1979, p. 116).

Hughes funded a recruitment drive in the USA as well as in Canada, with potential American recruits travelling to Canada, accompanied by an 'enlisted man in mufti from the Legion' (Haycock 1979, p. 116). Canadian immigration officials were advised to 'relax substantially the entrance requirements' for the potential recruits, whose enlistment was disguised by firstly

being admitted to the 'Canadian militia units… and then transferring to the Legion (Haycock 1979, p. 116).  The battalion included 'a number of former mercenaries, anxious for action,' including a former general in the Mexican Revolution (Haycock 1979, p. 116).

By March 1916, 1600 men had enlisted, in response to advertisements in US newspapers (Haycock 1979, p. 117).  The recruitment efforts continued despite the US affirmation of neutrality, and its representations to the British government protesting about Canadian efforts (Haycock 1979, p. 117). The Canadian Minister's efforts became increasingly embarrassing to the British government, straining its relationship with the USA, and representations to cease the operation were made directly to the Canadian Prime Minister, Sir Robert Borden, in April 1916.  Borden is believed to have had little, if any, knowledge of the Canadian enlistment scheme of US citizens (Haycock 1979, p. 117-118). The Legion was eventually integrated into two Canadian Expeditionary Force units, and set sail for England in September 1916, with no identifying insignia (Haycock 1979, p. 118). Upon arrival in England, the US recruits were then 'broken up into drafts' into other Canadian units (Haycock 1979, p. 118).

The 'major attraction of the Legion for US citizens was the opportunity to fight Germany,' in spite of their government's avowal of neutrality, although by the time the legionnaires participated in the war, the US had itself declared war on Germany (Haycock 1979, p. 118). Notably, Britain also engaged in similar campaigns, with recruitment drives among its Americans residents, although two British agents were arrested in the USA for organising the enlistment of American citizens (Haycock 1979, p. 117).

*The Spanish Civil War (1936 to 1939)*

The Spanish Civil War was a 'little world war' where 'practically every European nationality was represented,' the majority being 'French, Italian and German' (Richardson 1976, pp. 9-11; Wilcox 1938, p. 244). The belligerents fought for either the communist regime or fascist rebels led by General Franco (Wilcox 1938, p. 244). Between 1936 and 1939, over two thousand citizens left Britain to fight on behalf of the communist-supported Second Spanish Republic (Alexander 1982).

Despite British government concerns regarding its citizens' support for communism, applications to invoke the Foreign Enlistment Act 1870 were slow, taking nearly eighteen months to elicit a response, ultimately deemed to be ineffectual (Mackenzie 1999, pp. 52-66; Wilcox 1938, pp. 244-245). Government opinion was divided on the applicability of the Act, interpreted to require that Britain not only formally acknowledge neutrality and to be 'at peace' with both protagonists in the war, but that 'each contender be a de facto foreign state;' in the latter case, Franco's 'insurgent regime' had not been formally recognised by Britain, so rendering the Act inapplicable (see Mackenzie 1999, p. 55; Padelford 1937, p. 235, fn 50, 51). Further, the production of evidence in court was deemed to be problematic, requiring self-incrimination of witnesses, and the exposure of informants and intelligence to support the Crown case (Mackenzie 1999, p. 60). Ultimately, no charges were laid (Mackenzie 1999, p. 63).

British security agencies identified arrangements for the recruitment and vetting of volunteers by members of the Communist Party of Great Britain at its London headquarters; transportation for groups of selected recruits to France and then Spain; and contingency measures to offset the increased efforts of British government authorities (Mackenzie 1999,

pp. 56-59). Recruits were primarily from impoverished industrial areas of Britain, and former 'Royal Navy ratings' were also identified as 'serving in the International Brigades' (Mackenzie 1999, pp. 56-58). The limitations in applying the Foreign Enlistment Act resulted in Special Branch officers approaching recruits en route to Spain, who were subjected to intensive questioning and warnings (Mackenzie 1999, pp. 62-63).

Britain's reluctance to prosecute suspected offenders, and its disinclination to rectify or amend perceived shortcomings of the legislation reflected foreign policy goals that, although appearing to strive for stability in Western Europe, also sought to prevent aid reaching the communists, while 'cooperating with dictatorships supporting Franco's regime' (Buchanan 1997, pp. 37-62; Mackenzie 1999, pp. 52-53). The dual nature of this foreign policy was highlighted in a previous readiness, not only to intervene in the 1834 to 1835 Spanish Civil War, but 'to permit British subjects to enlist in Spanish service by a special Order-in-Council' that would 'expressly suspend' legislation prohibiting foreign enlistment (Padelford 1937, p. 235, fn 50).

In Europe, the French government initiated legislation to prohibit the recruitment and travel of its nationals for fighting on behalf of a foreign army, although its powers were regarded as being 'practically useless and (not applying) to insurrections' (Padelford 1937, p. 235, fn 51). In 1937, the Non-Intervention Agreement between the Great Powers (Germany, France, Italy and Britain) and other states included an additional prohibition on the recruitment, travel and involvement of their respective citizens in the Spanish conflict (Wilcox 1938, pp. 245-246). However, the institution of border security controls on air, land and sea were problematic, with allegations of non-compliance against Portugal, allegedly providing bases for the transfer of arms and recruits, and maritime control being undermined by Spanish-flagged ships, in

addition to allegations of piracy by vessels of 'unknown nationality' (Wilcox 1938, pp. 244-252).

Similarly, several thousand volunteers travelled from the United States to 'serve in the Abraham Lincoln Battalion of the International Brigade,' the volunteers including '3000 American leftists' (Layeb 1989, p. 294, fn 127). Although enlistment was not supported by the US government, and despite 'passport irregularities,' no arrests were undertaken, nor were there 'serious attempts to stop the exodus' (Layeb 1989, p. 294).   The US government's approach appeared to be as equivocal as Great Britain, in having 'done nothing to prevent United States citizens fighting on the Fascist side' (Layeb 1989, p. 295).   However, unlike Great Britain, the US Congress passed new legislation in November 1939, which 'reaffirmed the prohibition against leaving the United States to enlist in foreign armed services' (Layeb 1989, p. 294).

*Risk Managing the Mercenary Soldier at Home: European and American Responses*

The capacity for European and North American states to manage potential mercenary recruits was determined by increasingly sensitive diplomatic, political and commercial demands, as well as domestic concerns.   Historical records indicate that European states, Britain in particular, considered mercenary enterprise as an opportunity to relieve the pressures of over-population and civil unrest. Extraditing a threat to domestic stability -  from demobilised men with military skills, the impoverished or those suffering the impact of famine in Ireland – were represented by opportunities for soldiering in the Spanish American wars or the Spanish Civil War (Brown 2006; Waddell 1987). During the nineteenth century, emigration appears to have also been a constant euphemism for mercenary activity.

Where mercenary enterprise became overt and impossible to ignore, states such as Britain resorted to legal proceedings against the perpetrators. However, these were risky approaches, particularly when statesmen had facilitated or supported an insurgency, such as the Jameson Raid, or approved vessels to fly the national flag while transporting mercenaries to Ecuador. The approaches of British and American security agents to volunteers for the Spanish Civil War presages a state approach of less overt measures to control mercenary recruits, strategies that relied upon border controls, such as the denial of passports, or personal warnings, rather than criminal charges.

The onset of both world wars gave states greater capacity to employ foreign fighters, with less consideration for the sensitivities of foreign policy. However, these sensitivities did remain, particularly if recruitment was occurring within neutral states. Similarly, the need for manpower and deployment of indigenous imperial troops was perceived to be a potentially risky activity for colonial security.

*World War 1 (1914 to 1919)*

At the onset of the Great War, recruitment campaigns of indigenous men in European colonies became more urgent. For Britain, by 1915, 'reliable manpower had become scarce,' and indigenous recruits from all colonies were being sought (Haron 1990, p. 290). During the First World War, India contributed nearly one million troops (Killingray 1999a, p. 4). By 1918, with 'acute manpower shortages,' Britain deployed African soldiers to the Middle East and Europe (Killingray 1999a, p. 11). Although commanded by European officers, the First World War conflict fought in East Africa was dependent upon 'the participation of numerous and often anonymous "black" soldiers' (Stapleton 2006, p. 8).

In 1912, France had plans to recruit a 'large Afrique Noire' in West Africa, to compensate for its 'demographic weakness against Germany' (Killingray 1999a, p. 10; Killingray 1999b, p. 221). France introduced conscription in its West African colonies, with the aim of 'releasing French troops for service in a European war;' instead, by 1915, 'over one hundred thousand tirailleurs senegalais' were fighting on the Western Front in Europe, alongside troops from North Africa (Haron 1990, p. 275; Killingray 1999a, p. 4; Mann 2006, pp.16-17). By 1918, over 215,000 French colonial troops from Africa, Madagascar and Indochina had served in France (Coleman and Brice 1962, p. 376; Mann 2006, p. 17).

*World War 2 (1939 to 1945)*

During World War Two, all belligerents integrated foreign fighters into their armies. Indigenous soldiers were recruited and deployed by imperial powers, even more extensively than during the Great War (Furedi 1999, p. 181; de Moor 1999, p. 66). Britain sent nearly 500,000 of its African recruits to operations in North Africa, the Middle East, and Italy, and in 1943, to Burma, fighting the Japanese (Furedi 1999, p. 181; Killingray 1999a, p. 11; Killingray 1999b, p. 221). Similarly, France had conscripted over 300,000 African soldiers to fight on its behalf (Coleman and Brice 1962, p. 276; Killingray 1999a, p. 10). In 1940, the French army included 80,000 African soldiers, with recruits to 'de Gaulle's Free French Army' being 'Africans stationed in Chad,' although Mann (2006, p. 18) reports 75,000 West African soldiers 'were either in France or on their way there' (Killingray 1999a, p. 11). Africa represented a major recruiting ground that enabled France to 'rebuild its armies and reacquire its sovereignty' (Killingray 1999a, p. 11).

By 1942, Britain had abandoned voluntary enlistment and, instead, introduced 'informal conscription' in its African colonies to increase military strength (Furedi 1999, p. 181). For

the colonial administrators, the deployment of African troops overseas was an 'unexpected and unwelcome development;' although concerns were framed in terms of 'economic issues,' issues of control, loyalty and a changed perception of 'white prestige' permeated the anticipated repatriation and demobilisation of the indigenous troops (Furedi 1999, pp. 184, 187). The 'silent discourse' (or unarticulated apprehension) anticipated that indigenous troops 'trained in the art of war could not be trusted' (Furedi 1999, p. 182).

During the early years of the war, 73,000 foreigners living in France joined the Foreign Legion, comprising 28,000 Spaniards and enough men to form three Syrian regiments alone (Vagts, 1947). Other nationalities included Italian, Polish, Czechoslovakian, Germans and Austrians.  The Red Army of Russian included citizens from its satellite states of Latvia, Czechoslovakia, Poland, Yugoslavia, as well as French, Germans and Koreans.

The German Luftwaffe included Poles, Czechs and English men, while the Wehrmacht also comprised Greeks, Armenians, and citizens of Italy, Finland, Romania, Hungary, Bulgaria, Spain, Slovakia and Croatia, Estonia and Turkey.  The German offensive also included the Blue Division, of 47,000 Spanish fighters, provided by Spain between 1941 and 1943 (Kleinfeld and Tambs 1979).

At the end of the Second World War, United States plans to employ over 34,000 Poles and a thousand Yugoslavs to 'guard aircraft installations and stores on German soil' was met with a 'rhetorical barrage' from the Soviet government that eventually led to the US State Department advocating a retreat from the proposed use of 'foreign mercenaries' (Vagts 1947).

### *State Control: The Value of Mercenary Soldiers*

Mercenary soldiers have been a constant security resource. While Thomson (1996, 1990) and others argue that mercenarism declined during the nineteenth century due to reduced state demand and the emergence of citizen-soldier armies, empirical evidence does not sustain their hypotheses. Contrary to the belief that state demand was not high during the nineteenth century, historical records indicate that all European militaries were seeking soldiers, the search becoming more intense as their empires and security requirements, both at home and abroad, grew.

European militaries suffered from a critical shortage of manpower during their global expansion. Rowe Bearce and McDonald (2002, p. 554) note that the 'dramatic expansion of trade' during the nineteenth century did not 'operate directly upon governments or their militaries,' but instead was an indirect process that affected 'a country's economic, social and political life.' The reduced supply of potential military recruits and mercenary soldiers occurred through the diversion of European men into more highly paid civilian work created by the Industrial Revolution, and opportunities offered by migration to the colonies. Further, the creation of standing armies in European source states reduced the available supply of men, diverting potential mercenaries into a formal, state-controlled structure. European states needed to conserve the manpower within their borders, through strategies that included conscription and prohibition on foreign enlistment.

However, European powers were not adverse to the recruitment of foreign soldiers and created mechanisms to accommodate this resource, as demand for military manpower was high. European armies were supplemented with formal foreign legions and mercenaries from their colonies, indigenous colonial subjects, a risky resource that needed careful control.

Strategies to risk manage this resource included separation of foreign legions from the standing army, maintenance of hierarchy with European officers, and deployment away from their communities of origin. As the exigencies of imperial security grew, indigenous soldiers were deployed to other continents, and incorporated into allied forces in the two world wars. At all times, concerns over the commitment, loyalty and trust of these imperial soldiers guided European management strategies.

In addition to these foreign legions was the continuation of a specifically European and North American mercenary enterprise, an industry that was facilitated, tacitly acknowledged or ignored by states. States adopted various strategies to control these soldiers, including legal proceedings, diplomatic entreaties, the imposition of travel controls or informal tactics. Legal proceedings were fraught with risk; the potential embarrassment for the British government should 'secret telegrams' be disclosed during the Jameson Raid trial led to suppression of evidence and testimony, and warnings to key actors. The effect of diplomatic discussions between states varied, with Spain's entreaties to Britain having little effect on British prohibitions on volunteers for the Spanish Civil War. Conversely, at the start of the Great War, Canadian efforts to raise an American legion on Britain's behalf had approval from the British, although concerns were raised over its potential to jeopardise Anglo-American relations.

The imposition of travel controls and informal approaches by security agents to individual volunteers preparing to leave Britain for the Spanish Civil War indicated a preference for less overt risk management measures. In this context, state support for mercenary activities was increasingly becoming contingent upon foreign policy objectives, where security and commercial advantage needed to be balanced with 'membership and status in the European

state system' and interstate relationships (Abernethy 2000, pp. 377-378). Formal international relationships were understood through the creation of European nation-states, an army of citizen soldiers, and an emerging liberal democratic ethos. Within this paradigm, mercenaries were characterised as an aberration of the nation-state, where professional citizen armies were the norm. The norm used in the scholarly, political and public discourses is, however, predicated on European military history and creation of the European nation-state.

Historical phases that have facilitated mercenary enterprise include their use in communities, realms or states where there was either no formal security structure that controlled violence, or reluctance by its citizens to perform military duty, instead preferring commercial endeavours. Where empires encompassed large territories and alien communities, so, too, were mercenaries recruited to enhance or intercede as security forces. As nation-states became the predominant political actors, and as their interactions became codified in law and international diplomacy, the state-building enterprise included the institutionalisation of standing armies. In turn, the creation of standing armies diverted men into formal state structures and, in so doing, depleted the potential supply of mercenary manpower. However, this strategy never achieved total prohibition on mercenarism, and nor was it intended to.

European state formation was concurrent to the building of empires and a changing security environment, the latter epitomised by a continuous demand for military manpower (Abernethy 2002, pp. 375-376). A prohibition on foreign enlistment or recruitment was offset by state self-interest, and the need to increase or retain commercial and political advantage, and to sustain security frameworks. To this end, states sought alternative, informal, mechanisms to recruit and control foreign fighters. Foreign fighters represented an unofficial

security capability that could extend state power, an unofficial policy which also required informal but effective measures of control.

The argument presented in this chapter is that mercenaries are neither aberrations to an international norm nor unique, their characteristics and motives being similar to other foreign fighters throughout history. The difference is, as de St Jorre (1967, p. 20) noted, the circumstances in which they operate. The following chapter considers the operational environment for mercenaries in the post-1945 era, where decolonisation and the rise of nationalist and independence movements drove an unprecedented growth in new states. Many of these nascent states came into being during the Cold War, where the conflict between communism and democracy instigated extra-ordinary support from strong states to weak states. Despite extra-ordinary financial and military support, weak states evolved with differing political systems, creating significantly different security needs than those of European and North American states.

The following chapter explores the circumstances of state formation that have produced both strong and weak states. After 1945, particular state characteristics and divergent political systems shaped the operational environment for mercenary soldiers. The importance of these private security actors in the contemporary world is their capacity to operate within and between these divergent political systems, of both strong and weak states. While the motivations of mercenaries and private security actors reflect an historical constant, the circumstances in which they now operate are significantly different.

## *Chapter 4 – States and Mercenary Enterprise*

The primary originating states of transnational private security companies are the United States of America (USA), Great Britain and South Africa (O'Brien 2000, p. 70). These states exhibit similar features: liberal democracies, stable government and a relatively secure populace. They are 'strong states' (Buzan 1983, pp. 66-69; Martinussen 1997; Migdal 1988, pp. 6-8, 35). By contrast, the operational environment for mercenaries and private security actors are categorised as 'weak states,' with fragile government, limited or no democratic features and an insecure populace (Buzan 1983, pp. 66-69; Martinussen 1997; Migdal 1988, pp. 6-8, 35). Conditions of statehood in the originating states for private security actors ('home' states) are distinctly different to those that obtain in the locale of their activities, weak states ('host' states). These conditions are enabling factors, exploited by both private security actors and their clients. Why are strong and weak states so different, and how does this difference facilitate the use of private security actors?

The purpose of this chapter is to outline the processes and contradictions of state creation. The understanding of a 'state' is based upon precepts that developed in Europe over many hundreds of years, these Eurocentric understandings leading to the conceptualisation of an international system of states (Bull 1977, pp. 16-18). Europe's trajectory towards statehood was chaotic and violent. Territory and population were continuously being disputed between powerful elites, who participated in alliances and battles according to their perceptions of personal gain. The capacity to gain wealth and power were closely attuned to the use of violence to achieve such ends. However, such capabilities were also dependent upon internal and external variables: population growth and decline, changes in warfare, and an ever-increasing reliance upon territory and monetary assets as a measure of wealth.

While the 1648 Peace of Westphalia sought to impose peace among European principalities, its significance was to identify the increasing importance of realms – states - as independent actors, and marked the onset of societal discontent in the divine rule of kings, and decline in the power of the Catholic Church (Bewes 1933, pp. 61-73; Krasner 2001, p. 20). At the same time, economic development and trade instigated European expansion into other continents. Trading posts of European powers were the genesis for later domination and colonisation. The experience of state creation in colonised, non-European lands was the imposition of territorial boundaries that did not correspond to indigenous tribal groupings, shared languages or cultures. State creation and administration in the colonies did not replicate the long and turbulent process in Europe. By contrast, the history of European colonies – later to be states – was short and artificially constructed (Clapham 1994, p. 433). The 'longue duree,' or previous histories, of colonised territories was ignored in the state-making process imposed by European powers (Bayart 1993, p. viii).

It will be contended in this chapter that two distinct themes of state development and the international regime are evident. The first theme is the Eurocentric approach to statehood and conceptions of state, which emphasised the dichotomy between liberal democratic states and 'the rest of the world' (Jackson 1990). The second theme addresses the contemporary and competing notions of state attributes derived from the history of state creation.

The history of empires, kingdoms and states is one where private entities and foreign fighters have contributed towards security. While Singer (2003) argues that the core function of security is inherently governmental, this perception is predicated on the ideal Weberian state. The trajectory of strong state formation reflects this ideal, in contrast to previous colonies or weak states, which are inherently insecure, and where regime legitimacy, military and security

agencies, and territorial control are constantly being challenged. To assert authority, weak states require external security assistance, often only available through private entities.

*States and the Monopoly on Violence*

The key function of a state is stated to be the Weberian ideal of successfully upholding 'A claim to the monopoly of the legitimate use of physical force in the enforcement of its order' (Weber 1974, p. 154). However, this notion of security may be contested on a number of grounds, particularly in contemporary times, where: the state's monopoly on the use of force is challenged by non-state actors; state legitimacy is an increasingly contentious definition where many state regimes, particularly in weak states, are perceived as illegitimate by their populace and, at times, by the international regime, for example, Hamas in the West Bank (2006) and the Maoist Party of Nepal (2008); and the capacity of the state to guarantee enforcement is questionable.

The latter ground is indicative of the inability of governments to provide security, where increasingly significant numbers of private security providers are active within both strong and weak states. While there may be disparate reasons underlying the extraordinary rise in private security provision, they demonstrate the incapacity of a state to fulfil, in Weberian terms, the primary function of its existence. In strong states, public funding constraints, increased media focus on crime, and rising community fears, contributes to the demand for security, unmet by the state. The growth of a domestic private security sector since the 1960s has led to a pluralisation of policing, where private entities also undertake law enforcement and crime prevention activities (Benson 1998; Johnston 1992; Jones and Newburn 1998; Shearing and Stenning 1987).

The Weberian state is an 'ideal type,' a normative basis for understandings of contemporary security, violence and warfare (Marshall 1999, p. 24). However, understanding the state as an 'ideal type' is to neglect other facets of security, most especially regime legitimacy, territorial sovereignty and intrastate violence (Marshall 1999, p. 24). Strong states dictate the ideals of security governance to weak states, while realising and ignoring the processes that have enabled their own substantive empirical capacity (Newman 2009, p. 432).

The state does not merely hold the monopoly on force within its territory, but also externally also. It will be contended in this thesis that control of the means of violence by the state, both internally and externally, is apposite to the analysis of private security contractors. The security mechanisms of a strong state are not limited to its territorial borders, but extend beyond it, and private security entities are one mechanism by which this is achieved.

In strong states, the capacity to garner and maintain control of the use of force, and to simultaneously gain legitimacy from the populace to do so, is the result of conflict and economic imperatives that have coalesced over several centuries. By contrast, weak states have had little capacity to achieve such control, and have been expected to do so within a much shorter historical timeframe. While the international statist regime has supported weak states in a juridical sense, the inability to impose and maintain control of internal violence by weak states has threatened not only their viability, but is perceived by strong states to threaten the global security framework.

Previous colonies, now weak states, were founded on 'The instrumental use of violence by the European Great Powers' (Marshall 1999, p. 7). In contrast to the long process of democratisation that occurred in Europe, weak states experienced 'A culture of violence…

and utilitarian authority patterns' that obstructed, undermined and disrupted traditional political systems (Marshall 1999, p. 7). Tilly's (1990) thesis on the capital-coercion nexus of state formation identifies negotiation between potential power-brokers as critical for access to resources and to attain security. The state comprises not only power, but resources extracted from a populace who demand certain obligations in return for payment. By contrast, states that do not have access to accumulated capital, with limited economic development, minimal interaction with international markets, and constrained input into the mechanisms of power, can be sustained only through coercion (Tilly 1990, p. 132).

State legitimacy is conferred to government by the populace, being a 'type of support that derives not from force or its threat, but from the values held by the individuals formulating, influencing and being affected by political ends' (Swartz Turner and Tuden 1966, p. 10; see also Heywood 2004; Holsti 1996; Weber 1974). Von Einsiedel (2005, p. 15) refers to state legitimacy as also being bound to the 'social contract (where) the authority of the state rests upon an agreement among the members of a society to acknowledge the authority of a set of rules or a political regime.' State legitimacy and authority therefore includes not only 'the submission of all members of a society to the state, but also a responsibility by the state to deliver services, most notably security' (Von Einsiedel 2005, p. 15). State sovereignty may be viewed as the application of political authority to geographical space, where the principal function of a state within the statist regime relies upon its capacity to police its territory and people (Thomson 1995, pp. 225, 227).

*State Formation*

The nation-state is often referred to as an abstract entity or 'imagined community,' with no concrete form (Anderson 1983, pp. 11-16). Its most tangible representation comprises geographical territory, population, and power, the latter symbolised by its military and police forces. The abstract concept of a nation-state has transformed and underpinned the contemporary world order, and the contemporary order of states is unique. Unlike previous world systems, 'capitalist imperialism' not only created 'powerful imperial states' in Europe, but ultimately fashioned state entities from non-European, heterogeneous and disparate communities (Boswell 1989, p. 180).

The state is the most complex and largest form of polity, in both population and territorial size. It includes administrative structures, to organise the various social, economic and political processes within the community, and requires centralised government to maintain authority (Fortes and Evans-Pritchard 1940, p. 7). Authority rests upon the law, a set of 'impersonal principles' derived not from a ruler, but representatives of the state (Blau 1963, p. 308; Weber, 1947, p. 131). Bean (1973, p. 204) refers to the state as a 'firm of modern economics,' with 'economies of scale, administration and control,' where states that were too large would fragment, while those too small to be viable would be subsumed within other, larger territories.

Tilly (1990, p. 96) argues that state formation occurs through four essential processes, being state-making, war-making, protection and extraction. The first three of these processes relate to the attacking or restraint of enemies or rivals – internally for state-making; externally for war-making; and in protection, 'the rivals of the ruler's principal allies, both internal and external' (Tilly 1990, p. 96). These three processes are sustained by the extraction of resources from the subject population (Tilly 1990, p. 96).

European state formation was a two-step process, being the integration of divergent power elites within a state, and simultaneous recognition of a state by others (Jackson and Rosberg 1982, p. 23). This two-step process occurred concurrently with the evolution of an international system of states (Jackson and Rosberg 1982, p. 23). European state formation occurred in a 'capital-coercion' cycle, where a ruler negotiated with rival contenders for power, to ensure cooperation and access to resources (Gallant 1999, 25-61; Tilly 1990, pp. 99-103). By contrast, where capital was absent, and with no wealthy and powerful rivals, the ruler used coercion to exert his authority over both territory and population (Tilly 1990, pp. 19-20).

By contrast, states that were created from previous colonies had a different trajectory. Their borders were contested by European powers, not by indigenous rivals, and were later accepted by incoming indigenous regimes of the nascent state (Jackson 1990). Indigenous identities were drawn primarily from tribal and kinship allegiances, not commitment to an abstract notion of national identity. Capital was limited, tied to the extraction of natural resources or the investments of former colonial or strong state entities.

While imperialism ensured continuity in security, decolonisation heralded the potential loss of investment. At the time, this potential loss was not only through the transfer of sovereignty to indigenous regimes, but set against the bipolar aspirations of democracy and communism of the Cold War. Decolonisation, often approved by the metropole under the auspices of a 'controlled liberation,' was deemed preferable to the loss of investment and political connections (Kolko, cited in Boswell 1989).

Although previous colonies achieved statehood, they did not replicate the processes of state formation that Tilly (1985, pp. 185-186; 1990) argues had occurred in Europe. Instead, statehood was conferred at a juridical level, through legal and international recognition, rather than by the contestation within the state between ruler and ruled, or between aspiring states. The empirical capacity of former colonial states was limited, and potentially untenable. The incoming indigenous regimes were inherently unstable, where territorial and population control was difficult to attain without external support.

*Attributes of Statehood*

The Eurocentric approach implies that the state is a stable, positive entity, equal to others in the international system, and practices reciprocity and constraint on power (Bull 1976, p. 25). Each state is not only treated as an equal among the 'society of states,' but is accorded independent governance within its own territory (Bull 1976, p. 25). Within this paradigm lies the dichotomy between the strong, positive, providing state to the weak, failing, non-providing state.

Statehood comprises two components: juridical and empirical. Juridical statehood refers to the international political and legal recognition accorded to a state, while empirical statehood includes salient features such as stable government, territorial and population control, in addition to aspects such as a shared language and culture (Jackson 1990, p. 53; Schwarzenberger and Brown 1976, p. 44). Strong states project attributes that fulfil both juridical and empirical claims to statehood. However, while weak states are accorded juridical statehood, the features of empirical statehood are lacking.

*Juridical Statehood*

In international law, the state reflects ultimate sovereignty, in so far as there is no other entity higher than itself that can impose authority (Bull 1977, p. 25). Sovereignty is derived through recognition by other states of a state's authority. Juridical statehood is attributed to a state by other states (Thomson 1995, p. 219). While historically, sovereignty was understood by European states through recognition of another state's capacity to 'Defend its authority against domestic and international challengers,' this was not applicable to many states that emerged during the decolonisation phase of the latter part of the twentieth century (Thomson 1995, p. 220). Such states did not gain sovereignty through projecting authority, but instead attained it through recognition of geographical territory (Thomson 1995, p. 227).

States evolved from 'competition for control over territory and population,' inevitably appearing in 'clusters,' and ultimately forming 'systems' (Tilly 1990, p. 4). The current system of states emerged in Europe in the eleventh century, increasing its reach during the next five centuries (Tilly 1990, p. 4.). This system is perceived as a regime of equality; that states are equal to each other, in terms of sovereignty and power. Sovereignty has been described as a 'Legal, absolute and unitary condition,' whereby legality may be further defined as 'Equal in international law, if not by fact' (James 1986, pp. 39, 48). Whether states do maintain ultimate sovereignty, and whether they enjoy equality, is contentious.

States that were created following decolonisation were accorded legitimacy, not by the populace, but by other states in the international system (Jackson 1990, p. 9). State creation assumes an 'A priori existence of the political state,' and any state vulnerable to dissolution must be maintained within the system, for the elimination of states – either through conquest, fragmentation or being subsumed within other territories – is no longer legitimate, being

proscribed by 'Idealist structures of compassion and legality' (Marshall 1999, pp. 61-62). No further changes to territorial boundaries could occur, as this would challenge the existent world order' (Jackson 1990, p. 42). The 'firm of modern economics,' where state viability is determined by territorial size, control, and economies of scale, is absent (Bean 1973, p. 204).

The commitment to juridical sovereignty has ensured a change in approach by strong states to 'inequality and development' of weak states, whereby aid is provided in order to ensure systemic maintenance (Duffield 2001; Fatouros 1964, pp. 816-817; Jackson 1990, p. 40; Olsen 1997). Jackson (1987, p.546; 1990, p. 40) asserts that such aid is provided under the rubric of 'development entitlements,' that maintains the façade of a sovereign state, a type of 'sovereignty plus.'

The difficulty of reconciling juridical and empirical statehood by weak states was conceptualised by Jackson (1990, pp. 54-55; 1987, pp. 533-538) as a dual world system. According to Jackson's (1990; 1987) analysis, although decolonised states possess juridical recognition, they are inherently subject to weak empirical statehood. In effect, they represent 'Territorial jurisdictions supported from above by international law and material aid' (Jackson 1990, p. 5). Importantly, maintenance of the statist system requires the support of regimes with juridical claims, but who do not fulfil the criteria for empirical statehood. Such support has included the maintenance of weak states according to borders defined by previous colonial powers and disallowing any further fragmentation (Jackson 1987, p. 525; Jackson and Rosberg 1982, p. 14).

*Empirical Statehood*

Empirical statehood comprises three salient features: stable government; absolute rule within a delineated territory; and population control (Schwarzenberger and Brown 1976, p. 44). Additional features may include a shared language and culture, and access to natural resources (Olson 1993, pp. 3-4). Bayart (1993, p. viii) cites other factors not readily recognised in traditional political discourse, for example, representations of agrarian societies, tribal grouping and religious beliefs.

Empirical attributes may also be measured by the three facets of state particularly identifiable in liberal democracies: executive, judicial and legislative. In this context, the three arms of state are represented by functioning civil bureaucracies, legal systems autonomous to the state, and elected governments. By contrast, in weak states, the residual elements of democracy are lacking: freely elected representatives, national assemblies and party systems (Martinussen 1999, pp. 183-184). During colonisation, only two facets of state were implemented, being the executive and judicial, for the colonial state was 'created to suit the interests' of its master (Martinussen 1999).

The administration of colonial states suited the empire's needs, but not those of a decolonised state, and the institutions bequeathed to incoming indigenous governments were the least likely to promote or sustain development. Many decolonised states never 'Remotely resembled the ideal type of the modern Western polity' (Englebert and Tull 2008, p. 111). Following decolonisation, weak states inherited a heterogeneous population, limited authority, and resistance from rival contenders for power (Migdal 1988; Van Creveld 1999). The state was unable to penetrate society or control social relationships, and extract, appropriate or use resources in determined ways (Migdal 1988, pp. 4, 18-19, 32-33).

The correlating feature of all states is the capacity to monopolise violence, a differentiating factor between weak and strong states. Strong states are able to maintain and differentiate the use of force by its agencies, and between them; for example, the (virtually) unlimited use of force by its military capabilities to defend the state, or the relatively restricted use of force by its internal security agencies to maintain law and order within the state.

By contrast, weak states have limited control over force, on how it is expended and by whom, with no delineation between the military and police, and no means of to ensure control on force. Similarly, there are few limitations upon which groups have access to instruments of violence. The state cannot maintain absolute control through weak empirical capacity, nor can it be totally assured of the loyalty of its security agencies and the populace. A weak state has limited governmental legitimacy, relying instead upon personal loyalties to maintain power. External private security actors provide security for payment, where loyalty, belief in regime legitimacy, or popular support will not undermine or negate the privately acquired force required by a state to maintain its authority.

Decolonisation or the transition of sovereignty to an indigenous government was not only the transfer of juridical statehood, but the expectation that empirical statehood would also be achieved. However, the implications of previous colonial rule meant that empirical attributes were difficult to obtain. The requirements – being stable government, territorial and population control – were at odds with the previous administration of the state. Stable government was not evident; in fact, many new governments were the subject of contested challenges for power, whether through overt conflict, or by assistance from the previous coloniser.

*Private Actors in the Statist System*

For the European state, war, and preparation for war, was the catalyst for creation of its internal structures and external projection of power (Tilly 1990, p. 76). Chapter 3 has highlighted the importance of mercenary soldiers, as informal security actors for the emerging European state and its imperial projection of power. Thomson (1996) contended, however, that mercenarism declined during the nation-state building era, a time in which the international state system was being formalised and codified. Pursuant to Thomson's (1996) analysis, the contemporary scholarly discourse has focused on the challenge that private actors are believed to pose for both strong and weak states' monopoly on the use of force, on a premise that mercenaries are not legitimate participants in international security frameworks. Further, non-state actors may introduce disorder and disturbance into an international system that has expanded dramatically in the years since 1945.

Theories of international relations conceptualise the state as a principal unitary actor in a system comprised of other like entities. Realist theory considers the international state system to be inherently Hobbesian, prone to disruption and anarchy, where state interests of national and economic security are paramount. In this framework, a state seeks power as a mechanism to ensure survival (Bull 1977; Carr 1946; Morgenthau 1967). By contrast, liberal institutionalism theory proposes that states engage in collaboration and co-operation, forming bilateral and multilateral relationships to enhance global security, with membership of regional and international governmental organisations facilitating these objectives (Keohane and Nye 1989).

International relations theories focus on states and their associations with each other, their primary tool and descriptor being the capacity for use of force. In this paradigm, incorporation of a non-state actor is theoretically problematic. Analysts have proposed various frameworks to incorporate non-state actors into international relations, examples including a levels of analysis approach - allowing analysis at differing levels of activity, such as the state in international relations, the state in domestic relations, and state leaders - or transnational relations theories, where states are but one of several different entities interacting across state boundaries (Risse-Kappen 1995; Singer 1961; Waltz 1959).

While scholars place private security entities within the international relations construct, there is limited explicit positioning of these non-state actors with theoretical approaches (for example, see Singer 2003). Using a critical theory approach – that is, questioning the origin of institutions, social and power relationships - Thomson (1996, pp. 2, 12-14) explored the role of states and emerging international system of the nineteenth century, concluding that efforts to restrain and prohibit the employment of mercenaries and pirates occurred through legal mechanisms and state collaboration.

Avant (2000, pp. 254-258) and others have advocated an approach that is consistent with liberal institutionalism, a response where potentially dangerous threats to the international system are risk-managed (Kinsey 2006; Percy 2007; Singer 2004, 2003). Within this framework, private security actors are contestants with states for the monopoly on the use of force. That is, the private security actor is viewed as an external variable, with the potential to cause disequilibrium to the state system. Liberal institutional advocates contend that the creation of regulatory regimes at an international level, underpinned by individual state

legislation, will mitigate the risks posed by private actors to individual states and statist system (Kinsey 2006; Percy 2007, 2006; Singer 2004).

An alternative approach is taken within this thesis, where private security actors are not perceived to be contestants with the state for the use of force, but instead represent an extension of state power. Structural realism (also referred to as neo-realism, and an extension of realist theory) envisages states as existing within a potentially anarchical system, with no higher governing authority, and where a state's fear of loss and uncertainty of its relative position in the systemic hierarchy drives self-interested behaviour (Mearsheimer 2001). In contrast to realism, structural realism incorporates security capability, as well as military strength and wealth, into the calculus of state power (Mearsheimer 2001, pp. 34, 81). States may appropriate resources that enhance their individual security, at domestic and extra-territorial levels, one example being private security actors. In this context, private security actors are not contestants for state power, but are instead agents of the state.

In a structural realist framework, states would be reluctant to initiate or commit to a formal regulatory regime of private security actors that may reduce state security capability. However, a security capability with no apparent connection to the state is a risky resource. One way that risk management can occur is through informal mechanisms of control, which may still carry the threat of regulatory or legislative oversight. In this framework, states may pursue a pluralism of diplomacy, acceding to international norms and conventions, while engaged in parallel informal activities to retain external projections of power and sovereignty, and their position within the international hierarchy of states.

*States, Security and Stability*

The focus of this chapter has been the divergent trajectories towards statehood for European states, compared to previous colonies. European states attained the attributes of statehood - juridical and empirical – concurrently. While becoming a democracy was not peaceful, orderly or sequential for European states, the contested and charted borders, notions of national identity, and existence of capital, produced a historicity of statehood (Berman 2007, p. 37). By contrast, states that were created from previous colonies had a different trajectory, including a lack of shared understandings by the indigenous populations, reinforced by arbitrary borders that were decided upon by European powers, and conflict between rival ethnic groups, vying for power. The incumbent governments of decolonised states were also weakened by a lack of institutional capacity and integrity, prone to corruption, susceptible to kinship and tribal ties, and inherently unstable.

It is contended that the maintenance of weak states within the statist system has necessitated the supply of 'material aid,' including the provision of a security capability, represented by mercenaries and private security contractors. Tilly (1985, pp. 185-186) refers to the limited security options available to weak states, where their capacity to operate is dependent on strong states and the supply of military expertise, being provided 'in return for commodities, military alliance, or both... and where outside states guarantee the boundaries of weak states.' However, not only do strong states support weak state operation, but also act to retain their positions in an unstable international security framework.

The following sections, Parts II and III, review the challenges for strong states in maintaining systemic stability, and how private security entities have been utilised to address gaps in the framework. Chapters 5 and 6 (Part II) examine the employment of mercenaries and private

security companies in a Cold War, bipolar system, where their operational environment was the proxy wars of previous colonies. Chapters 7 and 8 (Part III) considers the growth of private security contractors during the multipolar system of the immediate post-Cold War era, and current post-2001 focus on countering terrorism. Throughout these timeframes, not only have mercenaries and contractors provided states with an informal security capability, but have become integral to systemic maintenance. In doing so, patterns of state control over these private actors may be identified, being variations and refinements of previous historical risk management strategies. In the years after 1945, the circumstances that both constrained and facilitated mercenary activity were being determined by states.

*Part III – Securing the State:*
*A Bipolar Framework, 1945-1990*

**Chapter 5 – White Knights and Mavericks, 1945-1965**

**Chapter 6 – Proxy Wars and Private Security, 1966-1990**

# Chapter 5 – White Knights and Mavericks, 1946-1965

In the previous section of this thesis, differing perceptions on the role of mercenaries and their historical development were examined. Mercenaries were considered to be a flexible resource, where employers instituted particular controls to mitigate risk. During the nineteenth century, emerging nation-states implemented dual policies. The formal, pre-eminent, policy was creation of a standing army comprising citizen-soldiers, a nation-building exercise. However, military manpower was scarce and imperial powers sought additional soldiers through differing strategies, a secondary policy, involving the recruitment of indigenous men, creation of foreign legions, and the private recruitment and deployment of their citizens.

The following section of this thesis considers the ongoing use of mercenary soldiers by strong states, in the years after 1945. Again, dual policies were implemented. Although a standing army was the nation-state's formal representative, the exigencies of an unstable world and complex foreign policies prompted the use of an alternative security response. This alternative resource was informal, and preferably discreet, being mercenary soldiers and private security actors. The use of terminology was important during these times, a controlling mechanism that also indicated state sanction or disapproval.

The aim of this chapter is to outline the context of 'securing the state' in the two decades after the Second World War. There were differing motivations in 'securing the state' for strong states, compared to newly formed, decolonised, weak states. Securing the strong state necessitated a global perspective and, in order to sustain its superiority, support was extended to weak states. By contrast, the perspectives of weak states were not global, but instead

restricted to control of their immediate territory and population. In order to retain control, weak states required external support, which included at times a private security capability.

The security environment after the Second World War presented complex challenges, with new threats emerging on the horizon, economic instability and mass demobilisation of strong state armies. The objectives of European states included rebuilding their economies and regaining security stability, in addition to the maintenance of their colonial territories (Tarling 1998, p. 185). The impact of rising nationalism and calls for independence in their colonies were exacerbated by potential destabilisation from communist agents, supporting the claims of indigenous groups. Political unrest in European empires was addressed in varying ways although, until 1960, the mercenary option was not overtly acknowledged by states. France utilised its Foreign Legion to quell rebellions. By contrast, the British response included the covert employment of private security companies to secure its interests in the Middle East and Africa, being economic interests - natural resources such as oil and rubber - and political influence (Dorrill 2000, p. 664; Geraghty 1981, 2007; Halliday 1977; *The Times* 16 September 1954; White 1998, p. 173).

Although the United States had no immediate need to defend itself or imperial territory, its security focus was on Soviet expansion in Europe (Smith 1982, p. 221). In this context, the USA considered the potential of raising foreign legions of political exiles, examples being the Volunteer Freedom Corp and Caribbean Legion (Brands 1988). The Korean War also saw the raising of a foreign legion. Increasing militarisation of the populace and fears of communism in South America, however, later instigated the use of mercenaries by the USA in an American-sponsored coup in Guatemala.

Guerrilla warfare was becoming the most frequent form of conflict. Although the overt focus of states was upon a traditional Clausewitzean military approach – standing armies, military strength, order of battle arrangements, and on nuclear power – this strategy was later perceived as ineffectual in the third world, where the Cold War subsequently was fought through proxy wars. Strong states came to realise that the expertise of its irregular forces, developed during the Second World War, could be useful in the proxy wars of colonies and new states. A continuing feature of states after the Second World War was control of the media, incorporating disinformation and propaganda campaigns, mechanisms that were later used to divert attention from private security actors.

The international security framework is reviewed within this chapter from the perspective of intra-state conflict. While the years after the Second World War were characterised by a strong state focus on the potential for nuclear war and mutually assured destruction, military strategy also promoted insurgency and counter-insurgency warfare. The major security issues, of containment and decolonisation, required the use of third party actors, including indigenous elites and mercenaries. The following section briefly reviews the definitions, strategies and tactics of insurgency and counter-insurgency doctrines, and their consequences for the empirical capacity of states.

### *Insurgency and Counter-Insurgency Doctrines*

Insurgency doctrine is described as the 'fight by the weak against the strong,' being a method of warfare that does not rely on superiority of military hardware and troop numbers; instead insurgency comprises, to various degrees, guerrilla warfare and terrorism (see Beckett 2001; Metz and Millen 2004; O'Neill, Heaton and Alberts 1980). Emphasis is placed upon surprise attacks, vulnerable targets, propaganda and sanctuary within the populace. Variations of the

doctrine were promulgated by communist and democratic advocates throughout the Cold War (Beckett 2001, pp. 70-85, 183-216).

*Definitions*

The definition of an insurgency relies upon various cumulative criteria to fulfil its meaning. According to Beckett (2001, p. vii) insurgency is, 'A traditional tactical recourse of the weak against the strong,' where the adversary is the regime's regular military operations. By contrast, O'Neill (1980, p. 1) summarises insurgency as, 'A struggle between a non-ruling group and the ruling authorities.' The criteria for insurgencies include 'Protracted, asymmetric violence, ambiguity, use of complex terrain (jungles, mountains, urban areas), psychological warfare and political mobilisation' (Metz and Millen 2004, p. 2). Insurgencies may also be referred to as guerrilla warfare, low intensity conflict, peoples' war, 'wars of a third kind,' wars of national liberation or rebellion, revolutionary or fourth generation warfare and, in some cases, asymmetrical warfare or terrorism (Quester 1975, pp 192-196; Reed 2008; Rice 1988).

Metz and Millen (2004, pp. 2-3) note that insurgencies comprise two forms, national or liberation; liberation insurgencies target the ruling government on the basis of its being an 'occupier,' while national insurgencies rebel against the indigenous government (the inference being that the ruling government has some legitimacy with the populace) (O'Neill 1980, p. 3). 'Insurgent movements' may also be categorised as either 'conspirational,' where 'small elite groups carry out and threaten violent acts,' in contrast to 'internal warfare,' that comprise a campaign by 'insurgent elites' who endeavour to 'mobilise' the population to support their cause (O'Neill 1980, p. 3).

*Strategies and Tactics*

Insurgency has been a longstanding method of warfare. For centuries, the Swiss engaged in training for guerrilla war as a mode of defence against foreign invaders, retreating from urban areas to instead undertake assaults against the enemy from their 'mountain redoubts' (Quester 1975, p. 192). During the secondary phase of European expansion, insurgency was a continual threat to imperialist forces (Beckett 2001, p. 31). The British Army had no standard manual on strategies to counteract irregular warfare until 1896, when Charles Callwell (cited in Beckett 2001, p. 32) published his treatise on 'small wars.'

A primary tactic of insurgency doctrine is its capacity for 'indirect aggression' against the state or ruling authority, involving a fusion of 'social, economic, psychological and political elements,' with irregular military tactics to undermine the stronger adversary, the regime in power (Beckett 2001, p. vii; Rostow, cited in Quester 1975, p. 192). The elements of insurgency include its organisation, strategies and tactics, and the 'recruitment, training, learning (of the) craft and accumulating resources' by insurgents, in addition to the adoption of a 'brand identity' (Metz and Millen 2004, pp. 3-4; O'Neill 1980, pp. 5-13; McCuen 1966). The nature of insurgency – with 'brief periods of combat' and 'hit-and-run operations' – places constraints on the methods and logistical arrangements available, increasing reliance upon light weapons and ammunition, a limited capacity to defend territory, and a dependence upon 'food, recruits, intelligence and hiding places' among a widely dispersed population (Rice 1988, pp. 53, 55).

Terrorism may be directed at the government and/or community, with strategies to popularise the insurgency including the use of propaganda, and recruitment of the disaffected, alienated, or ideologically committed (Metz and Millen 2004, p. 4). The resources comprise not only

committed members, but also 'funding; equipment/supplies; access to arms, munitions and explosives; sanctuary, whether internal or internal/external; and intelligence' (Metz and Millen 2004, p. 4). Funding may be provided by either external or internal sources, or from criminal activities (Metz and Millen 2004, p. 4).

By contrast, counter-insurgency – where it alludes to supporting an incumbent regime against insurgency – includes the promotion of 'artificial stability' through economic aid, in addition to the use of military strategies and tactics (Hippler 1987, p. 34). Economic aid may comprise 'direct contributions to the government's war effort,' in addition to the provision of funds to offset 'intolerable social, economic and political conditions' that may have catalysed underlying discontent (Hippler 1987, p.34). Military strategies involve the separation of guerrilla forces from the population through resettlement and depopulation, 'clear and hold' and 'large-scale search and destroy missions,' the 'destruction of insurgent infrastructure, including … support organisations,' securing of vulnerable government institutions, and the creation of intelligence networks, comprising also the organisation of 'local self-defense militias' (Hippler 1987, pp. 34-35; Rice 1988, pp. 90-109).

A threatened regime may 'harness parallel methods' in order to defend itself against an insurgency, 'launching a guerrilla-type offensive into the sanctuaries of the guerrillas, disrupting (their) normalcy' (Quester 1975, p. 194). Such 'guerrilla-type offensives,' can also include the use of chemical and biological weapons against the insurgents (McAleese 2000, pp. 163-164; Purkitt and Burgess, 2005). Countering insurgency is problematic for regimes as such activities threaten infrastructure and undermine the state's control of population and territory, for insurgencies can be violent, sporadic and sudden.    Regime responses to insurgency can include reprisals against the civilian population through forced resettlement,

repressive security measures and, at the extreme, extra-judicial killings and torture; the more autocratic the regime, the more likely an extreme response will occur (Valentino Huth and Balch-Lindsay, 2004, pp 375-407). Further, maintaining a heightened security response, with the attendant diversion of scarce resources, depletes empirical capacity.

During the Cold War, insurgency and counter-insurgency campaigns were conducted across Africa, Asia and South America, supported by both communist and democratic states. Guerrilla warfare is estimated to have caused 'between thirteen and twenty-six million civilian deaths' between 1945 and 2000, 'intentional killing as a calculated military strategy' (Valentino Huth and Balch-Lindsay 2004, pp. 375-376).

Communist advocates such as Che Guevara actively promoted revolutionary theory to indigenous resistance movements, from South America to Africa (Beckett 2001, pp. 70-85). Democratic states were similarly involved in the support, funding, training and equipping of regimes and resistance movements, promoting and disseminating the strategies and tactics required to facilitate insurgency and counter-insurgency doctrine. However, indigenous resistance movements or regimes were not necessarily ideologically motivated; rather, it was the potential for external support through military materiel, training, and funding, which was attractive. Nevertheless, sponsorship of weak states or resistance movements provided a platform for the superpowers to deny territory to their opponents.

Insurgency doctrines promoted warfare methodologies to non-state actors, while counter-insurgency tenets were actively disseminated to regimes. In the latter case, the legitimacy of weak state regimes were not always determined by constituencies, but by strong states, who provided the 'tools' of insurgency, including access to funding, military materiel and

propaganda, tools that were rigorously controlled by strong states. The doctrines were developed during the Second World War, laying the foundations for contemporary low intensity warfare and its protagonists.

### *World War 2 (1939-1945)*

The Second World War was a total war, fought by Germany and the Axis powers against Britain, the USA and Allied forces. Although the war had distinct front lines, the battles also included the population. Resistance movements were considered valid responses to occupiers, fighting wars of liberation. During World War Two, guerrilla warfare became refined, with the creation of special force units to infiltrate behind enemy lines, gather intelligence, undertake covert operations, and co-opt and collaborate with indigenous resistance movements. These units included the British Special Operations Executive (SOE), created in 1940 following Germany's invasion of France and, in the USA, the Office of Strategic Services (OSS), established in 1942, and later to become the Central Intelligence Agency (CIA). On the SOE, see Aldrich (2002, 2000), Foot (1999), Mackenzie (2000), Reynolds (2005), Walker (2008) ; on OSS, refer Chalou (1991), Bank (1986), Dulles (1966), Jakub (1999).

It was during the Second World War that the 'irregular mode of conflict' was transformed in both 'intent and practice*' (Beckett 2001, p. vii). Van Creveld (1990, p. 58) observes that insurgency emerged as a military strategy when:

> 'The monstrous nature of the German and Japanese occupations (was) widely considered to violate established ethical norms. Hence, people had the right to revolt, even though their armies had capitulated and their governments had surrendered.'

The 'right to revolt' became guerrilla war during the Second World War, where support for resistance movements generated new techniques and tactics that were incorporated into

insurgency operations after 1945. During the Second World War, insurgency operations were initiated to complement the wider theatre of battle, requiring collaboration with indigenous groups, opposed to occupation. Collaboration included alliances where arms and military materiel, training and funds, were provided by the Allied Forces to assist the insurgents. Aldrich (2000, p. 339) refers to the insurgency training received by local populations in Asia and Africa as the 'beginning of a process easier to initiate than arrest.'

*The Cold War (1946-1989)*

At the end of the 'total war' and defeat of Nazi Germany, global security was still not assured, for the 'free world' was confronted with the refusal of communist Russia to withdraw from eastern Germany (Aldrich 2002; Van Creveld 1999). From 1946, the security paradigm consisted of two overlapping concerns for liberal democratic states; the first being the threat of communism, while the second, for western European states, was the loss of Empire as their colonies sought independence. In this context, the democratic powers consisted of USA, Western Europe, and the former British Dominions, while the communist powers included the USSR, China and Cuba.

The onset of the Cold War in 1946 was described by Marshall as an 'opaque and imagined war,' that, for liberal democratic states, was reduced to economic and 'high end military' competitions which had the potential to end in nuclear war (Marshall 1999, p. 76; Soderlund 1970, pp. 339-340). This was contrasted to the 'hot' or 'proxy wars' that were fought in the imperial territories of Asia and Africa, and also in South America. Colonies sought, and were eventually granted, independence from their imperial master, at times under a 'controlled liberation' that ensured continuing ties with Europe (Marshall 1999). At the same time, newly independent states also battled insurgent groups. The potential 'domino' effect of

communism in Asia and Africa provoked democratic states into preventing its spread, by either supporting or undermining nascent regimes (Quester 1975, p. 192).

Support by democratic states for regimes fighting communist insurgencies included the provision of military and police training for indigenous forces, and financial and military materiel to assist in the maintenance of state capability, particularly where communist insurgencies were occurring (Killingray 1986). By contrast, the establishment of pro-communist regimes were subject to counter-insurgency operations, often initiated by the USA (Aldrich 2002, 2000). Communist insurgencies fought guerrilla wars, principally in rural areas, adopting the strategies advocated by Che Guevara, General Giap, Mao Zedong and Carlos Marighella.

In order to prevent the establishment of communist regimes or to assist in their demise, democratic states engaged in counter-insurgency techniques that worked from similar principles, of initiating a 'people's war.' In contrast to the use of the term 'insurgency' to describe communist activities, however, democratic states, although engaging in similar strategies, referred to their operations as 'counter-insurgency' (Soderlund, 1970, p. 342). Citing Scott, Soderlund (1970, p. 340) observes that the 'proxy war' nature of insurgency and counter-insurgency involved the 'meshing of international with domestic political violence' and therefore were wars of 'informal penetration,' or 'indirect aggression' (Rostow, cited in Quester 1975, p. 192).

The two key elements of insurgency and counter-insurgency campaigns waged within proxy states were collaboration with, and manipulation of, indigenous discontent. The sponsors of insurgency or counter-insurgency campaigns required third party actors, roles that could be

filled by indigenous groups, either resistance movements or regimes struggling to retain power (Aldrich 2002). For mercenaries and private security actors, these wars provided significant opportunities for employment. Not only did many former soldiers have insurgency expertise gained from the Second World War, but they also had additional attractions for both democratic and newly independent states, being adaptable, flexible and (usually) able to operate covertly.

### *A Private Army: The Fifth Column of Freedom (1945-1960)*

The origins of contemporary private security contractors lie in the aftermath of World War Two. For Britain, attempts to retain such expertise included the establishment of a special 'club' for former military personnel and development of the 'circuit,' a network of former SOE members, forming the basis of a private security industry which later operated in the Middle East, Africa and South East Asia (Aldrich 2002, pp. 145, 641; Cooley 1999; Geraghty, 1981, 2007).

### *The Fifth Column of Freedom*

The provenance of Great Britain's private security companies was the SOE. There was dissension between the British Foreign Office and the Ministry of Defence, and within the military itself, as to the utility of maintaining SOE capacity after the war, and whether the units and personnel should be retained or disbanded (Aldrich 2002, pp. 70-155). In particular, concerns related to the 'multitude of special operations units' that were formed on an ad hoc basis during the war, described as 'private armies' or 'funnies' (Aldrich 2002, p. 144).

Establishment of the Special Forces Club in Knightsbridge, London, ensured the retention of skills and experiences of former military personnel and, by 1946, some members had already

been 'recalled to fight in unpleasant insurgencies in the colonies' (Aldrich 2002, p. 145). Advocating the use of SOE-type operations, Air Marshal John Slessor referred to Britain's need for a private army, 'a fifth column of freedom' (Aldrich 2002, p. 145; also see MacDonald, cited in Tarling 1998, p. 391). The following examples demonstrate the initial use of this 'fifth column' in trying to ensure the continuation of British influence across its empire.

*The Middle East and Africa*

In the Middle East, former British military personnel were employed on 'private contracts' in Iran and Oman.  British protectorates in the Gulf were viewed as important assets and military personnel were 'encouraged' to work for Middle Eastern regimes, one example being Major John Cooper, employed by the Sultan of Oman (Geraghty 1981, p. 112). During the 1950s, former SOE personnel were employed by British Petroleum (BP) as security specialists and, while working for BP's operations in Iran, the company was included on distribution lists for British-derived intelligence (Prados 2006, p. 99; Smith 1982, pp. 119-120). The 'private intelligence net' ceased in August 1951, following actions by the Iranian leader, Mohammad Mossadegh, to nationalise the Anglo-Iranian Oil Company, a major British oil production company (Prados 2006, p. 99; Smith 1982, pp. 119-120).

In Africa, Sir Percy Sillitoe, the former head of British security agency MI5, was hired in 1953 by South African company, De Beers, to identify and disrupt diamond smuggling operations that were affecting its business (Fleming 1957; Kempton and Du Preez 1997, p. 590; Sillitoe 1955; on background to West African diamond production, see Greenhalgh 1985). Sillitoe (1955) recruited British security agency personnel and created the International Diamond Security Organisation (IDSO), with the objectives of 'establishing an intelligence

network' throughout the African continent. The IDSO, with the assistance of British and Foreign Colonial police forces facilitated by Whitehall, created a network that included the recruitment of mercenaries in Sierra Leone, to eliminate diamond smuggling and enforce the sale of diamonds only to De Beers (Fleming 1957, p.40; Kamil 1979). The mercenaries included Fred Kamil (1979), a former Lebanese trader in Sierra Leone, who subsequently claimed to undertake independent counter-smuggling work for De Beers, after the winding up of IDSO.

*South East Asia*

Post-war Britain relied upon profitable colonies to support the metropole, particularly South East Asian territories such as the rubber plantations of Malaya (Stubbs 1997, pp. 60-61). The onset of a Chinese communist-backed insurgency in 1948 threatened both imperial control and business, the Malayan Emergency being characterised by attacks on plantation personnel and equipment (Connor 1998, pp. 22-55; Stubbs 1997, pp. 50-71). The British counter-insurgency campaign was perceived to be inadequate by plantation personnel and the 'European business lobby' (Bayly and Harper 2007, p. 442). European planters and their families were murdered in targeted attacks and, despite being armed, were unable to defend themselves against the guerrilla forces (Bayly and Harper 2007, p. 442). The loss of personnel, killed, injured or evacuated for safety, was affecting the colony's economy. Dunlop Rubber's chairman asserted that improvement in Malaya's security was 'vital to the solution of the political and financial problems confronting (the British) government' (White 1998, p. 164).

The perception of vulnerability and lack of response from the metropole catalysed responses at the business and community levels. A major rubber plantation owner, Dunlop Rubber,

sought to secure its business by contracting 'trained European security officers' (White 1998, p 173; *The Times*, 16 September 1954). By 1954, the effects of increasing insurance premiums, and a belief that Britain would not provide sufficient security, induced Dunlop to spend M$4 million (or £500,000) that included 'the supply of 70 armoured cars,' in addition to security personnel (The Times 1954). Another company contracted to the British government, Airwork Services, transported men and equipment to Malaya (Dorrill 2000, p. 664). Media reports of 1949 referred to the 'strangeness of Airwork's anonymous charter flights and use of different names and uniforms' (Dorrill 2000, p. 664).

At the community level, 'specialist private armies' were established, comprising 'district officers, policemen and planters,' formerly SOE veterans, referring to themselves as 'the Ferret Forces' (Bayly and Harper 2007, p. 442; Geraghty 1981, pp. 21-22). The 'merit' of such a force was that 'it would be easy to dissolve, should it become controversial'(Bayly and Harper 2007, p. 442). The 'private army' lasted less than a year, to the relief of the regular British military commanders, who considered the force to be 'dangerous… made up of irregular types and unconventional thinking'(Aldrich 2002, pp. 497-498, 664).

In 1948, issues with 'irregular types' became problematic for Britain when 'a renegade group of British officers' in Burma provided military supplies and training to the Karens (Aldrich 2000, pp. 338-339). The Karens were fighting a war of resistance against the Burmese regime, the latter supported by Britain. British officials referred to 'SOE people (as) being a law unto themselves,' working against Britain's foreign policy. By 1949, Britain was considering the prospect of having to 'curry favour' with their renegade soldiers as the Karens appeared to gain control (Aldrich 2000, pp. 338-339). Instead, Britain 'quietly arranged (the) removal from the scene' of the renegades, following the incumbent regime's retention of power.

There were limited reports on British mercenaries or contractors before 1960, although glimpses of the links between security agencies and private business may be identified in activities across imperial territories. By contrast, the USA focused upon the creation of foreign legions and anonymous 'soldiers of fortune' to assist in security operations, while the American equivalent of SOE also faced disbandment in the immediate post-1945 years.

### *From Volunteer Freedom Corp to the United Fruit Company*

As with the British, demobilisation affected the newly created US Office of Strategic Services (OSS), similar in its operations to the SOE. After 1945, the OSS was subsumed within two agencies, with both the State and Defence Departments attempting to retain control, but by 1948 it became an independent agency, with separate reporting lines to the executive (Aldrich 2002). This was also the progenitor of private security contractors, although such entities appeared to have been employed less at this time by the USA compared to the British. By contrast, the United States considered the establishment of foreign legions to augment existing force strength, for deployment in Europe and Korea, respectively.

### *Foreign Legions – Europe and Korea*

Following the end of the Second World War, the Eisenhower administration considered the potential of integrating foreign legions into its military. This was the 'Lodge Act,' introduced to the US Congress in 1950, seeking to recruit, arm and train up to 2500 'foreign aliens' into the US Army, to be known as the Volunteer Freedom Corp (Brands 1988, p. 7; Prados 2006, pp. 94-95, 146-147). The recruits were envisaged as young, anti-communist men, in exile from eastern Europe. President Eisenhower considered the name 'Volunteer Freedom Corp' as significant, for its recruits were ideologues against communism, and not 'mere mercenaries

or soldiers of fortune' (Brands 1988, p. 7). Following three years of service, the recruits would be offered American citizenship (Brands 1988, p. 7). Although promoted for its utility in the provision of 'good fighting material at a much cheaper rate,' the proposal was never completed. Reasons for its demise included a lack of suitable applicants, opposition from the US military, and concerns by the State Department over conflicting sensitivities with European foreign policy (Brands 1988, pp. 8-9).

During 1952, foreign mercenaries and volunteers were incorporated into a foreign legion, known as the 7th Battalion, 3rd Partisan Infantry Regiment, comprising 1500 North Korean and Chinese defectors (Cooley 1999, p. 98; Churchill 1980, p. 46). The commanding officer, Major Lewis H Michael Williams, was a Second World War veteran, who later worked as a mercenary in Africa, with Hoare in Katanga and later in Rhodesia (Cooley 1999, p. 98). While the creation of foreign legions was being considered, events in Guatemala inspired the USA to consider alternative mechanisms for military capability, being indigenous resistance groups and mercenaries.

*Guatemala and the United Fruit Company*

The 1954 US-sponsored intervention in Guatemala was instigated by its growing concern over ties between the Soviet Union and Guatemala, and nationalisation of industry (Schlesinger and Kinzer 1999; Immerman 1982, pp. 4-13). A US company, United Fruit, was the 'largest landowner in Guatemala, with 550,000 acres (and) a controlling share in the country's only railway' (Prados 2006, pp. 108-109; McPherson 2006, p. 8). During 1954, Guatemala had demanded increased wages for its citizens, employees of United Fruit, which held a monopoly on banana plantations and production in Guatemala (McPherson 2006, p. 28; Immerman 1982, p. 636). According to the US, however, its concern with Guatemala was

'communist infiltration' and 'not United Fruit' (US Secretary Dulles, cited in McPherson 2006, p. 38).

In 1953, US President Eisenhower endorsed a proposed insurgency campaign against the incumbent Guatemalan government, including the use of mercenaries (McPherson 2006, p. 39). The plan, organised by the USA's Central Intelligence Agency (CIA), involved the enlistment of 'scores of recruits, mercenaries from Guatemala and the neighbouring Central American nations,' of Nicaragua, Honduras and Panama, as well as 'American soldiers of fortune' (Immerman 1982, p. 138; Prados 2006, p. 115; Rice 1988, p. 44). The project involved over 100 CIA agents and 'contract operatives,' with training of mercenaries in Nicaragua and Panama, at a cost of between five to seven million US dollars (Immerman 1982, p. 162; Prados 2006, pp. 115). The plan was to instigate a coup, with Guatemalan military officer, Colonel Carlos Castillo Armas, leading an 'Army of Liberation' comprising 300 soldiers, half of whom were already in Guatemala (Immerman 1982, p. 39; McPherson 2006, p. 39). After training in the USA, the mercenary army advanced into Guatemala in June 1954, led by Armas (McPherson 2006, p. 39; Rice 1988, p. 44). However, after travelling for six miles, the force was directed by the CIA to 'stay put, avoid battles, and await further instructions' (Rice 1988, p. 44).

There was no concurrent uprising in Guatemala but, with limited information available to him and perceptions that the government was under attack 'by a huge army marching towards Guatemala City,' the incumbent leader, Arbenz, 'fearing mass defection, grounded the airforce and ordered that the 'army stay in its barracks' (McPherson 2006, p. 39; Rice 1988, p. 44). Just prior to the invasion, an attempt by the CIA to transport weapons, secreted in a United Fruit freighter and marked 'agricultural machinery,' was discovered and impounded in

Panama (Immerman 1982, p. 121; Rice 1988, p. 44). The success of the operation depended instead upon 'air attacks (and) misinformation campaigns,' directed by the CIA (Rice 1988, p. 44; McPherson 2006, p. 39).

An appeal to the UN Security Council by Guatemala, requesting intervention and observers, did not succeed, with France and Britain abstaining from the vote (Rice 1988, p. 45). Arbenz went into exile a week later, ceding power to Castillo Armas, who then consolidated his rule by winning the election, held in July 1954 (McPherson 2006, p. 39). The 'international press corps were barred from the "war zone,"' and media reports were sourced instead from the US Embassy and United Fruit, with accounts of the (non-existent) conflict being filtered through the government-owned radio station (McPherson 2006, p. 39; Rice 1988, p. 45).

Until 1960, the use of private security actors and mercenaries by strong states appears to be informal and ambiguous, with fragmented and temporary groupings, hidden from the public and seldom reported in the media. In 1960, however, Belgium's ceding of independence to its colony of Congo signified changes for the industry, where the ensuing conflict not only drew together disparate groups of mercenary soldiers, but also influenced perceptions of the 'mercenary' as disreputable, uncontrolled and controversial.  The following section examines mercenary activity in the Congo, a case study of evolving international security dynamics, strong and weak state capacity, and private sector interest.

### *Analysis Of A Mercenary Myth – The Belgian Congo (1960-1967)*

Mercenary activity in the Belgian Congo occurred in the context of superpower competition, decolonisation, inter-tribal rivalries, and access to significant mineral resources.  The Congo mercenaries were a security resource for strong states –European imperialists and the USA -

but were also perceived to be a threat to the international state system, represented by the United Nations (UN). For aspiring rulers of the Congo, the mercenaries were also a resource and a threat, but just as significantly, their utility became embedded in African rulers' understanding of the security paradigm.

The Congo mercenaries were a useful resource for weak and strong states, as an oppositional force against the communist threat, protecting European residents and assets in a new state, supporting Europe and America's preferred regime (although regime preferences changed during the phases of conflict) and a means to avoid accusations of direct intervention by strong states, particularly the USA. The mercenary venture also presented opportunities to divert men who posed threats to their home states; examples include former members of Germany's Wehrmacht and French soldiers who opposed France's decision to grant Algeria independence (O'Brien 1962, p. 201; Mockler 1985, pp. 45, 60-61). In contrast, the employment of mercenaries was opposed vehemently by 'Afro-Asian' member states of the UN, who feared threats to their newly-acquired independent status.

The first years of independence in the Belgian Congo exemplifies the mercenary as both predator and saviour. In the first phase of independence and civil war, between 1960 and 1963, mercenaries provided protection for Belgian interests and citizens, enhanced secessionist aspirations and frustrated communist ambitions. In the second phase of civil war, between 1964 and 1967, mercenaries became integral to the new state's political direction, in a proxy war between democracy and communism. In the third phase of intrigue, in 1967, mercenaries were power brokers and enforcers in their own right, supporting a failed regime change, and staging a mutiny that eventually led to their expulsion. This case study illustrates the complex relationship between mercenary soldiers and states, where myth and reality, and

risk management strategies, were shaped by strong state interests and contested by weak, newly independent, states.

Before turning to an analysis of events, reference needs to be made to data sources. Information on the Congo case is an exemplar of author bias, and data that is, at times, inconsistent, incomplete or emanating from unsubstantiated sources.    Reportage of mercenary behaviour tended to emphasise their lack of subservience to any authority, although often state authority was absent, and disreputable conduct – including looting, assault and summary execution of prisoners of war – while at times ignoring atrocities committed by rebel and indigenous troops, and the alleged lack of protection for Congolese and European communities from UN troops (Hoare 1967; O'Brien 1962).

Importantly, data needs to be considered also within the still limited publicly accessible records from that time; for example, many American government records are reportedly subject to classification and not freely available, while Belgian involvement has only recently been subject to historical revision, culminating in an apology to the family of Patrice Lumumba in 2001 for complicity in his death (Cole 2006; de Witte 2001). With these qualifications, the following analysis is drawn from a range of sources, including autobiographical accounts from mercenaries, reporters and official representatives, in an attempt to validate data. Accounts of mercenary behaviour are compared to actions perpetrated by other participants in the conflict, while contradictory data is noted where it occurs.

*Phase One:  Introducing the Mercenaries – Independence, Secession and the UN*

In 1955, Belgium planned independence for its colony of Congo over a 30 year timeframe, but riots and subsequent elections led to its precipitate emergence as a sovereign state in June 1960 (Clarke 1968, p. 16).  The primary indigenous actors in the post-independence conflict were President Joseph Kasavabu, his appointed Prime Minister Patrice Lumumba, and Moise-Kapenda Tshombe, who advocated secession of the strategic mineral resource region, Katanga. International parties included the former imperial power, Belgium, which had significant continuing interests in the new state, and the UN, which deployed a peacekeeping force, Organization des Nations Unies au Congo (ONUC), to the region.  Incidental actors were the Balubas, a tribal militia group, and the Congolese army - initially known as the Force Publique, later renamed as the Congolese National Army (ANC) - an internal security force that mutinied within days of the Congo's emergence as a new state.  The USA and Britain also retained financial interests in the new state (Devereux 1994, p.173). The following events are summarised in Figure 1.

The appointment of Soviet-backed Patrice Lumumba, espousing communist support, heightened concerns for the previous imperial power, Belgium, and caused dissension within the army. Lumumba's announcement of a reorganisation of the army – the Force Publique – resulted in mutiny at one garrison (Clarke 1968, pp. 16-19; Smith Hempstone 1962, p. 111). Belgium was also concerned with Lumumba's plans for nationalisation of its mining assets, managed by Union Miniere, as well as its 100,000 Belgians resident in the Congo, as administrators, plantation owners, mine workers and military officers (O'Brien 1962, pp. 86-87). Within a few days of being declared a sovereign state, the incoming Congo government had lost the support of its only internal security force, the army.

At the same time, Tshombe had declared the secession of Katanga, the mineral-rich region of Congo, and focus of Belgian interests. Katanga was the source of wealth-generation for the Congo, the 'keystone of its economy,' producing forty per cent of the Congo's revenue (Clarke 1968, p. 21; Smith Hempstone 1962, pp. 56, 66). The primary producer was Belgian company, Union Miniere, which mined copper, cobalt, zinc and germanium (Smith Hempstone 1962, pp. 56-66). Tshombe's secessionist claim instigated a mutiny of troops in the region, and subsequent deployment of Belgian troops in support of Tshombe, and more particularly the protection of thousands of Belgian residents and mining company, Union Miniere (Clarke 1968, pp. 20-21). The objective for the Belgian taskforce was to 'neutralise' the hostile elements of the Force Publique, of whom less than 400 out of 2800 Congolese remained loyal to Tshombe (Clarke 1968, p. 21; Smith Hempstone 1962, p. 110). European officers were integrated into the Belgian taskforce (Clarke 1968, p. 21). Tshombe relied upon Belgian support to secure Katanga and his claims for secession.

The responses from both Lumumba and Tshombe were to seek substitute armies. For Lumumba, these soldiers were supplied by the UN, a peacekeeping force, authorised by the Security Council in July 1960 to replace the Belgian military officers and advisers that had arrived in Katanga shortly after the secessionist announcement (Cohen 2008, pp. 18-19; Weissman 1979, p. 265). Tshombe, acting on Belgian advice, turned instead to an historical security resource: mercenaries (Prados 2006, p. 281). Between 1960 and 1963, Katanga became the focus of battles for the nascent Congolese state, and between two types of mercenary forces. The UN forces (ONUC) came to be known as 'les supermercenaires,' while Tshombe's first group of mercenaries were referred to as the 'White Legion' or 'Compagnie Internationale' (Smith Hempstone 1962, p. 121).

| Conflict Phase (Years) | Events | Mercenary Commanders | Mercenaries - Nationalities | Operational Objectives | State Facilitation |
|---|---|---|---|---|---|
| **Phase 1** 1960-1963 | • Independence from Belgium<br>• Incoming Prime Minister Lumumba – communist links<br>• Katanga secession – led by Tshombe<br>• Belgian mining interests – Katanga<br>• UN intervention (ONUC)<br>• Murder of Lumumba<br>• Death of UN Secretary-General Hammarskjold<br>• UN enforcement – removal of mercenaries | • *British:* Richard Browne Alastair Wick<br><br>• *French:* Roger Trinquier Roger Faulques Bob Denard<br><br>• *Belgian:* Adelin Marissal Jean Schramme | • South African<br>• Rhodesian<br>• British<br><br>• French<br><br>• Belgian | • Assist secession<br><br>• Secure Katanga – mining company assets<br><br>• Secure Katanga communities - European residents | **Recruitment** – offices in South Africa, Rhodesia, Belgium, France<br><br>**Logistical** (transportation) – Portugal, Belgium<br><br>**Resources** (vehicles, military materiel,weapons) – Belgium, and Belgian mining interests<br><br>**Payment** – Katanga secessionist regime (British and Belgian mining interests) |

**Figure 1 – First Phase of Congo Conflict and Mercenary Activity, 1960-1963**
*[Sources: Clarke (1968); Cohen (2008); O'Brien (1962); Geraghty (2007) ; Mockler (1985)]*

In concurrence with a UN agreement, as ONUC forces arrived, the Belgian military withdrew (Mockler 1985, pp. 40-41). For Tshombe, Katanga's security was not immediately threatened by ONUC's presence, or his reduced indigenous military support, but by the Balubas, 'political and tribal rivals' (Mockler 1985, p. 41). The Balubas (also known as the 'Jeunesse bandits') had formed into gangs of youths, committing atrocities against both Katangese Africans and European residents (see Clarke 1968; Mockler 1985, pp. 41 64; see Smith Hempstone 1962, pp. 65, 118-119 on massacres by Balubas). Despite ONUC's presence, the Balubas' rampages had spread and, at the end of 1960, they were being joined by 'Lumumbist troops (and) army deserters' (Mockler 1985, p. 41).

Tshombe required combat-ready security forces as his newly formed loyalist army, the Katangese gendarmerie, was still inexperienced. Reportedly on the advice of a Belgian 'adviser' – conflicting sources name the adviser as either Ruys or Charles Huyghe - Tshombe decided to recruit English-speaking mercenaries from other African colonies, and French-speaking mercenaries from Belgium, Portugal and France (Manning 2005, p. 153; Mockler 1985, p. 41; Smith Hempstone 1962, p. 130). Three factors may have influenced Tshombe's decision to seek mercenary soldiers. Firstly, the mutiny and dismissal of the Congolese army meant that Tshombe required battle-ready veteran soldiers, for there was little time to recruit and train his new loyalist troops, the Katangese gendarmerie (Mockler 1985, pp. 40-43; Smith Hempstone 1962, p. 240). Secondly, an attempted attack by Lumumba's ANC forces in August 1960 threatened Katanga and Tshombe's claims for secession (Clarke 1968, pp. 22-23; Mockler 1985, p. 41). Finally, although the UN had deployed troops to the Congo to replace the withdrawing Belgian forces, there were allegations the

replacement forces did little to secure or prevent attacks against European and Katangese residents by the 'Jeunesse bandits' or Lumumba's troops (see Mockler 1985, p. 41; see Smith Hempstone 1962, pp. 111-112 for details of UN force strengths and composition, and atrocity details).

Tshombe initiated a recruitment campaign for mercenaries in Africa, Belgium and France (Clarke 1968, p. 27; Smith Hempstone 1962, p. 120).  In August 1960, 'discreet advertisements appeared in local newspapers,' recruiting mercenaries in 'South Africa, the Rhodesias, and British East Africa,' offering payment of '$300 a month,' conditional upon applicants being 'English-speaking' and having combat experience (Mockler 1985, p. 41; Smith Hempstone 1962, p. 120). The campaign generated less than 300 volunteers, who enlisted in the 'Compagnie Internationale' and operated as an independent force to the gendarmerie (Clarke 1968, p. 28; Smith Hempstone 1962, p. 120).

In January 1961, recruitment of Belgian and French mercenaries was initiated, with the criteria including 'French-speaking, experience in guerrilla warfare,' and expectations that the recruits would officer the Katanga gendarmerie (Clarke 1968, p. 27; Smith Hempstone 1962, p. 121).  The reasons for French recruitment are stated to have included the need for a 'counter-balance to the Belgian monopoly in Katanga's army,' dissatisfaction with support of the Belgian government, and concerns with 'Tshombe's ability to manage the secession' (Clarke 1968, p. 27). The French soldier tasked with recruiting 100 mercenaries and command of the Katanga army was Roger Trinquier, who resigned from the French army to undertake the commission (Clarke 1968, p. 27; Mockler 1985, pp. 42-43). Trinquier subsequently did not complete his

task, with opposition from Belgium to the hiring of French soldiers. Instead, Tshombe approved the recruitment of 250 Belgian mercenaries (Clarke 1968, pp. 27-28; Mockler 1985, pp. 43-44). However, 20 French officers who travelled with Trinquier to Katanga, stayed to fight, including the former French Legionnaire, Roger Faulques (Mockler 1985, p. 45). Faulques and others were former members of the 1st REP, and had been involved in the 'putsch' or resistance to France's decision to relinquish its Algerian colony (Geraghty 2007, 41-43; O'Brien 1962, pp. 201-202).

The mercenaries employed by Tshombe's English-speaking Compagnie Internationale, recaptured towns from the Balubas, enforcing peace (Smith Hempstone 1962, p. 120). Smith Hempstone (1962, p. 120) contends that it was the success of these mercenaries - declaring themselves to be 'anti-Communist' – that was the underlying reason for their denigration by UN soldiers, for the mercenaries undertook a 'task that the UN could and should have done' (O'Brien 1962). Clarke (1968, p. 24) argues to the contrary, that rather than enforcing security, the UN's task at the time was the 'disarming and repatriation of Belgian troops (also see O'Brien 1962).

In contrast to the actions of the mercenaries of Compagnie Internationale, the UN peacekeeping mission was contentious. Allegations of atrocities included the deliberate mortaring of a hospital, the aerial targeting of civilians and of vehicles with 'Red Cross markings,' although the UN contended that the mercenaries were using Red Cross vehicles (Smith Hempstone 1962, pp. 190-191). The UN Secretary-General accused Union Miniere of 'building armored cars and bombs for the Katangan gendarmerie and shielding mercenaries with jobs.' In response, Union Miniere

accused the UN of using the allegations to justify attacks upon the mining company's installations (Smith Hempstone 1962, p. 190).

Two critical events affected the UN mission in the Congo, with the deaths of Lumumba, in January 1961, and the UN Secretary-General, Dag Hammarskjold, in September 1961 (Smith Hempstone 1962, pp. 160-162). Following his arrest in December 1960 after an abortive attack on Katanga, Lumumba was later murdered, the alleged perpetrators variously nominated as an American CIA agent, Belgian mercenaries, and Tshombe's deputy, Godefroid Munongo (Mockler 1985, p. 43-44; Weissman 1979, p. 267). Hammarskjold died in a plane crash while nearing his destination on the Congo/Zambian border for negotiations with the belligerent parties; explanations for the plane crash have included sabotage, mechanical failure, pilot error and assassination by Tshombe's 'mercenary pilots' (Smith Hempstone 1962, pp. 160-162).

The impact of Lumumba's death was to cause a transition from UN peace-keeping to enforcement, the recapture of Katanga and eviction of all foreign fighters (Smith Hempstone 1962, pp. 130-131). Reports on the capture of 30 Compagnie Internationale soldiers by UN forces in April 1961 described the mercenaries as 'experienced and disciplined… elite soldiers,' whose commander (Browne) expressed criticism of the actions of Katangese gendarmerie and  the French-speaking mercenary group, known as 'les affreux' (Clarke 1968, p. 29; Cooley 1999, p. 93; Mockler 1985, p. 46; O'Brien 1962, p. 198). 'Les affreux' or the 'frightful ones' was a term used to describe either 'revulsion or endearment,' dependent upon the user's perception – of the mercenaries' demeanour, of 'arrogance, apparent invincibility in

battle and disreputable bearing,' although O'Brien (1962, p. 198) refers to 'their habit of going (armed with knives, revolvers and grenades) around bars,' being drunk, noisy and disorderly, but eventually people (that is, Belgian nationals in Elizabethville) 'came to love them… (recognising) their effectiveness in the bush.' Browne and the other captured mercenaries posed a challenge for UN forces, as there were 'no jails, no machinery for trials,' and no offences under international law, the only viable penalty being expulsion, but many mercenaries (as did Browne) continued returning to Katanga (Mockler 1985, p. 47).

By September 1961, the UN offensive had gained ground, with the express aim of expelling all mercenaries. The offensive, referred to as Operation Morthor, was not immediately successful; a UN Irish contingent was besieged by a mercenary unit and, running out of food and ammunition, eventually surrendered to the mercenaries (Clarke 1968; Geraghty 2007, p. 44). In 1962, in the final UN attack upon Katanga, Tshombe fled. In January 1963, he agreed to a ceasefire and UN demands for withdrawal of all mercenaries (Clarke 1968, p. 32). The secessionist claim had ended, with Katanga's integration into the new Congo state.

With Tshombe's endorsement of a ceasefire, and overwhelming UN force, the mercenaries began their withdrawal (Geraghty 2007, p. 45). In turn, this led to the collapse of Tshombe's Katangese gendarmerie, with one thousand soldiers retreating to Angola with Belgian mercenary commander, Jean Schramme, and five others (Clarke 1968, p. 33; Geraghty 2007, p. 45). In a separate incident, French mercenary, Bob Denard, threatened to 'blow up' the Delcommune Dam, an action that would have destroyed mining operations in Katanga (Clarke 1968, p. 33). He offered

'protection,' being payment of 200 million Francs from Union Miniere to save the dam; Denard eventually withdrew, unpaid, leaving the dam intact (Clarke 1968, p. 33).

Mercenaries were introduced as a security resource during the first phase of the Congo wars, when the new state was at its most fragile, and without a viable security force of its own. Tshombe's patron, Belgium, suggested this historical solution to the critical need for military manpower. The strategy was subsequently facilitated by strong states, each of whom made tacit decisions not to prevent recruitment of mercenaries, in British colonies, and in South Africa, France and Portugal, as well as Belgium. Britain's involvement reportedly stemmed from a desire to safeguard its mining investments in Katanga, as well as the need to maintain internal political stability in its colonies, particularly Rhodesia/Nyasaland, where indigenous claims for independence were being raised (Clarke 1968; de St Jorre 1967; Smith Hempstone 1962). Both Britain and the USA also had interests in uranium mining in the Belgian Congo, with rights assigned in a 1944 agreement, a significant issue during the Cold War years (Devereux 1994, p. 173).

For France, mercenary recruitment of former Legionnaires mitigated a potentially dangerous internal threat to the state, as well as enhancing French assets in Africa. Portugal assisted the mercenary network, not only through recruitment of its citizens, but in providing transit points for both men and weapons; men were reportedly 'hidden' in Lisbon jails prior to travel from Europe, and both men and arms were allowed passage into Congo (Katanga) via Angola, the neighbouring Portuguese colony (Clarke 1968, p. 89). For Portugal, mercenaries could enhance its colonial

security arrangements within Angola, securing the Angola/Congo border and as a potential resource against internal insurgents.

By contrast, the UN reaction to mercenary soldiers was driven by the growing number of its 'pan Afro-Asian' member states, who feared a neo-colonial pattern that would undermine their new-found sovereignty.[1] However, the changing focus of Cold War superpowers, to proxy wars in decolonised states, highlighted the utility of mercenary forces, where 'even badly led white troops could defeat untrained, lightly or badly armed tribesmen and inexperienced African armies' (Clarke 1968, p. 35). The Congolese troops, Balubas and 'jeunesse bandits' were ill-equipped, in contrast to the 'well armed mercenaries' (Clarke 1968, p. 35). During the second phase of the Congo War, between 1963 and 1966, provision of weapons to the communist-supported insurgency altered these dynamics.

*Phase 2: Bringing Back the Mercenaries – Communism and the Simba Revolt*

According to Mockler (1985, p. 56) the second phase of war in the Congo made 'modern mercenary soldiering briefly, but confusingly, respectable.' The myth of the 'good' Congo mercenary was constructed in the context of European and US support against the threat of communism, and a perceived need for covert soldiers. The threats to Congo came from a new political party, the Comite Nationale de Liberation (CNL). Following travel to communist states by former Lumumba minister, Pierre Mulele, China provided support to the CNL (Clarke 1968, pp. 37-38; Weissman 1979, p. 271). The CNL, communist-inspired, insurgency began in early 1964, with attacks on civilians and the inability of the Congolese army, the ANC, to contain the rebellion

(Clarke 1968, pp. 37-38; Mockler 1985, p. 58). The events of the second phase in the

Congo conflict are summarised in Figure 2.

| Conflict Phase (Years) | Events | Mercenary Commanders | Mercenaries - Nationalities | Operational Objectives | State Facilitation | State Non Facilitation |
|---|---|---|---|---|---|---|
| *Phase 2* 1964-1966 | • Simba insurgency – CNL, links to communist China<br>• Withdrawal of ONUC forces<br>• Tshombe in exile, returns as Prime Minister, with mercenaries<br>• ANC unable to suppress insurgency<br>• 1965 -Tshombe dismissed, into exile<br>• OAU condemns mercenary use<br>• Mobutu gains power - coup | • *British:*<br>Jeremy Puren<br>Mike Hoare<br>Alastair Wicks<br>John Peters<br>Patrick O'Malley<br><br>• *Belgian:*<br>Jean Schramme<br>Wautier<br>Christian Tavernier<br><br>• *French:*<br>Bob Denard | • South Africa<br>• Rhodesia<br>• Kenya<br>• Belgium (including serving officers)<br>• Britain<br>• Scotland<br>• Wales<br>• Germany<br>• Romania<br>• Greece<br>• Spain<br>• Italy<br>• Hungary<br>• Denmark<br>• Sweden<br>• Australia<br>• USA<br>• US-recruited anti-Castro Cubans | Creation and training of Commando units (1, 2, 3, 4, 5, 6, and 14)<br><br>'Spear-head' ANC offensives against Simbas/CNL<br><br>Recapture CNL-held territory and secure<br><br>Release hostages (European and American) and provide safe escort, secure areas<br><br>Secure border with Sudan and Uganda | **Recruitment** - offices in South Africa, Rhodesia, Belgium, France<br><br>**Logistical** (transportation) – Portugal, Belgium, USA<br><br>**Resources** (vehicles, military materiel,weapons) – Belgium, USA, Congo (ANC)<br><br>**Payment** – Congo (allegedly provided by Belgian and British mining interests) | **Citizenship** – Americans risked loss of US citizenship, USA would deny support for mercenaries<br><br>**Britain** – Disapproval of mercenary operations – reportedly no recruitment in Britain, but overt in its Rhodesian colony |

**Figure 2 – Second Phase of Congo Conflict and Mercenary Activity, 1964-1966**
*[Sources: Clarke (1968); Geraghty ; Hoare (1967); Lemarchand (1976); Mockler (1985); Weissman (1979)]*

At this time, Tshombe was still in exile, still a threat to Congo, and in contact with the mercenaries who had supported his Katanga secession (Clarke 1968; Mockler 1985, pp. 57-59). ONUC forces were still in Katanga, to thwart any assaults by Tshombe. Jean Schramme, a Belgian mercenary commander, was in Angola and training 1000 Katangese gendarmerie; three former ONUC troops, Tanzanians, were also reported to have 'defected to the Angolan training camps' (Clarke 1968, p. 37). The mercenary commander of Tshombe's airforce, Jeremiah Puren, was also in Angola (Clarke 1968, p. 37; Puren and Pottinger 1986). France had withdrawn its support of Tshombe, while Portugal's assistance included not only allowing military training in Angola, but providing visas for prospective mercenaries, and the transhipment of weapons (Clarke 1968, p. 37).

Following training of the Congolese forces by the USA and Belgium, and the withdrawal of ONUC forces in June 1964, an upsurge in CNL activity occurred (Prados 2006, pp. 323-326; Clarke 1968, p. 37). The Simba rebellion (as it was known) had captured large areas of the Congo, and, in August 1964, its leaders had proclaimed Christophe Gbenye as President (Mockler 1985, p. 58). Its young members, 'jeunesse,' drugged, and with beliefs in the bullet-proof powers of 'Mulele water,' were accused of atrocities, killing educated Congolese and holding hundreds of European civilians hostage, before torturing and massacring them (Mockler 1985, pp. 58-59). The Congolese army (ANC) was frightened and overwhelmed. President Kasavabu needed to 'regain territory, reconquest (the Congo) and reconciliate' (Clarke 1968, p. 37).

In July 1964, with two-thirds of the Congo captured by the CNL, Kasavabu requested Tshombe to return and appointed him Prime Minister (Clarke 1968, p. 41; Mockler 1985, p. 59). Tshombe returned, with Schramme and 8000 Katangese gendarmerie (Mockler 1985, p. 59). In South Africa, Mike Hoare was approached on Tshombe's behalf by Jerry Puren, lead pilot of the small Katangese air force, to recruit 1000 mercenaries and 'spearhead' the Congolese offensive against the CNL (Hoare 1967, p. 17-28). Hoare was a former British officer, who had served in India and Burma during the Second World War (Lanning 2005, pp. 154-156). Hoare's unit was known as 5 Commando, recognisable by the 'wild geese' emblem on their uniforms (Hoare 1967, pp. 17-18, 247; Mockler 1985, p. 56). Funding was offered by the CIA 'to subsidise Tshombe's recruitment of mercenaries' (Weissman 1979, p. 282).

Recruiting offices for 5 Commando were opened in Rhodesia and South Africa, an 'all-white unit,' seeking 'English-speaking, fit, young men' (Clarke 1968, p. 42). The first group of recruits included 38 South Africans and a similar number of Germans from the former German colony, Namibia (Clarke 1968, p. 42; Mockler 1985, p. 61). Hoare (1967, pp. 44-45) described the recruits as 'of low standard, drunks, layabouts, bums,' and drug addicts, all 'looking for easy money.' Of those who enlisted, only the South Africans had military experience, having completed national service. Any recruit with prior military experience was automatically given officer rank and assigned to training the 'volunteers' (Clarke 1968, pp. 41-42; Hoare 1967, pp. 44-45). Contracts were of six months' duration, payment of £150 per month plus additional bonuses, 'in currency of the person's choice, to any bank in the world (Clarke 1968, p. 42; Hoare 1967, p. 31). Despite continuous recruitment, 5 Commando never comprised more than 200 to 300 men.

Both the US and Belgium facilitated mercenary activities, with co-operation between their respective intelligence agencies, the Central Intelligence Agency (CIA) and the Surete de l'Etat (Lemarchand 1976, pp. 406-408). A Belgian mercenary, Wautier, recruited serving Belgian officers to command the ANC. Schramme was tasked by Tshombe with using his influence to entice back into uniform 15,000 Katangese gendarmes, and form a French-speaking unit of Belgian mercenaries to work with them. The USA facilitated the engagement of anti-Castro Cuban mercenaries, forming the 58 Commando unit, and provided vehicles and intelligence (Clarke 1968, p. 47; Prados 2006, pp. 272-282; Weissman 1979, pp. 271-272). In response, the Organisation of African Unity (OAU) demanded that the UN condemn the intervention by Belgium and the USA, and that all foreign fighters be withdrawn (Clarke 1968, p. 49). Other African states, concerned about the 'renewal of neo-colonial tendencies' instead directed assistance to the CNL, providing weapons and logistical support (Clarke 1968, pp. 53-54).

The mercenaries repelled the CNL and recaptured territory, acting as advance parties for the Congolese army, in independent units, capable of speed and surprise attacks, flexibility and innovation (Mockler 1985, p. 64). The Simba tactics, of capturing European missionaries and civilians as hostages, later to be tortured and killed, were the focus of mercenary operations; not only to recapture territory, but to free hostages. Mockler (1985, p. 74) states that the mercenaries became 'almost totally acceptable to the Western world,' with 'magazines displaying photos of nuns rescued by mercenaries… routing thousands of black savages (and) saving missionaries from

torture' (Mockler 1985, p. 69). The mercenaries became known colloquially as 'White Giants' (Geraghty 2007, p. 53; Mockler 1985, p. 74).

Atrocities occurred on both sides, however; the Congolese army engaged in torturing the CNL insurgents before killing them, compared to the mercenaries who instead reportedly 'just' shot and killed their opponents (Clarke 1968; Mockler 1985, p. 64). Looting occurred on a large scale; having repelled the CNL and secured towns, 'small groups of determined and dynamite-carrying mercenaries' would go 'in search of safes to blow' (Hoare 1967, pp. 129, 127; Mockler 1985, p. 71). Mockler (1985, pp. 71-72) refers to the 'naïve belief of Belgians that the brave, devoted, white mercenaries would leave their houses intact,' and an expectation that the Congolese army would not.

In September 1965, a major offensive against the CNL insurgents brought their defeat, although the insurgency continued with intermittent outbreaks (Mockler 1985, pp. 64, 66). With the reduced urgency of defeating the rebels, tensions emerged within the Congolese government and mercenary command (Clarke 1968, p. 64). Presidential elections were due to be held in 1966 and Tshombe, increasing his political influence, was challenging Kasavabu. In October 1965, Kasavabu dismissed Tshombe as Prime Minister, and declared to the OAU Conference in Kenya that he was seeking a 'definitive solution' to the mercenaries' involvement (Clarke 1968, p. 65). This statement was qualified by the army commander, General Mobutu, who stated that all mercenaries 'not engaged by the Congolese government' would leave (Clarke 1968, p. 65). Mobutu was to retain 5 Commando to offset any Tshombe loyalists within the army, but distrusted the Belgian, Rhodesian and South African mercenaries, who, he

believed, would remain loyal to Tshombe (Clarke 1968, pp. 65-69; Mockler 1985, p. 80). The mercenaries recruited by Tshombe – Hoare, Puren and Wicks – were to leave.

Mike Hoare, leader of 5 Commando, had retired to South Africa and replaced by Major John Peters (Clarke 1968, p. 65; Hoare 1967, p. 279). The French-speaking unit, 6 Commando, was to be led by Bob Denard, replacing a Belgian mercenary commander (Clarke 1968, p. 77). Schramme was retained in his role as mercenary commander of the unit working with the Katangese gendarmerie. Mercenary recruitment continued, with over 1500 soldiers in the Congo, comprising Belgians, Spaniards, Germans, South Africans and the US-facilitated anti-Castro Cubans (Clarke 1968, p. 69). Mobutu still required mercenaries, although at this time their role was to be a 'counter-weight' to Tshombe loyalists in the army, the gendarmerie, as well as to suppress Simba activities.

By late 1966, the mercenaries - particularly 5 Commando - had gained some notoriety as saviours for the European population, as well as securing the Congo state. However, while acknowledged as 'first-rate fighters,' as Clarke (1968, p. 61) notes, 'there were few questions asked about their methods.' As predators, the mercenaries considered the Congo 'fair game for any exploit' (Clarke 1968, p. 62). Looting, murder, drunken rampages and 'unlimited power in the villages and towns that they protected' were reported in the media, as were the murder of unpopular mercenary and Katangese officers (Clarke 1968, p. 62). Mercenary activity was supported by the democratic states as a fight against communist insurgency, regardless of how this was achieved, for the CNL had received training, weapons and military advice from the

USSR, China and Cuba during their operations. As Mobutu sought power, however, the challenges for Congo came from an abortive attempt to restore Tshombe, which involved the mercenaries.

*Phase 3: Ousting the Mercenaries – Mobutu, Tshombe and Mutiny*

In July 1966, the Katangese gendarmerie rebelled. The mercenaries were equivocal in their support for the rebellion. Denard and Schramme waited to see what would happen; a Belgian commander (Wautier) was killed by two of his officers during a dispute over whether to support the mutiny; and a unit headed by a Bavarian, named Wilhelm, was ambushed by Simba rebels while travelling towards the Katangese garrison. (Mockler 1985, p. 82). The events of the third phase are summarised in Figure 3.

In December 1966, Mobutu ordered Schramme to disarm his mercenary officers and repatriate his Katangese soldiers, before demobilisation (Mockler 1985, p. 93; Weissman 1979, pp. 272-273). Schramme refused, agreeing only to demobilisation of his mercenaries, back to Belgium. Schramme, based at Maniema and leader of 10 Commando, had meanwhile created a 'state within a state.' rebuilding the town's infrastructure, 'reorganising trade and education,' and arranging for visits from Belgian 'technicians and specialists' (Mockler 1985, pp. 92-93). In April 1967, Mobutu ordered Denard and his 6 Commando unit to disarm Schamme's men, who were still at Maniema; Denard refused, wary of Mobutu's intentions towards 6 Commando, and also fearing reprisals from his own mercenaries (Mockler 1985, p. 94).

| Conflict Phase (Years) | Events | Mercenary Commanders | Mercenaries - Nationalities | Operational Objectives | State Facilitation | State Non Facilitation |
|---|---|---|---|---|---|---|
| **Phase 3** 1966-1967 | • Rebellion of Katanga forces, loyal to Tshombe<br>• Mobutu directs Schramme and Denard to disarm – refused<br>• Tshombe to return from exile, instead kidnapped<br>• ANC attacks on Europeans<br>• Schramme flees, with Europeans<br>• Denard flees after attempted Katanga uprising | • *Belgian:* Jean Schramme Wautier<br><br>• *French:* Bob Denard<br><br>• *British:* Jerry Puren John Peters | • Belgium<br>• France<br>• Germany<br>• US-recruited anti-Castro Cubans – attacks on Schramme's encampment on Mobutu orders, then withdrawn | Ambiguous – support for Katangese rebellion<br><br>Reinstatement of Tshombe – cancelled due to kidnapping<br><br>Refusal to disarm and demobilise without repatriation to Europe<br><br>Safe escort of fleeing Europeans<br><br>Withdrawal to Rwanda, Angola<br><br>Repatriation to Europe | **Logistical** (transportation) – Portugal<br><br>**Resources** (vehicles, military materiel,weapons) – France, Portugal<br><br>**Payment** – France (financing Denard, allegedly) | **Portugal** – (later) alleged non-supply of weapons, vehicles to Denard<br><br>**Belgium/France** – on repatriation, passports stamped 'Not valid for Africa' |

**Figure 3 – Third Phase of Congo Conflict and Mercenary Activity, 1966-1967**
*[Sources: Churchill (1980); Clarke (1968); Geraghty (); Lemarchand (1979); Mockler (1985); Weissman (1979)]*

In June 1967, details of the Kyrellis Plan became known, an operation to reinstate Tshombe. The plan included the engagement of 2000 former Katangese gendarmes, the transportation of weapons by Puren, based in Angola, and arrangements to fly Tshombe from Spain (where he was in exile) to Congo (Mockler 1985, p. 95). Both Denard and Schramme were believed to be involved; at this time, Schramme was also alleged to have killed a Belgian planter. In May 1967, leader of the now-disbanded 5 Commando, Peters, was implicated in the plot although he denied any involvement. Peters was later refused residency in South Africa, and instead went to Britain (Mockler 1985, p. 86).

The reinstatement of Tshombe did not occur. In June 1967, en route to Africa from Spain, he was kidnapped and taken to Algeria; Tshombe later died in jail, in 1969 (Clarke 1968; Lemarchand 1976, pp. 413, 418; Mockler 1985, pp. 97-98). In July 1967, with Congolese troops on their way to the Commandos' bases, Denard met with Schramme and the mercenaries decided to mutiny (Lemarchand 1976, p. 413; Mockler 1985, p. 99). Soon after, confusion ensued among the mercenary units, resulting in one unit's withdrawal from Bukavu; the 'white' residents there were later tortured and killed by the Congolese army as 'collaborators' with the mercenaries (Mockler 1985, p. 100). Schramme blamed Denard for the debacle, accusing him of not pre-warning the unit. A few days later, a wounded Denard and ten mercenaries departed Congo in a stolen plane, headed for Rhodesia (Lanning 2005, p. 162; Mockler 1985, p. 101).

Meanwhile, Schramme and his mercenaries were allegedly headed towards the Rwandan border with 'white hostages,' and Mobutu directed his army to the border, to capture the mercenaries and free the hostages. Instead, Schramme recaptured Bukavu, and the Congolese

troops there fled. The 'hostages' were Europeans, being given secure escort by the mercenaries, and 'fleeing of their own free will' (Mockler 1985, pp. 101-102). Aerial attacks upon the town were initiated, the pilots being anti-Castro Cubans; however, limited damage was incurred. According to Mockler (1985, p. 105) such actions were probably tempered by 'mercenary solidarity,' as well as realisation that success would mean the end of their contracts. Mobutu replaced the Cubans with Congolese pilots (Churchill 1980).

Denard returned to Congo from Angola with 110 'white' mercenaries and 50 Katangese, meeting with a further 2000 to 3000 former Katangese gendarmes, who were willing to assist with the uprising (Mockler 1985, p. 106). Without vehicles or weapons – Portugal had supplied Denard only with bicycles - and having faced a series of ambushes and battles with the Congolese army, the mercenaries retreated across the Angolan border in 'near panic' (Mockler 1985, pp. 106-109). At the same time, there was increasing dissension between Schramme's mercenaries, due to an underlying 'distrust' between the Belgians and French (Mockler 1985, p. 109). Having been warned by the Cuban pilots of an imminent attack, Schramme and his 130 mercenaries, 800-odd Katangese gendarme*s*, and over 1500 women and children, fled for Rwanda, where they were disarmed and interned (Mockler 1985, p. 110).

Mobutu sought compensation from the mercenaries' countries of origin for the 'damage caused by their revolt,' and extradition of the mercenaries from Rwanda for war crime trials (Mockler 1985, p. 112). Under the auspices of the ICRC, the mercenaries were eventually repatriated to Europe in April 1968, their penalty being that their passports were stamped 'Not valid for Africa' (Mockler 1985, p. 112). Although he claimed his reputation was ruined, Schramme was advised by the Belgian authorities not to make media statements on his

arrival. However, following Mobutu's visit to Belgium in June 1968, Schramme was arrested for the murder of Quintin, the Belgian planter (Mockler 1985, p. 113). Issued with a passport while on bail, Schramme disappeared (Mockler 1985, pp. 113-114). The remaining Katangese gendarmes, interned in Rwanda, were persuaded to return to Congo after a visit by an OAU mission; in April 1969, the gendarmes were reported to have been killed on their arrival in Congo (Mockler 185, p. 114).

*Summary*

Although integral to suppression of the Simba revolt, the mercenaries, reflecting the aspirations of formal state military leaders, had come to perceive themselves as independent political actors. While backed by European imperial powers, mercenaries were able to operate freely, with American sanction; Mobutu was an American asset, and a strategic ally against communist aggression (Madsen 1999, pp. 162, 165-168). Third party actors, engaged to fight communism, were also strategic assets for the USA (Churchill 1980, p. 29). Simultaneously, although Mobutu needed the mercenaries to sustain security in his fragile state, they were perceived as a threat to his regime, particularly those who were aligned with Tshombe and the Katangese gendarmerie.

The most critical events for employers of mercenaries are demobilisation or inaction. During the lulls in fighting the Simbas, and later, the mercenary soldiers had become 'garrison troops,' where discipline was almost impossible to maintain. The 'publicity had disappeared, and the glamour faded' (Mockler 1985, p. 111). By contrast, Schramme had begun to create a 'state within a state,' an indication of his political aspirations. Media reports of the mercenaries reflected state perceptions, and redefinition of the myth. The Belgian and French press reported favourably on the mercenary leaders' actions, blaming any failures on the US,

and referring to American pressure on South Africa and Portugal to stop aiding Schramme (Mockler 1985, p. 111). By contrast, the British media presented the mercenaries' mutiny as having removed any 'spurious glamour they had,' and their actions as 'symbols of chaos and neo-colonialist meddling' (Mockler 1985, p. 111).

The mercenaries would not have been able to initiate actions, or operate within Congo, without external state support. Recruitment was dependent upon the tacit consent of states where this activity occurred. Similarly, the supply of weapons, associated military materiel and vehicles, were facilitated by states; in fighting the Simbas, the USA was the primary supplier, while Tshombe and his mercenary alliance were also supplied by Portugal and Belgium. Denard claimed that his return to Congo on bicycles was due to Portugal not supplying vehicles, and later the non-supply of promised weapons. Upon repatriation, few of the mercenaries were penalised by their states of origin, unless pressured to do so by other states. Even then, the action taken was minimal, as with Mobutu's insistence that Belgium press charges against Schramme.

State controls on the mercenaries were effected through the supply, or non-supply, of weapons and transport. Pressure from new, weak states on European states for the extradition of individual mercenaries were resisted, as were demands for the laying of criminal charges. Mercenaries were also dependent upon their home states for repatriation. Weak state overtures had limited effect; Mobutu's request was ignored, despite being a US ally during a time of superpower rivalry in the region.

Of most significance, however, is that the mercenary network generated by the Congo war became a useful resource for aspiring African leaders and weak states, as well as strong states

fighting a Cold War in previous colonies. Insurgency and counter-insurgency campaigns became a specialty in mercenary activity, and mercenary commanders and networks were put to later use throughout Africa and other continents. Threats posed by these men were tempered by the distance between their spheres of operation and their states of origin. The need for a safe haven – repatriation to their state of origin – was an effective deterrent against continuing military action at home.

*Conclusions*

The years between the end of the Second World War and the early 1960s were characterised by the Cold War security strategies of containment and increasing engagement in proxy wars. While the Second World War was seen to necessitate an 'irregular mode of conflict,' this stratagem then formed the basis for later wars between communist and democratic states (Beckett 2001, p. vii). Important elements in insurgency and counter-insurgency strategies were the use of private security actors to facilitate West European and American objectives.

Private security actors could operate with limited perceptible links to their sponsors, the strong democratic states. Private security companies were operating during these years, albeit with limited overt acknowledgment in the media or by strong states, for example, in Malaya and across Africa (on Malaya, see Dorrill 2000, p. 664; *The Times*, 16 September 1954; White 1998, p.164; on Africa, see Fleming 1957; Kamil 1979; Sillitoe 1955).

Individual actors were also involved in these proxy wars, referred to either as 'mercenaries' or 'foreign military advisors,' depending upon the legitimacy and distance offered by their strong state sponsors. Importantly, the use of 'mercenaries' facilitated distance from strong

states, who espoused democratic ideals to their domestic population and international counterparts.

The following chapter briefly reviews mercenary operations in the Cold War until 1989, including other less publicised events of the 1960s. The publicity or otherwise of these activities and the use of specific terminology – mercenary or private security – is indicative of state-influenced disapproval or facilitation, and highlights the processes by which operations may be either disrupted or facilitated.

## Chapter 6 – Proxy Wars and Private Security, 1966-1990

*1960s – White Knights and Mavericks*

The beginning of the 1960s saw a change in security focus, from the immediate European and American concerns with containing the Soviet threat in Europe, to communist activities in the 'third world' (Aldrich 2002, p. 607). Both the USA and Soviet Union had increased their military spending, with support by each superpower for either independence or resistance movements (Churchill 1980, p. 28). European imperial powers were facing an uprising of nationalist and independence movements in their colonies. For Britain, particular areas of concern were the Arabian Gulf states, Asian and African imperial territories. Illustrative of the challenges faced by Britain was the covert employment of mercenaries in Yemen, to avoid conflict with its official military deployment to neighbouring Aden.

While democratic states adopted covert responses to insurgency and counter-insurgency operations, Nikita Krushchev's January 1961 speech as leader of the Soviet communist party, openly referred to Russia's support for 'wars of liberation' (Radio Free Europe, 20 January 1961). Krushchev's speech, made just prior to Kennedy's inauguration as US President, was a catalyst for revision of American foreign and military policies, particularly Kennedy's focus on guerrilla warfare to counteract the perceived communist threat (US Department of State, 8 June 1961).

Although the American government had reservations on the capacity of the USSR to influence communist insurgencies in Asia, Africa or South America, there was concern on the provision of funds, materiel, and military and academic training for aspiring revolutionaries. America's concerns were overlaid by the potential security vulnerability from decolonisation in Africa and Indochina, and the success of a communist insurgency in Cuba. Kennedy's

response, in 1962, referred to Soviet-sponsored insurgency as requiring 'A whole new kind of strategy, a wholly different kind of force, and therefore a new and wholly different kind of military training' (cited in Rice, 1988, p. 92). America also supported 'pin-prick wars' and counter-insurgency campaigns in South East Asian states bordering China, to offset a perceived communist Chinese threat (Aldrich 2002; Halliday 1983, p. 151).

France was fighting a counter-insurgency campaign in Indochina, its forces including Legionnaires and African soldiers. In Algeria, France faced indigenous claims for independence, opposed by its Foreign Legion which had historical allegiances to maintaining the colony, and French settler demands for imperial retention. The result was the emergence in 1961 of a Legionnaire-inspired terrorist group opposed to French withdrawal from Algeria, known as the Organisation de l'Armee Secrete (OAS). For France, an extra-territorial need for mercenaries may have proved an avenue for mitigating such threats; during the Congo wars, forty French mercenaries were former members of OAS in Algeria, allegedly supported by the USA (de St Jorre 1972, p. 21; O'Brien 1962, pp. 110, 201-202; Pateman 2003, pp. 136-137). Many of these former OAS members were facing arrest and imprisonment if they returned to France (de St Jorre 1972, p. 21). Former Legionnaires were to be found in many of the insurgencies and counter-insurgencies in ensuing decades. Also involved in these conflicts were German soldiers, many being former Wehrmacht (Hoare 1967, pp. 45, 201).

The Congo wars were unique, where conflict devolved to two substitute armies of mercenaries - a UN peace-keeping and later enforcement mission, and European state-sponsored mercenaries. According to Mockler (1985, p. 50), the UN peace-keeping force were described as 'les super-mercenaires,' an ironic reference to the range of nationalities and reputation of some in the contingent, such as the Swedes, who allegedly 'never dared to set

foot outside their armoured cars,' while the Irish preferred to surrender than engage in fighting. The locations and processes of mercenary recruitment and deployment by democratic states, initiated during the Congo phase, were later repeated in other campaigns. The European states included Britain and British colonies, France, Belgium and Portugal, the latter implicated often in transhipment of weapons and personnel, as well as military training in its colony of Angola. Until 1960, access to weapons had been controlled by European states, imposing restraints on any unregulated supply and providing only 'second-hand material' to their 'clients' (Naylor 2002, p. 8; Sampson 1991, pp. 119-120). However, the tools of insurgency - weapons and associated military materiel - were increasingly accessible during the 1960s to both incumbent regimes and insurgents; modernisation of strong state militaries made large numbers of surplus weapons available for resale, while commercialisation of the firearms industry also induced greater competition in the markets of newly created states (Phythian 2000, pp. 2-3; Sampson 1991, pp. 119-128, 211).

With cessation of civil war in Congo and repatriation of mercenaries, the next site of activity was Nigeria, fighting a secession movement in Biafra (de St Jorre 1972; Mockler 1985, pp. 117-146). By contrast, the 'quiet option' of British-endorsed mercenary operations in Yemen received limited media attention, with public references made to 'private security' (Geraghty 1981 , pp. 116-117. The institution of a 'D notice' system in Britain - in place since 1912, but only publicly acknowledged in 1961 – empowered government officials to scrutinise and prohibit, where necessary, media reporting on issues deemed relevant to national security (Sadler 2001, p. 62, fn 2). Official perceptions of 'national security' were fluid, however, and a 1965 report by the British Section of the International Commission of Jurists observed that D notices could be used to 'prevent discussion or disclosure of matters which are not vital to national security' (Shawcross, cited in Sadler 2001, p. 80). It is proposed in this study that

national security concerns also limited media capacity to report on mercenaries working for the British government. Media reporting was also affected by location and space; in Congo, reportage was delayed and difficult, with long distances, inhospitable terrain and fragile communication lines. In comparison, the first televised war in Africa, Biafra, reduced the 'mediated communication' barrier of space and time, also generating a new industry, the 'humanitarian internationale' (Seaton, cited in Thussu and Freedman 2003, p. 30; de Waal 1997).

The 1960s were a time of tacit consent by strong states to the recruitment and use of mercenaries by newly decolonised states or, alternatively, resistance movements, in the context of the Cold War. Although strong states either collaborated or assented to mercenary activity, they also retained the capacity to obstruct or disrupt potentially embarrassing operations.

### The 'Man Who Started It All'

The 'circuit' network and contracting of private security agents for work overseas gained momentum in the 1960s, with British security companies being reported to undertake a significant proportion of overseas private work (Geraghty 2007, p. 6; Aldrich 2002, p. 145). The arena of activity for British private security actors focused particularly on the Middle East and the Arabian Gulf States, previously ruled by Britain, who also protected its emirs (Mockler 1985, p. 150).

To paraphrase Geraghty, 'the man who started it all,' was David Stirling, a former SOE operative, motivating force for creation of the Special Air Service Regiment (SAS) and, later, the founder of British private security companies that operated across the Middle East, Africa

and Asia (Geraghty 2007, pp. 5-12). Stirling remained with the SAS until the early 1960s and, on his departure, established several companies – including Television International Enterprises, Watchguard and KAS Enterprises – specialising in international security operations (Arnold 1999, pp. 67-68; Dorrill 2000). The insurgency campaign in Yemen, managed by Stirling, illustrates the close relationship between Britain and its private operatives, and involvement of other strong states. Further, efforts to maintain secrecy were designed to divert attention from the involvement of British security agencies.

*Yemen – Television International Enterprises (1962-1970)*

In 1962, the followers of the deposed Imam of Yemen initiated an insurgency against the military junta who had forcibly taken power, supported by Egypt and its backer, the USSR. As Yemen was close to the British Protectorate of Aden, a major garrison for British troops, the coup and ensuing insurgency was a major concern, and the British government found it difficult to initiate a timely intelligence operation. Instead, in March 1963, an 'unofficial operation' was initiated by David Stirling and others, who recruited former SAS members and, operating through a subsidiary of Television International Enterprises, began planning the operation, funded by the Saudi Prince Sultan (Connor 1998, pp. 192-195; Dorrill 2000, pp. 684-686). Television International Enterprises was created by Stirling, with a private contract for security services in Oman and Yemen, and Katanga, in Congo (Dorrill 2000, pp. 677-699).

The need for 'Arabic-speakers' resulted in the recruitment of a former French Legionnaires, Colonel Roger Falques, and military veteran, Bob Denard, who had both previously worked in Indochina and Algeria, and as mercenaries in the Congo (Dorrill 2000, pp. 685-686). Both Faulques and Denard were to run separate operations, with the 'tacit consent' of the French

government (Geraghty 1981, p. 113). Faulques began recruiting French mercenaries, while back in London 'the office of the 21 SAS Volunteers (TA) adjutant' was used as a 'clearing ground' for British recruits (Dorrill 2000, p. 686; Geraghty 1981, p. 116). The British mercenaries were paid £250 per month 'through the Foreign Office and Ministry of Defence,' although this was later denied (Dorrill 2000, p. 686; Geraghty 1981, p. 116).

By 1962, forty-eight mercenaries with former military experience had been recruited and, by 1966, the 'extensive mercenary operation' was allegedly paying its recruits £10,000 per annum (Dorrill 2000, p. 697; Geraghty 1981, p. 114). The program highlights the network of British mercenary commanders, including not only Stirling, but former Lieutenant-Colonel Jim Johnson, Colonel David Smiley and Major John Cooper (Geraghty 1981, pp. 112-116).

Assistance for the operation included the establishment of safe houses in Beihan, 'a system for passing mercenaries through Customs' in Aden, the supply of weapons from a Belgian company and from Bulgaria (organised by the French), transportation by Rhodesian Air Services and the Jordanian Air Force, and involvement of the Israelis, Saudis and the Shah of Iran (Dorrill 2000, p. 690; Geraghty 1981, p. 116). The activities included surveillance, targeted assassinations, propaganda campaigns, maintaining communications and providing medical aid (Dorrill 2000, p. 696; Halliday 1977, pp. 15-16). Aspects of the operation assisted 'Western intelligence,' for example, identifying the Egyptians' use of Chinese-manufactured poison gas (Dorrill 2000, p.648 ; Geraghty 1981, p. 117).

In the early months, concerns were raised at senior levels in the British government that 'everyone is freebooting,' referring to the number of persons involved and parallel operations, but, despite this, the program continued (Dorrill 2000, p. 687). The British officially denied

involvement in the war, although the mercenary commanders had 'access to the highest levels,' the operation being described as impossible to carry out 'without official support,' and that it was noteworthy for the 'degree of official connivance and cooperation it managed to acquire' (Dorrill 2000, pp. 691, 698). Geraghty (1981, p. 79) noted the paradox of British mercenaries cooperating with the Imam's forces against the newly installed government, while regular SAS troops were attempting to quell an insurgency just a 'few miles south in Aden,' an insurgency backed by the Saudis. In 1968, a media report on covert assistance for the operation, to be published in *The Sunday Times*, was thwarted by Stirling when he sought an injunction, and then placed 'a series of articles' through a 'journalist friend' in an opposing newspaper, *The Telegraph,* that 'kept the existence of MI6 support secret' (Dorrill 2000, p. 691).

The Yemen insurgency continued for eight years, the royalist insurgents never gaining power, despite the strategic military advice from Smiley and others (Geraghty 1981, p. 114). The deaths of three British mercenaries, 'murdered at a road-block,' is claimed to have generated disputes among former members of the group over compensation for the families of those who died and 'the belief that their paymasters had not kept faith with the men at the sharp end' (Geraghty 1981, p. 115).

*Watchguard – 'Plan A War'*

In 1967, Stirling created Watchguard International, based in Guernsey, employing former SAS members (O'Brien 2000, pp. 18, 46-47; Geraghty 1981, p. 122). Guernsey was reported to be a safe haven 'from the demanding detail required by company law' (Bloch and Fitzgerald 1984, p. 47). The company produced 'tasteful emerald-green brochures outlining its services,' which included support to counter-insurgency operations and military advisory

training teams, for rulers of states in the Middle East, Africa, South America and Asia (Bloch and Fitzgerald 1984, p. 47; Geraghty 1981, p. 122). Recipients of the training were 'palace-guards and special forces units,' and at times advice included the establishment of alternative 'command posts' should a regime be threatened by a coup.

It is claimed that only security advice was provided, not engagement in combat, although Watchguard was reputedly known in 'mercenary circles' as 'Plan-A-War' (Bloch and Fitzgerald 1984, p. 49; Mockler 1985, p. 150). John Banks, a former Watchguard employee, later to become a mercenary recruiter, referred to the company as the 'civilian branch of the SAS' (Mockler 1985, p. 150). Watchguard provided security for President Siaka Stevens of Sierra Leone and President Kenneth Kaunda of Zambia, and often the employment of these bodyguards was 'viewed as a matter of prestige for presidents or prime ministers of "black African countries" formerly ruled by the British' (Bloch and Fitzgerald 1984, p. 48; Mockler 1985, p. 150). Stirling's company was also said to be in competition with other security advisors, from the USA, Israel and South Korea (Bloch and Fitzgerald 1984, p. 48).

The reciprocal relationship between Stirling and the British government is highlighted by the loss of potential contracts for Watchguard that were instead directed to the SAS. In the mid-1960s, the contracts were to provide increased protection for Kenya's President, Jomo Kenyatta, and, in 1968, for Sheik Zayid of Abu Dhabi (Geraghty 1981, p. 122). According to Geraghty (1981, pp. 122-123) the British government perceived the 'defence of the Sheikdom too important to leave to a private concern like Watchguard,' and ultimately the SAS provided the requested security. A potential contract for security assistance by Watchguard to the Sultan of Muscat, to quell a communist-inspired insurgency, was also redirected to the SAS (Geraghty 1981, p. 123). Stirling apparently only contracted with regimes that 'the

government approved of,' and where Britain did not wish to be directly involved (Geraghty 1981, p. 123). In a 1979 interview, Stirling stated that, 'The British government wanted a reliable organisation without any direct identification… they wanted bodyguards for rulers they wanted to see survive' (in Bloch and Fitzgerald 1984, p. 48).

In contrast to Stirling's less publicised activities, the war between Biafran secessionists and the Nigerian regime in 1967 attracted attention, with disparate groups of mercenaries, some of whom had fought together in the Congo, and in Yemen also.  Mercenary activity was facilitated by strong states, but with greater restraints on the autonomy of their 'freebooters.' The war was also different to any that had gone before, being the first televised African conflict.  The following review is drawn predominantly from the work of John de St Jorre, an investigative reporter whose commentary has formed the basis for subsequent writings by others on mercenary activity during the Nigeria/Biafra conflict.

*Biafra and Nigeria – Mercenary Constraints*

The Nigerian civil war of 1967 to 1970 was occasioned by the attempted secession of Biafra, the site of oil exploration for British and American companies, and 'a potential keystone' to the economy that could not be allowed to separate from Nigeria, if the state was to survive (de St Jorre 1972, pp. 138-139). With a coup and counter-coup of the Nigerian government, and fragile security, proponents of secession exploited instability.  Nigeria's army was small, untrained and inexperienced, with irregular supplies of weapons, and lacking knowledge in the terrain and climate of Biafra (de St Jorre 1972, p. 281).

Mercenaries were recruited by both the Nigerian government and Biafra, principally as air support, but also to provide military training, advice and combat involvement (Arnold 1999,

pp. 18, 21). State alignment and sponsorship concurred with colonial and business interests. The British supported their former colony, Nigeria, a federation of previous West African imperial territories, and was 'passive' in allowing the recruiting of mercenaries (de St Jorre 1972, p. 321). Britain's approach was to maintain Nigeria as a federation, and to safeguard oil exploration interests. A former Congo veteran and British mercenary, John Peters, undertook recruitment on behalf of the Nigerians (Arnold 1999, p. 18). Also supporting the Nigerians were the USA who, along with Britain, had significant commercial interests in oil exploration. Although claiming impartiality, the USA was accused of 'indirect intervention' in the conflict.

The Biafrans were supported by France, maintaining a strategic interest in former British colonies (Arnold 1999, p. 23). France supplied weapons and 'played an active role in helping' the recruitment of mercenaries, the French Secret Service Chief being 'a firm believer in the use of mercenaries to back French policies' (de St Jorre 1972, p. 321; Pateman 2003, p. 119). A former Congo veteran, Roger Faulques, was allegedly 'tasked' by the French security agency in November 1967 to recruit '100 men for six months,' although eventually only 49 were supplied (Arnold 1999, p. 23). Portugal also was supportive, facilitating recruitment and travel, and accused by Nigeria of supplying arms to Biafra, the latter reportedly having access to significant funds (Arnold 1999, p. 20). Mercenaries included Swedish, French, British, South Africans and Australians recruits, while the US supplied Nigeria with anti-Castro Cuban pilots. A 'notorious Nazi war hero,' Colonel Otto Skorzeny, was also employed (Arnold 1999, p. 20). At times ideology superseded financial interest, such as the involvement of Swedish Count Von Rosen, who declared that he was 'reduced to tears' while viewing pictures of starving Biafran children, and began conducting an aerial campaign against the

Nigerians, as well as transporting goods (including weapons) across the blockade for Biafra (de St Jorre 1972, pp. 333-339; Mockler 1985, pp. 133-139).

Former Congo mercenaries were engaged by both Biafra and Nigeria. Reports on Bob Denard's involvement are conflicting; while Mockler (1985, p. 121) alleges that Denard arrived with 'a force of 100 men,' believing that there would be 'clandestine but official support for a mercenary venture,' he eventually left having been rejected as the 'potential leader.' Arnold (1999, pp. 19, 22) asserts that Denard arrived with 200 men, destined to secure a port. Mike Hoare was reportedly contacted by a Portuguese 'arms dealer,' Pierre Lorez, on behalf of the Biafrans (Arnold 1999, p. 19). Hoare was reputed to have 'several hundred' mercenaries available, although the lack of autonomy in campaigns and high price he demanded led the Biafran leader, Colonel Chukwuemeka Ojukwu, to state that Hoare's services could not be afforded (de St Jorre 1972, p. 324). Anecdotal reporting refers to Hoare being contacted by former Congo colleague, John Peters, and asked to refrain from the war due to 'scruples' on English-speaking mercenaries fighting each other, although these sentiments did not extend to any clash between French and English recruits (Arnold 1999, p. 19).

Alastair Wicks, although British, was recruited by Biafra and contracted a Rhodesian airline to transport supplies; this venture apparently ceased when one pilot disappeared with $250,000 in cash (Arnold 1999, p. 24). Rolf Steiner, a former Legionnaire and German national who had fought with Schramme in the Congo, became commander of a newly-created commando brigade, referred to as the 'Steiner Group' (Arnold 1999, p. 24; de St Jorre 1972, p. 325). Other members included 'Taffy' Williams, a 'South African of Welsh origin,' a Rhodesian and other mercenaries from the wars in Congo and Yemen (Arnold 1999, p. 24; de

St Jorre 1972, p. 325). Although he initiated several campaigns, all ended in failure, and Steiner allegedly left after being paid £90,000 by the Biafran leaders (de St Jorre 1972, pp. 327-328; Mockler 1985, pp. 139-141). Steiner was later arrested and imprisoned in Sudan, although not for the crime of being a mercenary (Major 1992, p. 134).

While Israel did not 'formally recognise Biafra,' unsubstantiated reporting referred to both South Africa and Israel supplying weapons and mercenaries to the Biafran regime (Pateman 2003, p. 118). Two hundred South African mercenaries were alleged to have been 'sent' by South African Defense Minister, P.K. Botha, in an attempt to 'fragment Nigeria, a potentially dangerous adversary' (Thomas, cited in Pateman, 2003, p. 118). Between '25 and 50 tons' of weapons were also reputed to have been supplied, in addition to military training (Thomas, cited in Pateman, 2003, p. 118).

Both Nigerian and Biafran leaders held conflicting perspectives towards mercenaries, for they had been deployed to the Congo as part of the UN peace-keeping force, ONUC, and involved in expelling the foreign fighters (de St Jorre 1972, p. 312). Despite their antipathy towards mercenaries, however, both parties needed them (de St Jorre 1972, p. 312). In contrast to Nigeria, which primarily required pilots and British-supplied 'technicians,' Biafra employed 'mercenaries extensively in ground operations, in combat and as instructors' (Arnold 1999, pp. 18-21; de St Jorre 1972, p. 321). Despite military training by mercenaries on guerrilla warfare, the Biafran soldiers, however, preferred the 'conventional warfare' strategies they had previously been taught (de St Jorre 1972, p. 280).

There were allegiances and competition within the 'brotherhood' of mercenaries (de St Jorre 1972, p. 313). John Peters is reported to have attempted to dissuade Alistair Wicks from

recruiting for the conflict, warning Wicks, 'Don't recruit for Biafra, I don't want my boys fighting yours' (de St Jorre 1972, p. 313). An underlying national antipathy was also apparent, where a dying Belgian mercenary (Marc Goosens) stated that 'One good thing about this war is that we're fighting the English on the other side!' (in de St Jorre 1972, p. 313).

The war provided mercenaries with limited opportunities to become enforcers or power brokers, although at times they did determine the manner in which the war would be fought (de St Jorre 1972, p. 320). Illustrative of the tacit agreement between mercenaries on both sides not to commit to serious combat was the ineffectual targeting of Biafran airfields by Nigerian-sponsored mercenaries. De St Jorre (1972, p. 320) refers to one source claiming the war could have ended eighteen months earlier by destroying the airfield if the Nigerians had paid their mercenary pilots on results, rather than regular large payments into Swiss bank accounts. There were limitations imposed by Nigeria and Biafra on where and when the mercenaries would fight (de St Jorre 1972, p. 318). In some cases, such as Steiner's, political leaders preferred instead to see their mercenaries leave; Steiner and six of his mercenaries were expelled from Biafra, arriving in the Congo, handcuffed (Mockler 1985, p. 130).

The code of conduct issued to Biafran soldiers gave instructions for the 'treatment of civilians, foreigners, private property,' and religious sites, but noted that mercenaries were 'not to be spared: they are the worst of enemies' (de St Jorre 1972, p. 283). While many former Congo mercenaries are reported to believe the war would be a 'halcyon free-booting' campaign, they were subjected to greater control, not only 'on the ground,' but also 'by the big power politics of war in Nigeria.' The facilitation of mercenaries by strong states, 'though still shadowy, became more pronounced' (de St Jorre 1972, p. 313).

Biafra was also the 'first televised war in Africa,' recounting civilian deaths and starvation, where television became an 'instrument of a new kind of politics' (de St Jorre 1972, p. 273). A blockade imposed by the Nigerian government affected not only the throughput of weapons, but food and other essential supplies. The use of public relations representatives assisted in the dissemination of blockade effects upon the population, via the new 'modern techniques of "telly war" reporting' (de St Jorre 1972, p. 208; Ignatieff 1987, p. 21). The war was an inaugural event for the 'humanitarian internationale,' marking the inception of relief work for victims of war (de Waal 1997). But humanitarian objectives also became confused, or exploited, through the transportation of relief supplies with weapons. The publicity generated by the war, and difficulty of differentiating between legitimate humanitarian activity and conflict support, meant that targeting of relief aircraft to Biafra was fraught with potential moral outrage, as occurred in the shooting down of a Swedish ICRC plane carrying weapons as well as relief supplies (de St Jorre 1972, pp. 242, 248).

Although mercenaries were present, the conflict was one in which strong states had significant interests in the outcome, where foreign fighters were provided with limited support, and had constraints placed on their autonomy (Arnold 1999, p. 22). Without state facilitation – particularly Britain, the USA and France - the mercenary enterprise was somewhat diluted.

*Summary*

In the fight against communism during the 1960s, mercenary involvement in insurgency and counter-insurgency operations gained momentum. For France, the utility of a mercenary resource in Africa had become apparent during the Congo wars, and presented opportunities to extend its influence into new states by covert operations, that also included the provision of

weapons and military training.  Portugal, also, assisted in the recruitment and transhipment of men and arms, mercenaries being a valuable tool in retaining and subduing their imperial territories.  In addition to the suppression of communism, imperial rivalries were also being enacted through the mercenary enterprise, with both France and Britain seeking to retain ties with previous colonies and 'block out' American influence (Lemarchand 1976, p. 349).

For Britain and America, however, the mercenary network was differentiated according to state objectives.  For Britain, Stirling's campaigns in its former protectorates and colonies of the Middle East and Africa were less overt and presumably more appealing than the attendant publicity drawn by its other nationals, Hoare, Wicks and Peters, during the Congo and Biafran wars.  America consistently denied that their citizens were involved in mercenarism; despite a 'growing literature' on the recruitment and employment of American mercenaries in Africa, US 'officialdom seemed determined to profess ignorance, with a State Department official stating that 'we do not know of anybody who is over there [in Africa] yet' (Cole cited in Churchill 1980, p. 23; also see p. 22 fn 2, p. 23 fns 5 and 8).

Whether in Africa or elsewhere, however, mercenary enterprise was subject to strong state control.  The lack of funds, arms and transport – to be provided by strong states – impeded or caused the cessation of operations.  In the following decade, a number of proposed campaigns ceased, due to disruption by strong states.

### 1970s – Custodians of a Covert War

This decade was a time for consolidation of the previous mercenary enterprises and alliances between companies, mercenary commanders and strong state security agencies.  The range of activities undertaken by private security companies included insurgency and counter-

insurgency operations, personal protection work, the prevention and resolution of kidnap and ransom incidents, and provision of military training and advisory services to weak states.

Many of the weak states requiring private security operatives were previous colonies or protectorates, with unstable regimes, subject to internal power rivalries, and the proxy wars being fought between the superpowers. Their connections to strong states evolved from former imperial ties or support by either of the two superpowers. Specific features of weak states that induced strong state intervention and facilitation of private security were their geo-strategic locations or mineral resources, examples being Angola, and the Middle Eastern state of Oman, with large oil reserves.

For strong states, the decade was a continuation of the Cold War, with an increased focus upon covert or proxy wars, and commitment to perceptions of non-intervention. The maintenance of a dual policy was facilitated by the use of private security actors, ensuring limited identification of state ties. Mercenary companies were subject to strong state control, whose security agencies disrupted unacceptable operations, either directly through warnings or action, or indirectly, through exposure in the media. In the context of facilitating access by weak states to private security actors, strong states used a variety of mechanisms, including the provision of funds and materiel to sponsored candidates or groups, the direct or indirect recruiting of mercenaries for operations, or merely the lack of intervention in proposed campaigns.

These linkages were further consolidated through the provision of formal military support should the mercenary operation be successful, as occurred with Britain and Oman, or the continuation of private security involvement through appointment as formal state military

commanders, or as praetorian guards. The rise of kidnapping for ransom, terrorism and associated political dangers, also led to linkages between mercenary operators and 'influential insurance companies,' who sought to mitigate risk by the advice and intervention of these specialist security agents (Geraghty 2007, p. 25).

Indirect effects upon insurgency and counter-insurgency operations were the decreasing market controls on the arms-production industry, and onset of privatisation programs in strong states, particularly in Britain (Ra'aan Pfaltzgraff and Kemp 1978). Market restraints on weapons sales continued to dissolve; contributing factors included ongoing commercialisation of the arms industry and 'saturated home markets,' in turn instigating greater competition for 'overseas sales,' and the abuse of licensing mechanisms such as end user certificates (Naylor 2002, pp. 50-52). Further, lower prices and the durable nature of weaponry allowed ongoing recycling of arms (Naylor 2002, pp. 50-52). Phythian (2000, pp. 2-6) contends that, from the 1970s on, 'trade in illicit arms at a state level' was a consequence of international arms embargoes or restrictions, affecting states such as South Africa and Rhodesia. The tools of insurgency were available not only to states and weak state regimes, but resistance movements such as the Angolan group, Uniao Nacional para a Independencia Total de Angola (UNITA), provided with weapons by South Africa, and sourced through covert channels with the USA (Greene 2000, p. 163; Phythian 2000, pp. 4-5, 15-17).

The following sections review the links between mercenary companies, their commanders and recruitment networks, and operational environments. During the decade, the creators of private security companies had identifiable connections to power-brokers in strong states, ensuring reciprocity and discreet relations between the sponsor state and sponsored regime or insurgent party. Recruitment campaigns included overt and covert processes. In the latter

case, the use of third party nationals to facilitate recruitment was fraught with potential disaster, as occurred in Angola. The practice of recruitment based on lingua franca continued; for the US, the segregation of French and English speakers was also a mechanism to deter American mercenaries, and avoid accusations of state-sponsored mercenary involvement (Mockler 1985, p. 179).

*Great Britain*

In the 1970s, London was the centre of mercenary recruiting, many contractors having had experience in British security agencies or 'other European irregular forces' (Cooley 1999, p. 93). The increase in British private security operations correlated with decreased government funding of the military, with an announcement in 1974 that spending would be reduced by £4700 million, and an associated reduction in personnel numbers. From 1970, British armed forces personnel were on a downward trend, ultimately being reduced by 158,000 troops between 1970 and 1997. The reduction in military spending may be linked to Britain's gradual withdrawal from colonial territories, and its decision to 'withdraw from all bases east of the Suez.'

British security agencies 'kept tabs on' mercenary soldiers, although there was 'rarely any interference with their lives or activities' (Cooley 1999, p. 92). In May 1977, public perceptions of links between personnel and dubious mercenary operations led the British SAS to direct its soldiers to avoid employment with eight freelance companies (Geraghty 1981, p. 135). The direction included sanctions for receiving retainers in anticipation of employment, and threatened cancellation of their employment with the SAS (Geraghty 1981, p. 135).

A hierarchy of firms existed, where officers of 'especially well connected companies' had friends and relatives in the Prime Minister's office, the Foreign Office, the Minister of Defence, security and intelligence services, financial centre of London or in the Conservative Party leadership' (Cooley 1999, p. 94). These companies included Watchguard, 'the most private of firms' established in the previous decade, Keenie-Meenie Services (KMS) and Control Risks Group (CRG) (Mockler 1985, p. 150).

*British Private Security Companies*

The company name, Keenie-Meenie Services, has been described as 'an insiders joke' for mercenaries or SAS members who fought for Britain in Kenya's Mau Mau war during the 1950s, derived from a Swahili word signifying covert action, or 'slipping silently through the grass, like a serpent' (Cooley 1999, p. 94; Geraghty 1981, p. 100). KMS was formed during the early 1970s with registered offices in the Channel Islands tax haven.  By 1977, it was controlled by a former SAS officer, David Walker, and insurance broker and former military officer, Colonel Jim Johnson (Cooley 1999, p. 94). Walker was a former Tory councillor, while Johnson had previously assisted Stirling in organising mercenaries for the Yemen insurgency during the early 1960s.  Both Walker and Stirling allegedly had 'direct access to Prime Minister Margaret Thatcher' (Cooley 1999, p. 94). KMS was later restructured and renamed Saracen Security in the following decade (Cooley 1999, p. 94).

Control Risks Group (CRG) was established in 1973, as a 'subsidiary of London insurance broker, Hogg Robinson,' with its primary role being advice to Lloyds insurance syndicates on risks and premiums in kidnap insurance (Cooley 1999, p. 94; Geraghty 1981, pp. 126-127). Examples of CRG operations include the successful release of a US executive, kidnapped in

Colombia in 1977, and of two British officials, kidnapped in El Salvador in 1979 (Geraghty 1981, p. 127).

In contrast to the British approach, America undertook mercenary operations through the use of third party actors – primarily recruiters in Britain and France. American agencies also ignored the overt recruitment of its citizens, both at home and overseas.

*United States*

In contrast to Great Britain's 'circuit,' recruitment campaigns for mercenary soldiers in America included advertisements in the media and specialist publications, and the use of third party actors. Private security operators were also employed, with one US company, Vinnell Corporation, being referred to by a Pentagon official as 'our own mercenary army' in Vietnam (Business Week 1965; Gaul 1998, p. 1497). Blackburn (1994) contends that the deployment of Korean, Filipino and Thai soldiers to Vietnam, in support of America's counter-insurgency campaign, also comprised a mercenary force. Initiated in 1964, President Lyndon Johnson's 'More Flags' program was based on America's willingness to 'pay the entire cost of any free world military aid commitment to South Vietnam' (Blackburn 1994, p. 24). By 1972, over 432,000 South Korean, 37,600 Thai and 6000 Filipino troops had been deployed to Vietnam (Blackburn 1994, p. 158).

In the USA, a new magazine was published in 1975, entitled *Soldier of Fortune: The Journal of Professional Adventurers,* promoting mercenary activities and recruitment (Lanning 2005, p. 166). The publisher, owner and editor, Col (Ret) Robert K Brown, was a former special forces soldier, as were other contributors of articles for the magazine (Churchill 1980, p. 46). Military and 'paramilitary gun' magazines also contained advertisements for mercenary

recruitment (Churchill 1980, p. 32; Jaura 1976, pp. 777-778). An American national risked the loss of citizenship if declared a mercenary, however, while the Justice Department claimed it had initiated an investigation into the publications, no prosecutions resulted (Churchill 1980, p. 33, fn 48).

The CIA also recruited foreign fighters in the USA and Europe (Lemarchand 1976, p. 414). In its Angola campaign, the CIA undertook a dual recruitment strategy, the direct recruitment and funding of French-speaking mercenaries and indirect recruitment of English-speaking mercenaries through third party actors, a measure that Mockler (1985, p. 179) asserts was to avoid attention, and the enlistment of American mercenaries (Weissman 1979, p. 282).

*South Africa*

In 1976, an estimated 14,000 mercenaries were active in the southern African region, with twenty per cent assessed to have been involved in combat roles (Churchill 1980, p. 22). Following Rhodesia's independence, many of the foreign nationals who had enlisted with the Rhodesian National Army – estimated to comprise fifty per cent of the total force, including 2000 Americans - were offered one-year contracts with the South African military (Churchill 1980, p. 22). Potential recruits for the South African forces attended the South African mission in Zimbabwe (formerly Rhodesia), mentioning a code word provided by a recruiting agent to assist their enlistment (Churchill 1980, p. 21).

*Mercenary Operations*

Throughout the decade, mercenary operations included insurgency campaigns and coups d'etat, at times with direct assistance by strong states. Between 1970 and 1975, the discovery of oil in the Middle Eastern state of Oman led to the involvement of KMS in an insurgency

campaign that involved one thousand men, with the aim of installing the former Sultan's son and heir, Qaboos, as ruler (Geraghty 1981, pp. 156-180; Halliday 1977, p. 345). The coup was successful, with British SAS deployed to consolidate any gains from the mercenary-led operation (Halliday 1977; Mockler 1985, p. 269). The campaign had British government approval, influenced by geo-strategic and economic security (particularly oil), and saw continued mercenary emplacement through appointment of British officers to the Omani army (Arnold 1999, p. 68-71).

French mercenary commander, Bob Denard, also succeeded in two coups d'etat in the Comoros Islands, a former French colony. In 1976, Denard orchestrated a coup that installed Ali Solilh as President, events that were 'smoothed by the (French security service) SDECE in Paris,' intelligence agents in the Comoros and with assistance from Morocco (Pateman 2003, p. 119). With some disenchantment at both national and international levels at Solilh's performance, two years later, Denard again led a successful campaign that saw the removal of Solilh and appointment instead of Ahmed Abdallah as President (Mockler 1985, pp. 254-256). The regime changes reputedly occurred with the 'semi-official support of French authorities' (Mockler 1985, p. 257). Pateman ( 2003, p. 120) refers to ongoing tensions in the Comoros as reflections of strong state machinations, where Denard was 'Pretoria's man,' while the French commander of the Presidential Guard, Roger Ghys, represented 'Washington' (Pateman 2003, p. 120). For South Africa, the Comoros represented a useful staging post for attacks upon another African state, Mozambique (Pateman 2003, p. 120). The OAU, demonstrating similar reaction to other African conflicts concerning mercenaries, condemned the events and 'expelled the Comoros delegation from the OAU's Ministerial Council' (Arnold 1999, p. 58).

Not all insurgency campaigns aided by mercenaries were successful or approved by strong states. In January 1977, the small African state of Benin was the target of a failed coup, backed by France, Morocco and Gabon, and orchestrated by Bob Denard on behalf of an aspiring ruler (Major 1992, p. 125; Mockler 1985, pp. 238-247). Denard's group included one hundred mercenaries, comprising sixty 'Europeans' and thirty 'Africans' (Arnold 1999, pp. 56-57). Similarly, a planned coup against President Rene of the Seychelles by George Schroeder, a South African resident and former Congo mercenary, also failed; the campaign was allegedly supported by France (Mockler 1985, pp. 267-268).

A proposed operation by Watchguard in 1970, on behalf of Saudi King Faisal, 'to infiltrate North Yemen (and) carry out destruction on a massive scale,' did not progress due to British and Saudi concerns (Geraghty 1981, p. 123). In 1978, a planned insurgency and coup against the ruler of another small African state, Togo, organised by a former Watchguard employee and a Canadian, was disrupted after discreet but effective intervention by British security agencies (Geraghty 1981, p. 123). As Geraghty notes, 'such initiatives created political problems as well as solving them,' particularly for Britain, whose military campaigns had to be 'accompanied by diplomatic adjustment in its relations with the US or the UN'(Geraghty 1981, p. 123).

*Libya – The 'Hilton Assignment' (1970)*

The 'Hilton Assignment' of August 1970 is illustrative of strong state control over mercenary companies. Stirling's company, Watchguard, accepted a $4 million contract to reinstate King Idris of Libya, overthrown in a military coup led by Colonel Mu'ammar al-Gaddafi (Dorrill 2000, pp. 735-738; Mockler 1985, pp. 151-154; Seale and McConville 1973). The proposed campaign involved liberation of 250 Idris supporters from a Libyan prison known as 'the

Hilton,' providing the escapees with weapons, and facilitating a 'synchronised uprising' among the population to support the operation (Mockler 1985, pp. 151-154; Roberts 1999, p. 114). Twenty-five British mercenaries were recruited, with two soldiers travelling to Libya for surveillance and later establishing a base in Malta (Dorrill 2000, pp. 737-738; Mockler 1985, pp. 152-154). However, during the early operational phase, British security agencies advised Stirling not to proceed, allegedly due to concerns that the campaign may not succeed and cause embarrassment for Britain (Mockler 1985, pp. 151-153).

Conflicting versions of the ensuing operation are recorded, with assertions that a Watchguard employee, James Dean, ultimately took responsibility for continuation of the plan (Dorrill 2000, pp. 738-738; Mockler 1985, p. 153; Roberts 1999, pp. 114-115). Recruitment was undertaken instead by a former French soldier, who proceeded to enlist French mercenaries (Dorrill 2000, pp. 736-737; Roberts 1999, p. 115). Information on the operation had since been provided by the British security agency to its American counterpart, the CIA, who supported Gaddafi for his opposition to communism (Dorrill 2000, p. 736). The operation was ultimately disrupted by American and Italian security agencies, with the interception of a ship commanded by the mercenaries, and its cargo of weapons and ammunition (Cooley 1981, pp. 74-93; Dorrill 2000, pp. 737-738; Mockler 1985, pp. 153-154; Seale and McConville 1973). The mercenaries were detained for a short time in an Italian prison before being repatriated to their home state.

*Angola – Third Party Recruitment and Mercenary Massacre (1975-1976)*

In comparison to the 'Hilton Assignment,' the murder of fourteen mercenaries in Angola by their colleagues demonstrated the potential ramifications of strong state disengagement from the recruitment process. Following Angola's independence from Portugal in 1975, three

combatant groups were vying for power.  Soviet support for one of the groups (MPLA) had initiated American assistance to the other combatants, Frente Nacional de Libertacao de Angola (FNLA) led by Holden Roberto, and UNITA, led by Jonas Savimbi.  In 1975, the US Senate voted against providing funds or military assistance to FNLA and UNITA without approval, although the CIA had access to $33 million for these purposes (Arnold 1999, p. 33). Instead, the CIA initiated covert assistance to the anti-communist movements through the direct and indirect provision of weapons, funds and mercenaries, the latter referred to as 'foreign military advisers' (Arnold 1999, p. 38; Weissman 1979, p. 282).

Recruitment of non-English speaking mercenaries was devolved by the CIA to Colonel Santos Castros in Portugal, and Denard in France, who proceeded to enlist Portuguese and French 'white military technicians,' respectively (Arnold 1999, p. 35; Weissman 1979, p. 282). CIA attempts to recruit 'Portuguese-speaking black Brazilians' was rebuffed by Brazil, unwilling to permit recruitment (Arnold 1999, p. 38). CIA funds for the recruitment of English-speaking mercenaries were disseminated through 'third party nationals,' Nicholas Hall and 'Doctor Bedford' (Arnold 1999, pp. 33, 35; Weissman 1979, p. 282). Hall had previously served a two-year prison sentence for 'selling arms to Ulster Loyalists' in Ireland (Arnold 1999, p. 33).

A former Watchguard employee, John Banks, undertook the recruitment of mercenaries in Britain through his company, Security Advisory Services (Geraghty 2007, pp. 64-70; Prados 2006, pp. 450-454). Time constraints on the recruitment campaign led to two groups of 115 mercenaries being transported by air to the Congo during January 1976, and later deployment to Angola (Geraghty 2007, pp. 69-74; Mockler 1985, pp. 175-206). Upon arrival in Angola, the mercenaries had been divided into smaller units by the commander, Colonel Callan

(whose real name was Costas Georgiou), to undertake attacks against Cuban troops supporting the MPLA (Mockler 1985, p. 189).

At Maquela, a 'friendly fire' incident involving two mercenary units resulted in an attempt to flee by the mercenaries who initiated the event. Of the 24 mercenaries subsequently intercepted by their colleagues and taken to Callan, 14 were summarily executed by five of their group in a manner described as a 'turkey shoot' (Burchett and Roebuck 1977; Mockler 1985, pp. 193-196). A trial at Luanda in June 1976, presided over by the communist MPLA junta who had by then gained power, resulted in the death sentence and subsequent execution of Callan and four other mercenaries, including one American (Burchett and Roebuck 1977; Major 1992, pp. 134-137; Mockler 1985, p. 229). According to Churchill (1980, p. 31) there was 'evidence that the mercenaries were an "advance guard" (and) America had never intended to cut the combatants adrift.' Despite the death of an American national and other mercenaries, there was no discernible change in ensuing US recruitment practices, and allegations raised in the UN on America's covert involvement in counter-insurgency campaigns were repeatedly denied (Churchill 1980, pp. 22-23, fns 2, 5 and 8; also see Layeb 1989, pp. 293, 299-307).

*Rhodesia – The 'White Supremacist Militancy' (1975-1980)*

In contrast to the decade's proxy wars, Rhodesia became a focus for mercenary recruitment during the early 1970s as a former British 'white settler' colony fighting a nationalist insurgency by two indigenous African groups. Despite conscription, the Rhodesian army was under strength, and gaps in the ranks were being filled by mercenary soldiers (White 2004, p. 114). According to Connor (1998, p. 178) 'a number of former SAS soldiers' became mercenaries, joining the Rhodesian army. Connor (1998, p. 178) also asserts that the British

government was 'forced to reject armed intervention' in the civil war as many 'SAS men refused to fight against their own comrades.'

Initial recruitment strategies were discreet, gradually becoming overt, with public meetings in Britain that promoted individual enlistment (White 2004, p. 115). An approach to Rhodesia from Mike Hoare, advocating the raising of a unit similar to the French Foreign Legion and comprising 'multiracial, European, anti-communist' personnel was rejected on the basis that it was, essentially, a 'mercenary force' (White 2004, p. 115). The Rhodesian army is alleged to have also received an offer of troops from the 'King of Albania,' who suggested that combat might also be a useful training exercise for his forces (White 2004, p. 115). In December 1976, media reports referred to a training camp for recruits in northern Spain (Arnold 1999, p. 29).

An increase in American recruitment was attributed to articles appearing in *Soldier of Fortune*, gun and military magazines (Jaura 1976, pp. 777-778; Mockler 1985, p. 270). Robin Brown, a novelist, adopted the role of 'American Ambassador' for potential recruits, although he claimed to be harassed by US authorities (White 2004, p. 115). American organisations involved in recruitment included El Lamas Enterprises, Military Advisory Command International and Ladco International (Jaura 1976, p. 777). Although risking their citizenship, Americans were never prosecuted, for the US government apparently considered Rhodesia to be 'a territory of indeterminate status and therefore could not be defined as a state' (Oudes 1974, p. A76).

Mercenaries included Vietnam veterans from Australia and New Zealand, Danes, West Germans, Canadians, Greeks, Dutch, Portuguese, Swedes and former French Legionnaires

from the 1st REP, as well as British recruits; mercenary soldiers were estimated to comprise one-third to one-half of the Rhodesian National Army (Churchill 1980, pp. 21-22; White 2004, pp. 114-115; Wright, cited in Arnold, 1999, p. 29). Estimated numbers vary between 1000 and 2000 'volunteers' (Churchill 1980, pp. 21-22; Wright and Smurthwaite, cited in Arnold 1999, p. 29). Recruits were integrated into the colony's army, particularly units known as the Selous Scouts (described as a 'guerrilla-killing unit') and Grey's Scouts, which operated on horseback (Churchill 1980).

Arnold refers to South Africa's perspective on Rhodesian mercenary recruitment, suggesting that the 'racial-power terms' of the war in Rhodesia represented 'an extension of (white) South Africa's own problem' (Arnold 1999, p. 29). South African concerns also derived from two further issues; firstly, its self-declared status as a bulwark against communist movements in neighbouring southern African states, justifying ongoing insurgency campaigns; and, secondly, the relocation of guerrilla movements from one newly independent state to another, posing a continual threat to South Africa (Arnold 1999, p. 29).

John Banks, who later recruited on behalf of the Americans for the Angola campaign, undertook a recruitment program of a slightly different nature. In July 1975, 200 mercenaries were recruited in Britain for an insurgency operation against the Rhodesian government, to operate from bases in Zambia (Geraghty 1985, pp. 128-129). Later that month, a dozen mercenaries were ensconced at a hotel near Heathrow airport, ostensibly awaiting orders for deployment. The mercenaries 'drank too much and fought among themselves,' events that were reported widely in the British press (Geraghty 1985, p. 129). The operation was abruptly halted, with inferences that the overt nature of the recruitment campaign was actually a

warning from Britain to the Rhodesian leader, Ian Smith, to reconsider the colony's political direction. The 'white' government led by Smith eventually ceded power in 1980.

 *Summary*

The 1970s was a time of growth for the private security sector, with increased devolvement of operations to these actors by strong states. Their primary activities were insurgency operations, the orchestration of 'coups d'etat,' and the installation or protection of regime leaders who were favourable to former imperial masters, supported the West's fight against communism, and facilitated access to mineral resources. Former employees of mercenary companies attempted to establish their own organisations, although security agencies of strong states determined whether these enterprises would survive.

The following decade led to an increasing scope of activities for mercenary commanders and employees. These activities included counter-narcotic operations in Colombia, and insurgencies orchestrated by the US in Nicaragua and Afghanistan (Spearin 2003, pp. 7-8). For mercenaries, the cessation of conflict did not mean the end of employment, one example being Rhodesia's former soldiers, who were then recruited by South Africa for combat in Angola and Namibia. For strong states, the use of private actors and mercenaries were illustrative of an increasingly complex security environment that required not only the maintenance of post-colonial ties, but also necessitated alliances between states to ensure covert operations remained hidden from public view.

### 1980s – Wheeling and Dealing

For the private security sector, the ensuing decade saw an expansion not only in business, but also in the range of paymasters and operations. Involvement in insurgency operations and

coups d'etat continued, although mercenary ventures now included campaigns that were funded and motivated by complex alliances of strong and weak states, organised crime and fundamentalist Islamist regimes. Increased tourism, business and resource industry activity was exposing gaps in the security paradigm, where expatriate personnel required the services of private security advisors to ensure safety. Mercenary soldiers were also involved in counter-narcotic campaigns in South America, and the training of anti-poaching game wardens in South Africa. The decade was 'a new avenue for mercenaries, as well as a new kind of mercenary' (Dockery 1999, p. 199).

Writing on African security in 1980, Churchill (1980, p. 80) asserted that 'the process of mercenarisation had only begun,' for 'substantial numbers of counter-insurgency technicians will be required' to support American strategy in that region. Foreign fighters and Rhodesian soldiers were recruited by South African forces, and the international force of mercenary soldiers now included veterans from the Indochinese and Falklands wars. Recruitment was diversified, with individual enlistment through private networks, as well as more formal contractual arrangements with security companies. State control of mercenary activity was still effected through disruption of operations, while sanctions for failed campaigns were harsh. During the decade, mercenaries were imprisoned, sentenced to death or subject to extradition. A failed insurgency against Ghana led to one group of mercenaries believing they were 'abandoned' by their home state, with no avenue for repatriation (Fawcett 1999, pp. 272-281).

US mass media had done little to expose mercenarism or the circumstances surrounding it. Mercenaries were portrayed as 'rugged individualists… self-motivated warriors who stubbornly refuse to relinquish the ideals of "freedom"' (Churchill 1980, p. 41).

Disinformation, or the deliberate falsification of information, also occurred; the death of one American mercenary in Angola, George Bacon, was portrayed in *Esquire* magazine as a 'former Special Forces trooper,' a report that perpetuated America's propaganda strategy of not being a supplier or facilitator of mercenary activity (Churchill 1980, p. 41; Pateman 2003, p. 187).

Strong states continued their involvement in insurgency and counter-insurgency campaigns in weak states. South African covert military operations in Angola were ongoing, and international sanctions caused its security agencies to seek alternative means to procure weapons and transfer money, in addition to the emergence of a domestic arms manufacturing industry. Coup d'etats were still occurring in Africa, with attempts in Ghana and the Seychelles both involving mercenary outfits. In Asia, a long-running civil war in Sri Lanka prompted requests for assistance by the incumbent regime to Britain, whose response was to suggest a private security company instead (Bullion 1995; Muni 1993, p. 53).

In Afghanistan, American mercenary soldiers assisted the anti-Soviet indigenous forces, while some Afghan members also received military training from private security operatives in Britain (Connor 1998, pp. 418-420). In South America, cocaine cartels were the targets of American anti-narcotic counter-insurgency campaigns. Selected South American regimes were also deemed to be threats, and therefore targets, for American-assisted insurgency operations. Both categories of American state-defined threats also prompted the use of British mercenaries and private security agents. At times, American provision of aid to South America conflated the anti-drug, anti-regime operations, where the strategy was co-opted and later referred to as 'guns down (to Nicaragua), drugs up (to the USA)' (Block 2000, pp. 67-69; Eddy Sabogal and Walden 1988, pp. 332-338; Kwitny 1987, pp. 379-380). A similar

stratagem is also evident in Afghanistan, where a 1985 media report alleged 'trucks from Pakistan bearing CIA-provided arms' for the Afghan mujahideen would return to Karachi 'loaded with heroin' (cited in Haq, p. 954).

Regulatory restraints on the weapons industry had eroded by the start of the 1980s. The integrity of the international firearms licensing system, including end user certificates, had limited effect, with the resale of weapons by 'autonomous actors' such as insurgents, and the deliberate 'oversupply' and later (unauthorised) diversion of weapons to insurgencies and regimes by strong state security agencies (Naylor 2002, p. 53). Insurgents became weapons suppliers and 'arms bazaars' emerged in South East Asia and the Middle East, recycling arms from previous civil wars (Phythian 2000, p. 2; Sampson 1991, p. 359).

A rise in 'real-time' media coverage of conflicts led to increasing pressure on states to control exposure of covert operations. In Britain, the publication of books by former security agents, Anthony Verrier in 1983, and Peter Wright in 1986, contributed to revision of the *Official Secrets Act* in 1989, specifically to prevent such disclosures by former security officials (Norton-Taylor 2000; Sadler 2001, pp. 104-107).

*Companies, Commanders and Recruitment Networks*

At the start of the decade, Britain continued to be the focus of private security companies. Privatisation initiatives by the Thatcher government and concurrent reductions in military strength and funding had contributed to further growth in mercenary companies and personnel. Companies created during this era included Defence Systems Limited (DSL) in 1981 and Kilo Alpha Services (KAS) in 1986. Other companies providing 'armed security personnel' in Africa were Intersec and Falconstar (O'Brien 1999, p. 47).

*Keenie-Meenie Services (KMS) and Saladin Security*

KMS continued to expand its operations, with the training of Afghan mujahideen, insurgency operations in Nicaragua, and training and advisory services to the Sri Lankan government on counter-insurgency strategies. KMS shared offices with a subsidiary company, Saladin Security, adjacent to the SAS headquarters in London; Saladin was to later supersede KMS. A security company operating 'domestically' during the 1980s, Saladin was managed by former SAS and law enforcement officers (EIR, 13 October 1995). In 1989, questions were being raised in the British Parliament on the links between KMS and International Military Services Ltd (IMS), the latter being a company 'wholly owned by the British Ministry of Defence;' allegations of government vested interest in KMS were rejected (UK House of Commons Hansard Debates, 4 April 1989). The questions related to a brochure published by IMS, an exporter of military products, such as tanks, which included an advertisement for KMS, which referred to 'associated support such as the installation, commissioning and maintenance of equipment and the training of personnel.'

During the 1980s and at the height of an insurgency against Soviet occupation of Afghanistan, KMS employed former British SAS officers to provide training for Afghan fighters in remote Scottish locations, in addition to other security 'services' undertaken in Afghanistan (Connor 1998, pp. 419-420; Cooley 1999, p. 96). The trainees included former members of the royal Afghan army, mujahidin, and Pakistani special forces (Cooley 1999, p. 94). The Afghan fighters were smuggled into Britain disguised as tourists, training in three-week cycles at secret Scottish camps (Cooley 1999, p. 96; Connor 1998, p. 419-420).

In 1983, on behalf of the USA, Lieutenant-Colonel Oliver North hired KMS to provide military training to an insurgent group, the Contras, and conduct insurgency campaigns against the Nicaraguan government (Kempe 1990, p. 160). KMS involvement was part of a broader American plan, later referred to as the Iran-Contra Affair, a covert operation where profits generated from arms sales to Iran were then used to fund an insurgency by the Contras against the Nicaraguan government (Draper 1991; Woodward 1987). The Iran-Contra Affair was the confluence of two discrete policies undertaken by the Reagan administration to circumvent, firstly, a US trade and weapons embargo against Iran, and secondly, the prohibition on support by American agencies to the Contra insurgents against the Nicaraguan government. The links between KMS and the US operation were identified during testimony in hearings held by the US Iran-Contra Committee during 1987 (Kempe 1990, p. 160).

Testimony adduced in the hearings referred to KMS being contracted by North to conduct regular sabotage operations that included the 'mining of Managua Habour (and) destruction of enemy camps, buildings and pipelines;' Panama's President Noriega also supplied two 'technicians' to assist the KMS officers (Cooley 1999, p. 96; Kempe 1990, p. 160; Prados 2006, pp. 509-538). KMS also employed fifty 'military veterans' to provide training and 'to assist' the Contra insurgent group (Cooley 1999, p. 96; Kempe 1990, p. 160). During the Committee's hearings, KMS director, David Walker, was described as 'Britain's Colonel North,' directing paramilitary operations by KMS 'staffers' in Nicaragua (Cooley 1999, p. 96; Kempe 1990, p. 160). During the operational phase, KMS was providing security for the Saudi ambassador to Washington, Prince Bandar, also implicated in the 'Iran-Contra' international operations (EIR 1995).

From 1984 until 1987, KMS undertook counter-insurgency operations in Sri Lanka. The Sri Lankan President had approached the US and British governments for assistance in repelling the Liberation Tigers of Tamil Eelam (LTTE) insurgency (Bullion 1995; EIR 1995; Muni 1993). While official British involvement was not forthcoming, it was said to have 'approved a contract' for KMS to provide training to the Sri Lankan forces in counter-insurgency, and took part in combat (EIR 1995; Gunaratna 1993, p. 11 fn 30; Rajasingham, 9 March 2002). Approximately 200 Rhodesian, South African and British mercenaries were contracted by KMS (Conboy and Hannon 1992, p. 5; Jaywardena 1988, p. 148). Allegations of human rights abuses and an 'anti-Tamil pogrom' by the KMS-trained Sri Lankan Special Task Force allegedly resulted in the withdrawal of KMS personnel and equipment, later deployed to assist 'Latin American clients' (Tamil Guardian, 25 July 2001). British media reports referred to 'dozens of KMS men who were leaving their $33,000 a year tax-free jobs,' due to 'atrocities committed by the Task Force,' although these claims were later denied by KMS (Tamil Guardian, 25 July 2001; Shaw 2002). Media reports also alluded to KMS and Israeli soldiers simultaneously providing training in Israel to the LTTE (EIR 1995; Conboy and Hannon 1992, p. 55; Jayawardena 1988, p. 148).

*Defence Systems Limited (DSL)*

Defence Systems Limited (DSL) was founded in 1981 by Alastair Morrison, former managing director of Heckler and Koch (a military arms manufacturer) and senior officer with the British SAS, who had led the rescue of hostages at Mogadishu airport in 1977 (Geraghty 1981, p. 13). Other office holders included former members of Britain's security agencies (Davis 2000, pp. 102-103). DSL was allegedly funded by British banks and Middle Eastern capital, with corporate links to CRG, and operated as a 'clearing-house' for former military personnel, matching skills to security contracts (Davis 2000, p. 103; Madsen 1999, p. 294).

During the 1980s, DSL provided protective security, at one time contracted by President Milton Obote of Uganda (until his removal by Yoweri Museveni) and conducted counter-insurgency operations, military training, and other services in Africa, Papua New Guinea, and South East Asia (Geraghty 2007, p. 353; Madsen 1999, p. 294).

*Kilo Alpha Services Enterprises (KAS)*

KAS Enterprises was established in 1986 by David Stirling and Ian Crooke, both being former SAS officers (Davis 2000, pp. 24-25). In 1988, the World Wildlife Fund initiated Operation Lock in cooperation with the South African security agencies, to disrupt the ivory trade and poaching of elephants and rhinoceros (EIR 1995; also see Ellis 1994, on background to institution of game parks, poaching and military activity in South Africa). KAS was contracted to provide 'commando training' to the 'Zulu followers of chief Mangosuthu Buthelezis Inkatha,' employed as game wardens and guards in a number of South African national parks (EIR 1995; Ellis 1994, p. 65-66 - KwaZulu/Inkatha were viewed as strategic allies of the South African regime during the apartheid era). KAS also undertook security training for the opposing Xhosa tribe, followers of the African National Congress (ANC), employed as game wardens in other national parks (EIR 1995). During South Africa's political transition in 1989, both African groups were accused of involvement in a number of murders and terrorist incidents, referred to as 'third force killings. The 'third force' was defined as a 'sophisticated strategy of guerrilla warfare' believed to be orchestrated by elements within the South African security agencies during the transition from apartheid (see Ellis 1994 and 1998). In 1991, Robert Mugabe accused KAS of engaging in 'the destabilisation of southern Africa' (EIR 1995).

*Mercenary Operations*

The scale and types of mercenary campaigns that occurred during the 1980s is indicative of changes to the security paradigm, where the focus had changed from fighting proxy wars against communist-backed weak states to broader objectives. Further, international pressure impacted on the ways in which states would treat mercenary security assets, should they fail in their missions, as occurred with the failed coup in the Seychelles.

*Seychelles – The Ancient Order of Frothblowers*

In 1981, Mike Hoare (previously of 5 Commando, in Congo) made preparations for a coup d'etat against the incumbent President Rene, of the Seychelles Islands. The proposed coup was backed by the exiled James Mancham, who also had the support of state security officials in Kenya (where he was resident) and South Africa (Mockler 1985, pp. 294-295; Ellis 1996, p. 173). Ellis (1996, p. 173) states the coup plans were 'approved by the South African Cabinet (and) weapons provided by South African military intelligence.

The mercenary group comprised at least 45 members, including former Rhodesian and British soldiers, as well as a South African security official (Mockler 1985, p. 288). Seven mercenaries travelled to the Seychelles as the advance party, while the remaining group later flew there from South Africa, ostensibly as a tourist group of rugby players named the 'Ancient Order of Frothblowers' (Ellis 1996, p. 174).

The coup failed, resulting in the death of one mercenary, and escape of the 'tourist group' on a 'hijacked' Air India plane to South Africa (Ellis 1996, p. 174; Mockler 1985, pp. 310-315). Returning to South Africa, Hoare and the mercenaries were detained, pending charges of hijacking and terrorism. As a signatory to the 1977 Bonn Agreement, South Africa was under

'international pressure' - from Britain, West Germany, France, the USA, Canada, Italy and Japan - to press charges against the mercenaries for hijacking; not to do so would lead to suspension of all international flights to South Africa (Mockler 1985, pp. 315-316). South Africa was reluctant to prosecute the mercenaries, at first charging some members of the group with 'man-stealing' (which carried no penalty), and finally laying four charges, of which three were eventually dropped due to technicalities (Mockler 1985, pp. 316-328). During the trial, Hoare gave details of meetings with South African security officials. Sentences passed down for the mercenaries ranged from one to five years; Hoare received the longest term, being 20 years (Mockler 1985, p. 330).

The remaining five mercenaries, a woman and a South African intelligence officer were captured in the Seychelles, with the assistance of Tanzanian soldiers.  At a subsequent trial, four of the group were sentenced to death, while one was imprisoned for 20 years (Mockler 1985, p. 344). Negotiations by the South African government eventually resulted in their release and repatriation in 1983, although 'a ransom of $3 million' had been paid to the Seychelles government to effect this (Ellis 1996, p. 174; Mockler 1985, pp. 344, 353). The arrangements were reported to be 'part of a broader understanding with (President) Rene personally' and his Cabinet were not kept informed of the arrangements (Ellis 1996, p. 174). Longreach, a South African company with links to military intelligence – alleged to be 'one of a number of front companies established during the 1980s by the South African government - later 'acquired responsibility for government security in Seychelles after 1986' (Ellis 1996, p. 174).

*Colombia*

In 1989, the Colombian Cali cartel hired British mercenaries to 'assassinate Pablo Escobar of the rival Medellin Cartel' (McAleese 2000). The three mercenaries were identified as former British soldiers, Col Peter McAleese, Alex Lenox, and David Tomkins (EIR 1995). Seeking support to disrupt communist insurgent groups, known as FARC and M19, the Colombian government aligned itself with cocaine cartels (Dockery 1999, p. 202). The Colombian government could not overtly undertake operations, due to its receipt of US military assistance against the cocaine cartels, another deterrent to their employment of known American mercenaries.

Instead the Colombian regime turned to the British mercenary market for military trainers (Dockery 1999, p. 202). The strategy comprised Jose Gonzalo Rodriguez 'El Mejicano' Gacha, 'a senior member of the Medellin Cartel,' providing men for the operation (being a detachment of bodyguards) and the Colombian military would supply weapons and training. The recruiter approached for the contract was David Tomkins, 'an experienced mercenary,' who was 'well-known to the various British agencies,' and who, having not received any advice to reconsider the contract from state security operatives, accepted it.

The operation leader was Peter McAleese, a former British soldier who had been a mercenary in Angola, with a further eight British and two Australian mercenaries. The campaign was presented to the mercenaries as a 'government sponsored, anti-communist' plan, with US$5000 per month for a three month contract. According to the mercenaries involved, the operation was being funded, not by the Colombian government, but by the Medellin cartel (Dockery 1999, p. 204). Upon arrival in Colombia, the eleven British mercenaries began operational planning and training. Following a series of moves in locales, and delays, the

operation commenced in June 1989.  The ensuing crash of one of the two helicopters carrying the assault team led to withdrawal of the soldiers, and cancellation of the operation.  Concerns by the British mercenaries with the Colombian government's continual changes in plans and provision of men and resources, and suspicions that the operation was jeopardised, led to their hasty departure and return to Britain.

*Ghana*

A proposed coup by American resident and expatriate, Godfrey Osei, to oust the regime in Ghana, was initiated in 1986.  The operation was reportedly known to, and supported by, American security agencies - including the CIA, National Security Agency and  US State Department - with claims that it had partially been funded by Chinese organised crime entities (Bademan, pp. 21-23; Mother Jones Magazine 1987; NCB Evening News, 17 October 1986; Pateman 2003, p. 167; Roberts 1999, pp. 235-281). After a number of changes in plan and personnel, the mercenary group left America bound for Argentina by ship, to collect weapons and ammunition.  The operation was thwarted, with the arrest of eight American mercenaries on board the ship, MV Nobistar, off the coast of Brazil (Gocking 2005, p. 206). The ship was found to have a cargo of 'six tons of weapons,' worth over $1 million of weapons, which had been acquired in Argentina.  A number of the American mercenaries had prior experience in Rhodesia and were Vietnam veterans.

The Americans were imprisoned and sentenced in Brazil with terms up to five years.  Despite appeals for US consular assistance, the mercenaries later claimed that no American representation had been forthcoming.  Upon being extradited to Argentina, and with a belief that they would receive death sentences, four of the mercenaries engineered their escape and later return to America; funding for their return was reported to have been provided by Robert

Brown, publisher of *Soldier of Fortune* magazine (Roberts 1999, pp. 235-281). According to the Ghana security agency, the operation was engineered by 'Ghanian dissidents working in close collaboration with certain foreign intelligence agencies and powers.'

*Summary*

The decade introduced new avenues for mercenary operations, not always with the distinct support or involvement of strong state regimes. Funding arrangements and training of personnel engaged in organised crime, as indicated with the Colombian and Ghana operations, allowed the dissemination of skills and tactics between state and non-state entities, which also broadened access to insurgency and counter-insurgency doctrines, previously in the domain of states.

The impact of international legislative frameworks and conventions caused problems for strong states that had facilitated or actively co-operated with mercenary and private security ventures. One example is that of South Africa, under pressure to pursue aviation hijacking charges against Hoare and his men, or risk the cessation of international flights to and from its territory. Reluctance to pursue hijacking charges was circumvented by the absence of witnesses to the hijacking at the ensuing trial. For South Africa, the dilemma was in being seen to punish its covert operatives, without implicating the state itself. To this end, the long imprisonment sentence imposed on Hoare may also be viewed as punishment for bringing attention to covert state actions or, alternatively, an attempt to ensure his silence.

For Britain, requests by the Sri Lankan regime for assistance in countering LTTE insurgency, required a delicate response that would not subvert its foreign policy and alliances with other states, such as India. The British response was to suggest a private security company, KMS,

an entity obviously considered by Britain to be trustworthy and capable. The emergence of DSL, reputedly as a 'clearing-house' for British private security operatives, is also indicative of a refinement of the previous 'circuit' arrangements, where personnel management may have required greater co-ordination.

For America, there was a continuing reliance upon third party actors, despite the difficulties presented by this arrangement in Angola during the 1970s. Of interest is the contracting of British security companies to assist in American covert operations in Afghanistan and Nicaragua; assistance to Nicaraguan insurgents were illegal actions, not least being the circumvention and disregard for constraints placed by the US Congress on funding and provision of weapons. Similarly, British private security personnel were contracted to provide assistance to South African indigenous forces, again, broadening access to insurgency doctrines.

One issue that appears throughout the identified case studies of this decade is a seemingly increased concern by strong states with mercenary operations. It is proposed that strong state concerns emanated from two beliefs, which were not contingent on the use of mercenaries per se. The first concern was a need to divert attention from covert activities and state collusion with private security actors, evident in South Africa's response to the consequences of Hoare's attempted coup and international opprobrium, and in America's use of third party actors, specifically the contracting of British private security entities. The maintenance of distance between state and covert operations that included a mercenary element was important, in an era where democracy was threatened by communism.

The second aspect involved weak state contracting of mercenaries, where strong state endorsement was not evident. In this context, the case studies of Ghana and Colombia suggest that lack of strong state involvement in mercenary operations raises the risk index for such campaigns; where outcomes may jeopardise global or national security, then strong state response occurs. The mercenaries in both the Ghana and Colombian campaigns assumed strong state endorsement through lack of contact by security agencies; however, allowing an operation to proceed may indicate minimal interest at that time by strong states, an attitude that does not proscribe later action, particularly if foreign policy objectives change. Further, strong state attitudes towards weak states can inhibit or support mercenary campaigns, a reflection of state system hierarchy.

*Conclusions*

The Cold War saw the promulgation of two types of warfare, covert insurgency and counter-insurgency campaigns, and an 'opaque and imagined war,' potentially resulting in nuclear destruction (Marshall 1999, p. 76). Strong states faced increasing constraints from an international legal framework, norms and conventions, which generated contradictions and dilemmas (Chambliss 1993, p. 62). For strong states, foreign policy objectives at times excluded the use of formal military interventions, and drove a need for the 'quiet option.' However, the quiet option - considered in this study to comprise mercenaries and private security companies - at times emphasised the dichotomy between democratic regimes and their security agencies, where measures to evade scrutiny resulted in the promulgation of parallel agendas, distinctly different and at times illegal.

Strong states considered diverse options to increase their security capability, particularly the employment of foreign fighters. During the Vietnam war, America arranged for the payment

and secondment of troops from Thailand, the Philippines and South Korea, an echo of historical strategies to augment security capability, although the epithet of 'mercenaries' was avoided by the US, instead preferring 'allies' (Blackburn 1994, p. xiv). Rhodesia similarly filled its army with 'volunteers,' not the 'mercenaries' offered by Hoare (White 2004, p. 115). The campaigns over these decades recorded a mixed lexicon of foreign fighter entities – mercenaries, private security companies, volunteers, foreign military advisers or technicians – a lexicon that was selected and promoted by strong states.

Despite the limited range of case studies, patterns of private security employment and risk management by strong states are discernible. These patterns include a growing network of mercenary entities across international borders and, in particular, an increasing co-ordination of activity between the security agencies and private security personnel of Britain, South Africa and the US, the primary bases of contemporary private enterprise (O'Brien 2000, p. 70). By contrast, nationals of European states appear to have intermittent liaison and co-ordination with the aforementioned three states. In the case studies, French complicity included the provision of weapons, recruitment and facilitation of mercenaries, while remaining competitive with other strong states, particularly in Africa. Belgian activity also involved mercenary recruitment, and the sourcing and supply of weapons. Similarly, Portugal permitted mercenary recruitment, while also engaging in the transhipment of weapons and men; until 1975, its colony of Angola provided the staging post for African campaigns, as well as military training bases.

Recruitment patterns differed between strong states. Britain's 'fifth column of freedom' appears to have undergone continuous refinement in recruitment, from the post-World War Two 'club' network to creation of corporate entities and more formal contracting of

personnel. The French approach was slightly different, where individual entities undertook recruitment, rather than via formal business arrangements. In both Britain and France, however, these recruiting agents or mercenary commanders had connections to power, with Denard proclaiming that, 'France has always been behind me, or, at least, has always given me free reign' (cited in Madsen 1999, p. 58). Denard's affiliation with the French intelligence service was confirmed by a former head of the agency (Madsen 1999, p. 58). The US maintained its third party contracting policy, denying complicity or knowledge of mercenary activity by its citizens. In this regard, Mearsheimer (2001, p. 25) refers to a gap between rhetoric and reality, where 'American academics promote liberalist ideas,' while US 'national security policy operates according to realist logic.' Mearsheimer (2001, p. 25) suggests that the conflict with liberal principles is resolved by 'spin doctors' who 'tell a story that accords with liberal ideals.' During the Cold War, maintenance of liberal democratic ideals were a priority; third party contracting, foreign corporate entities and individual recruitment of mercenaries preserved distance from the state and facilitated the retention of liberal principles.

Although the use of mercenaries and private security personnel were facilitated by strong states, their employment was also subject to control. The informal strategies of state control pertained to the tools of insurgency - weapons, transport, funds - and mechanisms that were exclusive to states - border control, diplomatic assistance, detention by security agencies, and intervention in legal processes. The provision or facilitation of resources by strong states determined the progression of a mercenary endeavour. Private security operatives were reliant upon their home state for protection; examples include the potential withdrawal of citizenship for American citizens, while other strong states could approve repatriation, refuse requests for extradition, or make decisions on consular assistance. All are varieties of

informal state authority, not necessarily detailed in legal frameworks or conventions, but forms of 'quiet authority' to deal with errant 'quiet options.'

The end of the Cold War and changing international security dynamics again broadened the scope of mercenary enterprise, with a rise in intra-state conflict, and weak state incapacity to enforce territorial integrity or ensure human security. Strong state security agencies were required to change focus, where Cold War offensives were replaced by threats from 'grey area phenomena,' the 'borderlands' of weak states with no central state authority, and places where 'wars occurred through greed and sectarian gain' (Duffield 2001, p. 309).

The next section of this thesis, Part IV, considers the private security actor in a multi-polar world. In this new security paradigm, 'private military company' became the descriptor for former mercenaries and private entities, providing discreet distance from the state. Reflecting British practice, this transition was a key feature in American employment of private security personnel in the post-Cold War world, away from the previous policy of third party contracting to the use of US corporations.

*Part IV – Securing the State:*
*A Multipolar Framework, 1990-2009*


**Chapter 7 – Private Military Companies, 1990-2001**


**Chapter 8 – Private Security Contractors, 2001-2009**

## Chapter 7 – Private Military Companies, 1990-2001

The end of the Cold War led to anticipation of a 'new dividend' where leaders of the former Soviet Union and the USA talked optimistically of a 'new world order,' one in which all states could work together towards economic prosperity and peace (Crozier 1994, p. 47; both George Bush I, 11 September 1990, and Mikhail Gorbachev, 7 December 1988, used the phrase). But the vaunted 'new world order' became a convergence and mutation of past practices and modes of warfare, previously engaged in by democratic and communist states alike to 'win' the Cold War.

For private security companies, the new decade presented significant opportunities. While major events included the end of the Cold War and apartheid in South Africa, there was an upsurge in civil conflict, further decolonisation and a focus upon combating transnational crime (Fearon and Laitin 2003; Gurr 1994, pp. 1-14). UN peacekeeping missions increased in number, although many were faced with difficulties in keeping the peace, and instead required Chapter VII peace enforcement mandates (Ignatieff 2001; Williams 1998). Regional inter-governmental organisations were also required to participate in peace keeping and monitoring activities. Former Soviet bloc states were either ceded independence or sought it unsuccessfully through violent insurgencies, in the Former Yugoslavia, Kosovo and Chechnya, respectively (Nation 2003).

States in Africa, South America and Asia who had been receiving bipolar support for proxy wars also felt the loss of patronage, including the provision of funds, weapons and military support. In turn, these state regimes and combatant groups sought to meet these gaps through other sources, such as licit and illicit trafficking of goods, ranging from timber and natural resources to the trafficking of drugs and ivory (Jung and Schlichte 1999, p. 45). An illicit

arms trafficking industry grew significantly with 'unauthorised sales and thefts' from weapon stocks in former Soviet Union states, and the continuation of covert arms transfers presided over by strong states to weak states (Greene 2000, p. 163). Shawcross (2000, p. 244) claimed that, of the 49 conflicts occurring between 1990 and 1997, 46 were fought with 'light weapons only.' Weapons recycling from one conflict zone to another also occurred, with AK-47s provided to the mujahideen during the Afghan civil war then being forwarded to Africa (Shawcross 2000, p. 244).

The gap between juridical statehood and empirical capacity widened. Although noting the upsurge in intrastate conflict, Fearon and Laitin (2003, p. 88) assert that the primary causes were not the end of the Cold War, but instead 'an accumulation of protracted conflicts since the 1950s,' attributable to 'state weakness, marked by poverty, a large population and instability.' The lack of strong state assistance led many weak state regimes to approach private security companies for support.

*New Wars and Grey Area Phenomena*

In the post Cold War era, intra-state conflict was described as 'new wars,' with blurred battlelines, targeting of civilians, a proliferation of small and light weapons, and security responses – at state, regional and international levels – were either non-existent or ineffectual (Kaldor 2001). Weak states were the primary sites of intra-state conflict. Noticeable features of these conflicts were techniques promoted in counter-insurgency doctrine: civilianisation of war, militarisation of the populace, depopulation and forced resettlement. Extensions to these techniques were the use of new media and technology to disseminate propaganda and warfare methodologies, and the emergence of entrenched war economies dependent on both licit and

illicit trade. The merging of conflict and crime became redefined as new security threats for post Cold War strong states (Shelley 1995).

In the 'new world order,' the global security framework was further revised; strong states identified transnational organised crime as the 'new' threat to the state (Shelley 1995). State responses were revised to constitute a 'new crime industry' that included military, law enforcement and security agencies dedicated to securing the (strong) state by targeting crime at its source (Todd and Bloch 2003, pp. 5-6). The arena for these criminal activities was deemed to be weak states; weak states had limited border security and interdiction capabilities, and questionable legal capacity. But the merging of conflict and crime presented complex issues, for insurgency and counter-insurgency tenets had been incorporated into weak state security, a 'durable disorder,' difficult to counteract or resolve (Cerny 1998; Metz 2007-2008, pp. 27-28; Duffield 2001, p. 308).

In the revised security framework of strong states, the 'third world' was transformed from 'a series of strategic states into a potentially dangerous social body' that posed a threat to 'wider human security' (Boutros-Ghali [1995, 1992] cited in Duffield 2001, p. 311, also see pp. 310, 314). The origins of such threats were described as 'grey area phenomena,' activities that included the: production of illicit goods; trafficking of illicit drugs, firearms, contraband and people; maritime piracy; money laundering and tax evasion; kidnapping and extortion; environmental crimes; and terrorism (Chalk 1998, pp. 67-75; Holden-Rhodes and Lupsha 1993, pp. 11-17; Lupsha, cited in Manwaring 1993, p. 75; MacDonald 1993, p. 34).

With an increase in intra-state conflict, the reluctance or inability of strong states to intervene or protect civilian life, and increasing numbers of high risk locales for expatriate business, the

market for quick, adaptable and flexible security operators had grown significantly. Not only had the demand for security increased, there was a concurrent decrease in the capacity of states – both strong and weak – to provide adequate responses.

Demand was met by supply. The end of the Cold War increased the number of prospective private security personnel, with mass demobilisation across Eastern Europe and Russia, in addition to liberal democratic states. The end of apartheid in South Africa brought the state close to civil war, and the potential demobilisation of thousands of security personnel who had supported the previous regime. In this context, withdrawal of security personnel was crucial to the structural reform of security agencies and transition to a regime that had been the former enemy. South African company, Executive Outcomes (EO), recruited many of these former personnel, its ensuing activities focusing media and academic attention on the apparent resurgence of mercenarism.

The complex linkages of EO to other corporate actors polarised debate about the privatisation of warfare. Critics of EO's activities referred to its contractual arrangements with weak state regimes that included payment by concessions with diamond mines and other mineral resources, as well as its symbiotic relationship with the mining companies involved in extraction. EO's claims that it could impose peace in weak states, whose appeals for military assistance had been ignored by strong states, were met by critics' claims of human rights abuses and neo-mercantilism (Francis 1999). Other companies were similarly the focus of attention. Sandline, affiliated with EO through office holders and shared corporate space, came to notice with the abrupt cessation of its contract with the Papua New Guinea regime to resolve an ongoing insurgency in Bougainville (see O'Brien 1998, p. 86; Dinnen et al 1997; Dorney 1998; O'Callaghan 1999).

Activities in Europe also focused attention on the industry. American company, Military Professional Resources Inc (MPRI), was contracted by Croatia to assist in military reform during the Former Yugoslavia wars and was allegedly involved in weapons trafficking, violating a UN embargo (Gaul 1998, pp. 1489, 1493-1496). MPRI was also accused that training provided to the Croatians was pertinent to their later massacre of Serbs and forced expulsion of 250,000 Serb civilians (Gaul 1998, p. 1494; Shawcross 2000, p. 178). Congo mercenary, Bob Denard, was still active, having instigated a coup on the Comoros Islands and, later, recruiting third party mercenaries as praetorian guards for a besieged President Mobutu of Zaire, formerly the Congo (Madsen 1999, pp. 181-183). DSL was operational in Colombia, training paramilitary forces to secure BP oil refineries; Colombian paramilitary forces later reportedly used their newly-found skills against peaceful indigenous activists (Assignment, 8 February 1997; Chatterjee 1998; World in Action, 1997). The decade saw the emergence of many smaller companies, some established by former employees of the private security industry, and not all with ostensible links to former state security agencies.

State control of mercenary activity involved both direct and indirect action. EO epitomised the removal of a potential threat to its home state, effectively sending into exile former security personnel, a risk management strategy previously practised by rulers and states. EO's ensuing activities caused it notoriety, and state sanction. South Africa's introduction of anti-mercenarism legislation in 1998 prompted the demise of EO, claiming to be compromised by the new laws, and unable to operate without potential criminal charges being laid (Barlow 2007). Following its involvement in arms trafficking to Sierra Leone, Sandline also ceased operations, the affair having instigated a British Parliamentary inquiry and official denial of complicity in the affair (United Kingdom Commonwealth and Foreign Office 2002).

Media focus and ensuing exposure increasingly highlighted the activities of private security companies.

Technological changes represented both positive and negative challenges for the private security industry. The increasing availability of internet access for the wider populace, particularly within strong states, enabled information dissemination on private security companies with covert activities subject to exposure. Conversely, for the companies, the internet also facilitated recruitment and advertisement of services. Advertisement through dedicated websites provided brief company overviews, widening the potential audience of recruits and clients. Recruitment became less personal, comprising either on-line application or email contact, with the potential for limited personnel vetting by the company; companies also became anonymous entities for the potential recruit. The recruitment process was succinctly described as, at times, potentially being conducted by a 'retired military guy sitting in a spare bedroom with a fax machine and a Rolodex' (cited in Silverstein, 28 July 1997).

The rise in 'real-time' media coverage of conflicts, 'the CNN effect,' not only ensured domestic response in strong states to the impact of war, but increased potentially adverse reporting on the activities of formal and informal security actors (Ignatieff 1987; Thussu and Freedman 2003). The exploits of EO and Sandline were disseminated widely, with coverage of corporate backgrounds, office holders, affiliations and motivations. Both EO and Sandline employed public relations consultants to mitigate adverse publicity, promote their activities and, sometimes, to threaten legal action (Pech 1999, p. 89).

State control of the media reflected divergent approaches. While control was still exerted on print, radio and television, the growth in electronic media, particularly the internet, meant that

state oversight of potential disclosures regarding covert activity was increasingly constrained, signalled partially by the reduced application of D notices by the British government (Sadler 2001). In this context, the 'borderless world' of the internet presented challenges to state authorities in restraining information flow, although official attempts to stymie the publication of state secrets continued, either by the initiation of prolonged court trials or invoking law enforcement to detain and harass former state agents (Norton-Taylor 2000).

*From Mercenaries to Private Military Companies*

British domination of the private security industry was challenged during the decade by a plethora of companies, originating from the USA, South Africa, Europe and Israel (see O'Brien 2000; Singer 2003). During their research into the British domestic private security industry (Jones and Newburn (1998, pp. 90-91) refer to the existence of 'specialist recruitment agencies… dealing exclusively with ex-service personnel.' Many of these companies had office holders who were former highly-placed security agents in their respective home states.  Key features of the larger corporations were the use of subsidiaries for specific operations or locales, commercial links to resource companies, registration across more than one state, often including 'tax havens,' and restructures or mergers that in previous decades would have seemed incongruous.  An example of the latter is the link between ArmorGroup, previously the British company DSL, taken over by an American company Armor Holdings, which was in turn reportedly affiliated through its corporate structure with the Russian security firm, Alpha, established by former KGB personnel (Chatterjee 1998; Singer 2003, p. 12).

*Executive Outcomes*

South African company, Executive Outcomes (EO), was registered in Johannesburg in 1989 by Eeben Barlow, who says his intentions were to operate it as an 'income generator and clearing house for funds,' a discrete covert entity that was an operational expense account for his role as a Civil Cooperation Bureau (CCB) operative (Barlow 2007; O'Brien 2000; Pech 1999). Barlow was a former assistant commander of the 32nd Battalion, a covert unit involved in insurgency operations against the ANC, and in Angola (Pech 1999). While the company, EO, was set up by Barlow, a former colleague and commander in the CCB, Lafras Luitingh, assisted in recruitment for operations in southern Africa. In 1992, Barlow was approached by intermediaries for Angolan, British and American interests, Anthony Buckingham and Simon Mann, who required private security for oil concessions in Angola.

In 1993, Executive Outcomes was registered in Britain by Buckingham, an office-holder in resource companies Branch Energy and Heritage Oil, and Mann, a former SAS officer. There were no direct links between the British and South African companies of EO, although Barlow's entity was the security provider for Branch Energy and Heritage's diamond concessions in Sierra Leone. In 1994, Barlow later established an umbrella company, Strategic Resources Corporation, to manage EO and other affiliated organisations (see Pech 1999, pp. 87-88). Its objectives included the provision of military training, with emphasis on 'special forces and clandestine warfare' (Shawcross 2000, p. 198).

Corporate networks were formed not only between British and South African entities, but with weak state regimes. EO's counter-insurgency support for the Kabbah regime of Sierra Leone was partially repaid through concessions to a series of mining companies headed by Tony Buckingham, including Heritage Oil and Gas and Branch Energy (O'Brien 2000; Pech

1999). In addition to security services and mining ventures, other corporate entities linked to EO involved air transport, demining companies, construction and civil engineering. EO also established health clinics for the communities in which it operated.

EO began its recruitment of South African Defence Forces personnel from 1992, reportedly comprising 'black troops with white officers' (Cleaver 2000, p. 139; Shawcross 2000, p. 198). Although denied by the African National Congress (ANC) regime, media reports alluded to covert meetings between Barlow, Luitingh and ANC representative, Tokyo Sexwale, regarding the 'quiet removal' of 'former special operators' who represented a potential threat to the nascent government (O'Brien 2000, p. 50). Previously the target of the former apartheid government's special forces and military units, the ANC 'feared' and did not want the former military personnel in South Africa (Pech 1999, p. 81). The quiet enlistment of former state security agents included some personnel later accused of human rights violations and assassinations during the apartheid era (Pech 1999, p. 85). For many EO personnel, the apartheid ideology that had underscored their prior activity as state agents was no longer legitimated by the South African state, or the international community; the labelling of apartheid as an infringement of human rights meant that there were few options for these former soldiers other than that offered by EO.

The company ceased operation on 1 January 1999, following the introduction of anti-mercenarism legislation in May 1998, the *Regulation of Foreign Military Assistance Act* (Barlow 2007). However, former personnel have since been employed by other South African private security companies, who continue operations without sanction.

*Sandline International*

Sandline is reported to have been established in 1993, although this claim is disputed, as its creator, Tim Spicer, was reputedly still employed as a British army officer (O'Brien 2000, p. 67; see also Pech 1999). It was formally incorporated in December 1996, with office-holders including Barlow, Buckingham, Mann, financial officer Michael Grunberg, former SADF officer Nick Van Den Berg, and Tim Spicer. Spicer, the face of Sandline, was formerly a British Lieutenant-Colonel. Sandline itself is alleged to be a subsidiary of Adson Holdings, a Guernsey-based company (O'Brien 2000, p. 61). Sandline is linked to EO not only through shared directors, but also corporate offices located at Plaza 107, coincidentally also the name of a company run by Grunberg.

O'Brien and others allege that Sandline was the 'new operational unit' that took over EO's activities in response to 'negative attitudes in Washington and London (Madsen 1999; O'Brien 2000; Pech 1999). Sandline had the same management structure and personnel as had been in place with EO, and employees were former EO personnel. As with EO, payments to Sandline included mining concessions.

*Defence Systems Limited (DSL)*

The corporate structure of DSL changed in 1997, when it was sold to US company, Armor Holdings and renamed ArmorGroup International (Chatterjee 1998; Geraghty 2007, p. 353; Madsen 1999, p. 294). Through Armor Holdings, DSL/ArmorGroup had corporate links with a Russian security company, headed by a former senior KGB officer (Chatterjee 1998). Other subsidiary American companies associated with Armor Holdings have former senior members of US security agencies as office holders (Chatterjee 1998). During the 1990s, DSL/ArmorGroup was providing asset and personnel protection for the World Bank, United

Nations, Western embassies, and non-government organisations, as well as oil, diamond and mining operations of multinational resource companies (Chatterjee 1998; United Kingdom Commonwealth and Foreign Office 2002). DSL was the preferred contractor for the UN, having been consulted on 'refugee protection for Rwanda in 1994' and other peacekeeping operations (Geraghty 2007, pp. 352-354).

*Military Professional Resources Inc*

The American company, Military Professional Resources Inc (MPRI) was established in 1989, its board comprising an 'elite of retired US military officers,' including Major-General Vernon B Lewis, and General Carl Vuono (Cilliers and Douglas 2000, p. 112). MPRI initially provided domestic military support in a range of activities, including simulation and war-gaming, law enforcement, fire training and maritime support. From 1994, it was awarded international contracts, undertaking military training for the Croatian and Bosnia-Herzegovina armies and, later, security assistance to African regimes (Musah 2002, p. 922). MPRI's recruitment strategy included on-line application, with claims it had over seven thousand former military personnel on its database, from retired generals and admirals to 'infantry squad leaders' (Cilliers and Douglas 1999, p. 113).

***1990s: The Peace Dividend and Political Expediency***

The following mercenary operations demonstrate both strong state control and complicity, where Cold War strategic objectives had given way to economic imperatives. The case studies are also indicative of a lack of willingness by strong states to divert formal military resources to peace-keeping or enforcement missions that may have a rebound affect on domestic popularity or foreign policy objectives.

*Angola (1992-1998)*

EO's first regional contract was to secure oil installations in Soyo, Angola, that had been captured by insurgent group, UNITA (Cleaver 2000, p. 140). The contract was brokered with Barlow by Simon Mann and Tony Buckingham in 1992, on behalf of American and French companies, Chevron, Petrangol, Texaco and Elf-Fina Gulf. Following the success of this operation, EO was then contracted by the Angolan regime to undertake counter-insurgency activities, payment including oil and diamond mining concessions (O'Brien 2000).

EO established subsidiary companies, such as Saracen International, a 'commercial security venture,' ensuring continuation of its interests in Angola following cessation of contracts. EO's 'international directors' and personnel also formed subsidiary security companies headed by Angolan politicians and military officers, one example being Defence Systems Angola. The strategy was a circumvention of Angolan legislation that prohibited foreign national ownership of security ventures, introduced in 1992.

EO departed Angola in 1996, following a ceasefire and initiation of peace talks. Prior to their departure, US President Bill Clinton was reported to have met with the regime leader, President dos Santos, in December 1995 and 'encouraged' Angola to terminate their contract with EO, and instead appoint MPRI (Cleaver 2000, p. 140; Musah 2002, p. 923; O'Brien 1998, p. 88). MPRI's hire, however, was stymied when its licence application to the US State Department was temporarily denied (Cilliers and Douglas 1999, p. 114). In 1998, DSL also withdrew all non-Angolan employees, ostensibly due to legislation on private security, but coincidentally following US intervention that promoted the hire of MPRI.

*Sierra Leone (1997)*

In 1995, EO was approached by Valentine Strasser of Sierra Leone for assistance in counter-insurgency operations against rebel group, the Revolutionary United Front (RUF) (Mandel 2002, pp. 110-111). The successful rout of RUF attacks across Sierra Leone by EO was reportedly assisted by British SAS forces active in the state, as well as US 'military trainers,' although Britain denied providing assistance (Barzagan, 8 September 1997). Payments to EO included concessions in the Kono diamond mines of Sierra Leone and payments said to total US$35 million (Madsen 1999, p. 379; Shawcross 2000, p. 197). The conduct of peaceful elections, increased safety and a return to 'normal life' in Sierra Leone were attributed to EO's presence, in a weak state whose army comprised 'criminals,' and 'sobels' (soldiers/rebels), responsible for mass amputations and mutilations (Shawcross 2000, pp. 201-203).

A regime change in 1996 effected a reduction in payments to EO, although they retained control of the Kono region. In May 1997, under pressure from the International Monetary Fund (IMF), Sierra Leone formally cancelled its security contract with EO (Madsen 1999, p. 382). Despite the formal withdrawal of EO, a subsidiary company established to secure the Kono region, Lifeguard Security, remained to defend EO's interests. The cost of EO's deployment was reportedly US$35 million and Sierra Leone was bankrupt (Cleaver 2000, p. 141). However, Shawcross (2000, p. 204) asserts that EO's costs were less than one-third of the cost attributed to conflict.

A further coup and ongoing insurgent activity instigated the UN Security Council to place an arms embargo on Sierra Leone (Shawcross 2000, pp. 204-206). Calls for assistance from the military junta to strong states were officially ignored; instead, covert support was initiated via

Sandline (Cleaver 2000, pp. 142-143). In 1997, Project Python was undertaken by Sandline, involving military training of militias and the supply of 35 tons of weapons and associated equipment, sourced from Bulgaria and sent to Nigeria, for transhipment to Sierra Leone (Musah 2002, pp. 925-926; 2000, p. 98). Britain's awareness, if not complicity, in Sandline's plans were evidenced during a later official inquiry, with telephone calls from Spicer to the Foreign and Commonwealth Office (FCO) and documents provided to the British High Commissioner outlining the proposed military strategy (Cleaver 2000, p. 143). Nigeria was also involved in the operation, transhipping the smuggled equipment (Musah 2000).

A British Customs investigation led to search warrants being executed on Sandline and FCO offices in July 1998, and an official inquiry (Singer 2003, p. 213). Allegations arose during the inquiry that Sandline had received 'secret intelligence,' provided by Britain (Madsen, 1999). Senior staff of the FCO and Ministry of Defence, security agency operatives and politicians, all denied knowledge of Sandline operations. The British High Commissioner, Peter Penfold, was commended by Prime Minister Tony Blair for his 'superb job,' although this had entailed collaboration with Sandline, to facilitate the project.

*Papua New Guinea (1997)*

Prior to the Sierra Leone operation, Sandline had been hired in January 1997 by Prime Minister Julius Chan of Papua New Guinea to quell a long-standing insurgency in Bougainville, and recapture Panguna Mine, abandoned since 1988 (Dinnen et al 1997; Dorney 1998; O'Callaghan 1999). A secondary operation was securing the border between PNG and Irian Jaya (West Papua). The operation commenced in February 1997 with the arrival in PNG of Sandline operatives, led by Spicer. In March 1997, Brigadier General Jerry Singirok, PNG's defence force commander, instigated a mutiny, in turn being dismissed by Prime

Minister Chan, and leading to the collapse of the PNG government. Sandline personnel and Spicer were arrested and later expelled. Chan was eventually replaced by Bill Skate, who initiated a government inquiry into the operation; an autonomy agreement was also reached with the indigenous resistance leaders.

Sandline was recommended to Prime Minister Chan by Alistair Morrison, the founder of DSL (Madsen 1999, p. 295). Operational planning commenced in 1996, the contract valued at $36 million, with financing provided by Jardine Fleming, a Hong Kong financial firm that held gold and oil concessions in PNG. At the time that negotiations occurred between members of the PNG regime and Sandline, Singirok had also initiated a separate contract with a German security company, International Business Company (IBC). Singirok was later directed by the PNG Minister for Defence, Mathias Ijape, to cease negotiations with IBC as Sandline was to be contracted instead.

The ensuing inquiry revealed that transport and weapons for the proposed operation had been stored at an Australian airforce base prior to transhipment to PNG for use. In January 1998, the US had forwarded a $4 million arms shipment to Solomon Islands for transhipment to PNG, later intercepted by New Zealand. In addition, signals intelligence derived from the US and Britain was made available for Sandline, to assist in operational planning. Despite the change in regime and subsequent cancellation of Sandline's contract, PNG was held responsible for the costs incurred by the proposed operation, ultimately having to pay Sandline US$36 million.

*Former Yugoslavia (1995-1996)*

The fight for secession of Croatia, Bosnia and Serbia from the Former Yugoslav state led to UN intervention and an arms embargo to the combatant groups, prohibiting the supply of weapons and military training or advisory services (Kaldor 2001, pp. 31-68). In 1994, although Croatia had been denied support from the US, its request for assistance was referred to MPRI (Cilliers and Douglas 1999, p. 114). Granted a licence from the US State Department, MPRI initiated its Democracy Transition Assistance Program in April 1995 to facilitate transition from a Soviet-era military training regime to one that would comply with NATO requirements (Cilliers and Douglas 2000; Singer 2003).

In August 1995, the Croatian military launched an offensive, targeting Serbian rebels in Krajina (Shawcross 2000, p. 178). The success of the offensive led to Croatian capture of the territory, but also signified a violation of the UN ceasefire, instigating an exodus of 250,000 refugees (Shawcross 2000, p. 178). MPRI was accused of providing military training and advisory services in contravention of the UN embargo, a claim that it denied.

In 1996, MPRI was contracted by Bosnia-Herzegovina to undertake a Train and Equip Program, a US$50 million contract to restructure and train the military (Cilliers and Douglas 1999). While one objective of the project was to assist in the defence capability of the nascent state, it also enabled the withdrawal of NATO troops from the region. MPRI facilitated the transfer of over US$100 million of military equipment, provided by the US, as well as being the conduit for materiel donated by Egypt, the United Arab Emirates, Kuwait, Malaysia and Brunei. The complex financial arrangements for payment led some analysts to allege that the project facilitated support from the 'Muslim Brotherhood,' with references to MPRI's presence also serving to limit Iranian influence (Cilliers and Douglas 1999, p. 117). MPRI

facilitated American extension of foreign policy goals without taxpayer expense, no domestic political repercussions and no impact upon military capacity.

*Zaire – Again (1994-1997)*

In 1994, President Mobutu Sese Seko contacted Bob Denard, seeking assistance to secure the border of Zaire and Rwanda, and provide a praetorian guard, as Mobutu's regime was under challenge from Joseph Kabila. With the assistance of French security agencies, the 'White Legion' was formed, comprising Serb mercenaries from Bosnia and Croatia (some of whom were political exiles, being implicated with war crimes in Bosnia), as well as soldiers from Belgium, Italy, Chile, the US, South Africa, Russia and Britain (O'Brien 1998, p. 81; Pech 2000, pp. 138-139; Todd and Bloch 2003, pp. 122-123). Weapons shipments were sourced from Bulgaria (Madsen 1999, pp. 182-184). Yugoslav, Ukrainian and Serbian mercenaries 'trained Zairean troops in the use of machine guns and rocket launchers supplied by Serbia' (Shawcross 2000, p. 243). By May 1997, Joseph Kabila had gained power in Zaire, and sought assistance from an Israeli security firm, Silver Shadow. The firm withdrew in September 1997, having been ordered by Israel to 'sever its ties with Kabila.'

*Conclusions*

Both strong and weak states recognised the utility of private security companies in the post-Cold War era. For strong states, the capacity to extend foreign policy objectives, while retaining military strength and limiting adverse domestic political opinion were incentives to promote private security entities. For weak states, private security companies offered a variety of alternatives to peace-keeping missions or direct strong state interference. These mechanisms included a capacity for political and military actors of weak state regimes to gain security and attract foreign investment, as well as the opportunity for personal enrichment.

During the decade, the types of private security entities still ranged from companies to individuals. In Britain, South Africa and the US, however, corporate entities appeared to dominate. In South Africa, EO presented an opportunity for the removal of security personnel who had supported the previous regime, and were perceived to be a threat to the incoming ANC government. A similar strategy may also be discerned in the US, where mass demobilisation at Cold War's end resulted in large numbers of professional military personnel seeking employment. The historical risk management strategy of diversion into other, private, structures may explain the rise of corporate actors in America. For the US, particularly, the emergence of private security corporate actors also allowed for unconcealed contracting between corporation and state, denoting a transition from the almost exclusive use of third party actors in other states, and denial of American mercenary activity of the previous decades. American private security companies also offered a mechanism for increased state control of its citizens, should operations go awry or be subverted.

The move towards overt contracting between private security entities and states – along with the notoriety of EO's activities – prompted the search for a new descriptor, other than 'mercenary.' Coincident with the changing status of private security actors, and search for new descriptors, were their claims to offer protection to vulnerable personnel and assets in high risk zones. Operating in the grey areas and unsafe 'borderlands' of weak states, expatriate personnel working for the 'new' types of mercenary companies promoted themselves as alternative security providers or protectors (Duffield 2001, p. 309). Terms such as 'private military' or 'private military firms' were being promoted in the media and academic literature.

These descriptors were juxtaposed against the use of 'mercenary,' again being redefined and applied to individual actors, particularly those operating in Africa and the Former Yugoslavia. Arnold observes that the distinction between European mercenaries in Africa and those fighting in the Balkan wars during the 1990s was that the latter comprised 'European mercenaries fighting other Europeans' (Arnold 1999, p. 103). However, it is proposed in this study that the differentiating factor between these individual mercenaries and corporate entities was not the 'European-African' nexus, but state-defined labelling of actors who operated outside state control. In the context of the international system, mercenaries fighting in the Former Yugoslavia conflict were those defined by states to be illegal actors, compared to others working for corporate entities.

During the decade, critics of the 'new armies' contended a lack of regulation or control by states would contribute to the rise of a new threat to the state, from private entrepreneurs in violence (Singer 2003). But control of private security entities still occurred through directions by strong states to cease operations, the denial of licences and co-option into potentially criminal activities. The introduction of South Africa's new anti-mercenarism legislation in 1998 signalled the demise of EO, potentially subject to legal charges. MPRI was initially denied a licence to operate in Angola by the US State Department, while it also was accused of transferring arms to Bosnia during the Balkan conflict of the mid-1990s, diverting attention from reputed American state involvement in an illegal, sanction-breaking, activity.

State authority also continued to be exercised through the informal channels used in the Cold War era, where issues of citizenship, repatriation or extradition, could affect the security operative's capacity to act. In the years after 2001, these informal mechanisms of state authority were refined and employed.

# Chapter 8 – Private Security Contractors, 2001-2009

The international security framework was transformed on 11 September 2001, with attacks on American territory by Islamist extremist suicide teams aboard airliners. The events of 2001 instigated a 'War on Terror' by the US and its allies; the operations targeted Islamic extremist groups active in weak states. In 2001, the 'War on Terror' was initiated against Osama bin Laden and his terrorist group, Al Qaida, in Afghanistan; in 2003, the war was extended to an invasion of Iraq and the deposing of Saddam Hussein's regime. Since the war's onset, 'terrorism' has become the new (renewed) security threat to strong states, and ultimately weak states also. The unique feature of this 'war' is that it exemplifies the techniques of insurgency and counter-insurgency doctrines.

The events of September 11, 2001 resulted in an expansion of the security paradigm, with ensuing national and international responses. These responses included a US-led advance on Afghanistan in late 2001, and invasion of Iraq in 2003. The rise of extremist Islamist terrorist attacks across the world occurred in both strong and weak states, including Pakistan, India, Turkey, Britain, Spain, Indonesia and Bali. The impact of the 2001 events was to highlight the risks and vulnerabilities in strong as well as weak states, which could not be filled by the formal security sector. Private security actors were needed to extend military capacity, as well as foreign policy objectives, particularly by supporting military and civilian operations in weak states.

*Unlimited (In)Security*

While the security paradigm encompassed crime, terrorism and piracy, additional risks arose from civil unrest following catastrophic weather-related events. The hire of Blackwater to secure New Orleans following Hurricane Katrina, with a reported 'shoot to kill' policy,

highlighted the controversial issue of private sector agencies complementing formal domestic state security responses (Scahill 2007; Pelton 2006). The initial domestic expansion of private security companies in strong states during the 1970s were associated with securing private-public spaces, such as shopping centres and 'gated communities,' as well as privatised prisons and aviation security functions. However, further integration into a wider security framework occurred in the post-2001 years. The private security sector became a necessary adjunct to formal policing and security operations (Benson 1998).

The insecure environment of weak and conflicting states led to the creation of numerous private security companies with a wide range of roles, providing protection for multi-jurisdictional and government agencies, media outlets, businesses, humanitarian agencies, as well as sports teams and tourists travelling in weak or conflicted states. Security for electoral processes and currency distribution also became significant, as were interventions in illegal fishing. Not only were companies providing security for diverse public and private sector actors, but avenues for business had expanded to include the provision of intelligence and interrogation services, deemed to be of especial utility in occupied states, extending foreign policy objectives (Chatterjee 2004; Corpwatch Report, 29 April 2008).

Recruitment by private security companies after 2001 was undertaken through the networks of former security agents, military and law enforcement personnel, as well as advertisement in print media and via electronic fora, such as the companies' websites. Increasing numbers of former state employees were attracted by the salaries or conditions. In Iraq, for example, former British SAS men could reportedly earn up to US$250,000 per year, triple the salary offered by the British military (Chatterjee 2004, p. 108). By contrast, former Gurkha soldiers (also contractors) claimed to earn less than their British military salary, but were able to return

home to Nepal every six months, rather than once every three years (Chatterjee 2004, p. 104). The pay scales offered to potential employees reflected 'national status,' where recruits from Fiji, India, Chile and Peru, were paid at the lower end of the scale for tasks including static guarding, while former special forces soldiers received high wages for 'guarding high profile targets... and training Iraqi military and police in defensive and offensive tactics' (Chatterjee, pp. 104-107.)

### Private Security and Military Contractors (2001-2009)

The case studies presented in this chapter are illustrative of the variety of operations involving private security companies and individual actors since 2001. In Africa and Asia, companies provide protection in high risk areas and undertake security sector reform, an example of the latter being Liberia. In 2004, British and South African 'mercenaries' were detained in Zimbabwe, en route to perpetrate a coup in Equatorial Guinea. The American retaliatory response on Afghanistan, and its later invasion of Iraq, initiated an unprecedented expansion of the private security industry.

### Iraq

The US-led invasion of Iraq occurred in March 2003, based on concerns that the regime of Saddam Hussein was expanding its weapons of mass destruction program, and supporting bin Laden's Al Qaida terrorist group (Pirnie and O'Connell 2008). With low resistance to the invasion, the US established the Coalition Provisional Authority (CPA) in July 2003, headed by American Ambassador, Paul Bremer. The disbandment of the Iraqi security forces, and US military operations against Sunni and Shi'ite Arabic extremist groups, led to growing unrest and resistance to the occupation.

The increasing levels of insecurity emanated not just from former security agents within the Ba'athist regime, but also militias representing religious and criminal groups, as well as adherents to Al Qaida (Pirnie and O'Connell 2008). A rise in insurgent offensives effected a change in conflict, where the activity of international actors was undertaken within a defined area (the 'Green Zone') and external operations were subject to a variety of offensives, from sniper attacks, ambushes, improvised explosive devices (IEDs) planted along roads, vehicle-borne IEDs and suicide bombings. The scope for private security operations increased to cover every aspect of activity, in business and recreation. From June 2004, suicide bombings, IEDs and VBIEDs were common tactics in the insurgency, directed towards US and Coalition troops, humanitarian agency and expatriate personnel working on reconstruction projects, private security contractors, and Iraqi civilians, as the largest group of casualties (Pirnie and O'Connell 2008, p. xix).

Towery (2006, p. 3) ascribes the surge in private security contracting to three factors: American under-estimation of insurgency actions, an unacknowledged gap between the security threat and capability (that is, 'troops on the ground'), and the need for protection to enable reconstruction. Investment in Iraq's reconstruction was presented by strong states, particularly America, as offering significant opportunities for business; other actors with interest in the reconstruction efforts included humanitarian agencies, regional and international government organisations, and the media.

A lack of rigorous data collection and collation has led to confusion over the exact number of private security companies and personnel operational in Iraq, with estimates drawn from a variety of sources and differences in the 'manner of counting' (Del Prado 2008, p. 438). Between 10,000 and 20,000 private security employees were reportedly deployed in Iraq

during 2004 and 2005; other sources cite between 20,000 and 50,000 personnel, while the US Department of Defense calculated the total as 25,000 employees, according to their 2005 contracts with sixty companies (Chatterjee 2004, p. 105; Del Prado 2008, p. 438).

Controversial actions by private security operatives drew attention from the media and critics, particularly Blackwater's alleged shooting of over 30 civilians during what was claimed to be an ambush in 2007, while an Australian company, Unity Resources Group, was implicated in the shooting deaths of two Iraqi women in the same year (Del Prado 2008, p. 434). By contrast, Blackwater employees became involved in direct combat when their base was attacked by religious militants in 2004, and calls for assistance to Coalition forces were reputedly ignored (Del Prado 2008, p. 434; Pelton 2006, pp. 147-154). In the same year, four Blackwater employees were shot, burnt, and their bodies hung from a bridge in Fallujah; their deaths were reported to be the catalyst for a subsequent US military assault in the area (Pirnie and O'Connell 2008, p. 12).

Concerns over targeted attacks upon private security personnel led to Aegis, a company headed by Tim Spicer (formerly of Sandline), instituting and maintaining an operations centre in the 'Green Zone,' operating as a collector and disseminator of intelligence for contractors (Towery 2006, p. 6). In June 2004, Bremer, on behalf of the CPA and with no indigenous government constituted at that time, issued an order granting immunity from Iraqi law to private security contractors (Order 17). Although immunity could be waived, it is alleged that 'this has never happened, due to a lack of faith in the Iraqi justice system' (Dutch Advisory Council on International Affairs 2007, p. 17).

In December 2005, contractors to the US government had been paid over US$766 million; by 2008, private security firms were assessed to have cost the US over $25 billion (General Accounting Office 2005; Scahill 2007). Towery (2006, p. 4) refers to a 'tier arrangement' of private contractors, where companies such as Blackwater and Erinys, comprising former special forces personnel, are awarded multi-million dollar contracts as premier providers, with a range of companies further down the scale, ending in the 'ma and pa ops.'

A tier arrangement of salary scales is also applied. Former special forces personnel from strong states – US, Britain, South Africa, Canada Australia and New Zealand - are at the apex of an 'hierarchical pyramid,' receiving amounts between US$12,000 to $33,000 per month (Spearin 2007). The next tier of personnel are described as 'third country nationals' (TCNs) – recruited through a series of subsidiary companies to corporate entities based in strong states – receiving between US$1000 and 3000 per month; the home states of TCNs include Chile, Fiji, Nepal, Romania, Honduras, Peru, Colombia, Nigeria and Poland (Del Prado 2008, p. 438). At the base levels are indigenous or locally employed staff, Iraqi nationals.

*Afghanistan*

In the immediate post-2001 advance into Afghanistan, private security companies were hired to undertake static guarding duties, personnel and convoy escorts. In 2006, insurgency attacks by former Taliban regime and Al Qaida members had resulted in 139 suicide attacks, 'remotely detonated bombings doubled to 1677 and armed attacks tripled to 4542' (Jones 2008, pp. 7-8). The demand for private security actors increased. Individual contractors and Blackwater employees were enlisted to assist in the tracing of former members of the Taliban regime and Al Qaida (Ciralsky 2010; Crawford 2010). In recent years, private security operations have included the supply of praetorian guards for the regime leader, President

Hamid Karzai; initially, by Dyncorp and, since 2007, Blackwater (Pelton 2006, pp. 70-83). The contracts for Karzai's protection appear to be subject to US government approval; Pelton refers to the 'slightly more positive public perception' when protection involves private contractors, rather than the US military (Pelton 2006, p. 73).

According to del Prado (2008), private security contracts for Afghanistan total approximately US$20 billion per annum, while Polman has estimated that 25 private security companies were operational in Afghanistan, in 2007. At that time, the estimated number of contractors ranged between 20,500 to 28,000; of this number, between 4000 to 6000 were expatriates from the US, Britain, South Africa, Canada, Australia and New Zealand; 1500 to 2000 were TCNs, from Nepal, Fiji, Singapore, the Philippines and Nigeria; and between 15,000 to 20,000 were Afghan nationals (SwissPeace).

In Afghanistan, as with Iraq, immunity from prosecution was similarly granted to private security contractors, under a Military Technical Agreement issued by the Coalition forces (Advisory Council on International Affairs 2007, p. 17). A Dutch government report of December 2007 noted that, while immunity could be waived by signatory states to the ISAF-NATO forces, such a waiver could not be imposed on a contractor from another state, employed by a company working for the Dutch military; for example, a South African national, working for a British company, could not be affected by any waiver of immunity extended by the Dutch government (Advisory Council on International Affairs 2007, p. 17).

The activities of private security contractors during the Iraq and Afghanistan conflicts initiated calls for a review of the industry, now known as the 'Swiss Initiative' and resulting in the 'Montreux Document,' discussed previously in chapter 2 (see Del Prado 2008, p. 439).

The following issues were identified during this review. A critical shortage of military manpower in strong states, elicited by the previous downsizing of forces at the end of Cold War, was considered to be further exacerbated by the loss of experienced personnel to the private security sector, attracted by higher wages and increasing perceptions of legitimacy (Spearin 2007). Concerns were raised that state militaries were becoming 'training colleges' for private companies (Avant 2005).

Media scrutiny identified issues of concern in post-2001 recruitment strategies, from differentiation of payment rates according to nationality of private security employees, disputes over compensation, inadequate vetting procedures and criminal conduct. The costs of contracting private security also drew criticism, highlighting the lack of auditing procedures and regulatory enforcement (General Accounting Office 2005). The growing complexity of corporate structures and subcontracting through a series of subsidiary entities spread across three or more states, also raised concerns, facilitating, for example, the hire of TCNs and reducing the responsibility of controlling entities. As an example, Armstrong (pp. 200-205) refers to two former employees of ArmorGroup, seeking compensation for injuries received during service in Iraq, recruited by ArmorGroup UK, employed by ArmorGroup Jersey, but subject to compensation laws of the USA due to the ultimate contracting company.

Del Prado (2008, p. 438) asserts that eighty per cent of the companies currently falling within the purview of the Swiss Initiative are registered in Britain or the US. The International Peace Operations Association (IPOA), a US-based lobby group for private security companies, claims that research it conducted in 2006 identifies the clientele of these companies are being 'national governments' (62 per cent), the private sector (29 per cent), non-government organisations (3 per cent) and 'individuals' (6 per cent) (International Peace Operations

Association 2006). The following is a summary of the main companies referred to previously in this chapter.

*Aegis Defence Services Ltd*

Aegis is a British-based company established in 2004 by Tim Spicer, formerly of Sandline. Other board members, with former experience as British army officers, include: Nicholas Soames, a Conservative politician who has acted as Minister of State and Shadow Secretary of Defence; Brigadier James Ellery, a former senior adviser to the Coalition Provisional Authority in Iraq; General Sir Roger Wheeler, former Chief of the General Staff, and board member of Thales Inc and the Serious Organised Crime Agency; and former Chief of Defence Staff, Field Marshal (The Right Honourable) Lord Peter Inge (Aegis 2009). A non-executive board member is Sir John Birch, former British Ambassador to the UN and Hungary.

The primary areas of operation for Aegis are Iraq and Afghanistan, as well as providing 'intelligence services' to Lloyds Joint War Committee, which issues 'war risk notices' in accordance with insurance policies. Other activities include personal protection and static guarding of infrastructure. In 2005, an audit of Aegis conducted by the US Special Inspector General of Iraq Reconstruction (SIGIR, 20 April 2005) found five areas where the company had not complied with contractual obligations, including a lack of personnel vetting and security training, and the award of an initial US$293 million contract by the US Department of Defence without sufficient due diligence procedures. A later SIGIR report (14 January 2009) found that Aegis had made significant improvements to comply with its contracts to the US Department of Defence, although personnel issues remained (specifically, in relation to accidents in vehicles provided by the US government).

*Blackwater/Greystone/Xe*

Xe, formerly known as Blackwater, is an American private security company established by Erik Prince, a former Marine and millionaire (Pelton 2006). Its board members include former Pentagon Inspector General, Joseph E Schmitz. The company operations include a military and weapons training centre, as well as personal protection, canine and aviation services (Xe 2009).

Blackwater first came to notice when four of its employees were ambushed, shot and their burnt corpses were hung from a bridge in Fallujah, Iraq. Criticisms were raised over the nature of the company's activities that led to the ambush, and allegations by family members of the deceased that Blackwater had not provided adequate vehicle protection for the employees (Scahill 2007, pp. 222-236). The company again came to notice in 2007, when seventeen Iraqi civilians were shot by Blackwater personnel; the incident led to the laying of criminal charges in the US against four employees. Blackwater has also been subject to criticism for a lack of due diligence and 'over-billing' for its US government contracts, although these allegations were recently rebutted by the company.

*Erinys International Ltd*

Erinys is a British private security company, registered in the British Virgin Islands in 2002, with offices in South Africa and Dubai, as well as Britain. It was established by Jonathan Garratt, a former British army officer, and its board members include Alistair Morrison, formerly of Kroll and DSL. The former manager of Erinys in South Africa was Sean Cleary, previously a South African military intelligence officer who criticised EO operations (refer Barlow 2007).

Erinys' operations included the recruitment and training of a security unit entitled the Oil Protection Force, to secure oil installations in Iraq, in addition to static guarding of infrastructure and personal security details for civilians working in the state. Erinys was the subject of a civil suit brought by the family of a US soldier, killed in 2005 when hit by a speeding vehicle driven by an Erinys employee. Erinys came to notice during British criminal investigations into the murder of Alexander Litvinenko, a former Russian security operative, who had visited Erinys' London office just prior to his death.

*Conclusions*

After 2001, the international security framework was again reconfigured such that existing security responses, resources and capacity, for strong and weak states alike, were inadequate. An increase in insurgent activity, associated with secessionist movements (such as the LTTE), criminal groups (for example, Mexican narco-criminal groups) and religious terrorism (notably, extremist Islamic groups) emphasised vulnerability, inefficiencies and incapacity in the security framework, at national, regional and international levels. These gaps included providing security for key personnel, assets and infrastructure in the designated battle zones of Iraq and Afghanistan, as well as weak states. The vacuum in security resources, capacity and vulnerability were filled by private security companies, who recruited personnel not just from the former source states of Britain, America and South Africa, but other regions not previously areas of recruitment, such as South America and the Pacific (Chatterjee 2004, pp. 106-107).

The changed security environment and need for additional, flexible resources provided by the private sector prompted a redefinition of these entities, formerly defined as 'mercenaries' or 'private military firms.' This redefnition includes the insertion of 'security' into the

descriptor, reinforcing the notion of protective, rather than offensive, action. The notion of protection by private means is explored further in the next chapter. Understanding the mechanisms that permit private security actors to operate can be derived by analogy to an organised crime group. The following chapter reviews the creation and operation of the Sicilian mafia, an industry of private protection that emerged in a region where state-provided security was weak. It is proposed that this model assists in clarifying the conditions leading to the growth of private security enterprise, the mechanisms that facilitate the continuation of a privatised industry of protection, and the utility of such entities to states, both strong and weak.

*Part V –Regulating the Mafia, Regulating the State*


**Chapter 9 – Analogy of a Mafia: A Protection Industry**


**Chapter 10 – The Security Dilemma: A Mafia for the State?**

## Chapter 9 – Analogy of a Mafia: A Protection Industry

Throughout the discourse on mercenaries and private security companies are comparisons to the mafia. Mockler (1985, p. 126) states that a former Legionnaire, Colonel Le Braz, headed a 'mercenary mafia' of praetorian guards for Gabon's President Bongo, while Dorrill (2000) refers to Stirling and his comrades in the Yemen campaign as 'White's mafia.' The most recent, and controversial, private security company – formerly Blackwater, now Xe – has also been likened to a mafia (Jacobs 2007). The comparison of mercenary companies to a mafia invites closer analysis, particularly given the lack of reliable data on private security actors. What are the similarities, if any, between private security companies and the mafia? Are the mechanisms that facilitated the emergence and organisation of a mafia comparable to that of a mercenary company? Do they operate in the same way?

The purpose of this chapter is to consider the relationship between states and security companies by analogy to the mafia, where the application of a mafia analogy may deepen the understanding of private security actors. Not only are security companies and the mafia engaged in the private sale of protection, but each entity appropriates a function normatively ascribed to the Weberian state, operating within a series of protective relationships that can include state agents and agencies. Insights into the mafia enterprise offer analytical tools for understanding the role of private security entrepreneurs in 'low trust' environments and the nature of protection (Goldsmith 2005, p. 450). These protective associations facilitate the activities of private enterprise, and simultaneously give the state scope to exercise an extra-legal capability. It is this capability that, within the state-security company nexus, is attractive to the state, reducing its commitment towards regulation. Conversely, protection extended towards private security actors by states may also be withdrawn, a mechanism of informal sanction and coercion. These informal risk management strategies of states ensure

control of private security actors. Similar strategies may also be discerned in mafia operations, where connections to power, a hierarchy of control, secrecy and sanctions, induce compliance by its members.

While the mafia is frequently defined and analysed as an organised crime group, the circumstances that led to the 'mafia phenomenon' can assist in understanding the mechanisms that enable contemporary private security companies to operate today. The origins, structure and activities of the mafia provide an insight into the informal contracting of security, where the state is either absent or weak. In Sicily, for example, the mafia's origins are the men who provided informal security arrangements during a critical era in its history. This era was the creation of the Italian state, land reform, a weak legal system and limited recourse to state-provided security (Bierling 1996; Blok 1975; Putnam 1993; Sabetti 1984).

The Sicilian mafia evolved in a dangerous environment, where the state's authority had never extended across its whole territory, and violence was omnipresent (Bierling 1996; Blok 1975). The capacity of the mafia to ensure security, to be able to enforce contracts where the legal system could not, and to act as an intermediary and power-broker between differing socio-political spheres, was utilised by Sicilian elites to ensure economic, if not political, development. In the Sicilian political system that operated upon patronage, the mafia was not only an enforcer and power-broker, but could also be subject to constraints imposed by their wealthy and powerful patrons, or from state adversaries such as law enforcement, and inter-group rivalry, in addition to the pressure that was placed on those below, their clientele (Blok 1975, p. xix).

While the mafia is often placed within a framework of organised criminal activity, its most unique commodity for sale is protection (Gambetta 1993, p. 2; Paoli 1998, pp. 278-279). Contrary to the understanding of a mafia as being an industry of violence, Gambetta (1993, p. 2) argues that 'violence is a means, not an end; a resource, not the final product.' As an organisation, the mafia is able to operate between differing forms of authority, to enforce contracts, and to provide protection. To do so requires knowledge of its clientele, and the capacity to identify and maintain networks across licit and illicit markets.

Above all, the mafia must induce a sense of trust, in an environment of 'endogenous distrust' among their client groups, comprising legal and illegal businesses, of 'landowners, politicians, doctors, shopkeepers, smugglers, drug traffickers and arms dealers' (Gambetta 1993, pp. 24-28, 54). If transactions are not conducted within a viable and accessible legal framework, or business is illicit and negates recourse to the legal system, trust instead is formed through exchange relations, comprising repeated, personalised interactions (Varese 2005, p. 100). Where state protection - evidenced through an enforceable legal code - is absent or weak, buyers and sellers may instead seek this service through informal, private agencies. Gambetta (1993, p. 27) argues that, with the introduction of privatised protection into the market, distrust becomes 'self-perpetuating and self-expanding,' that is, endogenous. In turn, endogenous distrust is aligned to bounded rationality, influencing the choices insecure groups or individuals perceive to be available (Dequech 2001; Jones 2002, 2003).

Private protection can occur across the market, to ensure the delivery of goods and services for both buyers and sellers, or to secure and retain control of an asset and prevent capture by others, or to keep the client and their associates safe (Varese 2005, p. 23). Examples of organised criminal groups specialising in private protection include not only the Sicilian

mafia, but the Russian mafia, Japanese Yakuza and Hong Kong Triads (Chu 2000; Hill 2003; Galeotti 2000, pp. 8-9; Gambetta 1993; Varese 2005). The following study reviews one particular organised crime group, the Sicilian mafia, a phenomenon that has been extensively studied by scholars and state investigators since awareness of its activity in the late nineteenth century.

The Sicilian mafia has been analysed as an economic enterprise, and as an historical and socio-cultural phenomena. Of relevance to the ensuing study is the mafia's 'quintessential' function of protection, and its claim to 'legitimately exercise violence in (its) area of influence' (Paoli 1998, p. 279). In this context, the mafia provides insights into the operations of mercenary enterprise, being the establishment of power over territory and population, and the emergence of corporate actors, particularly since the 1950s (Hobsbawn 1978, pp. 33-35, 38; Paoli 1998, pp. 280-281). Unlike the mafia, mercenary enterprise is not tied to its local community but instead operates in alien territories, and power is interpreted through contractual obligations with weak and strong states. Unlike the mafia, whose power 'emerged at the periphery' before infiltration of the state, contemporary private security enterprise has emerged from the state, and operates on behalf of the state (Catanzaro 1992, p. 54).

This chapter argues that analysis of the mafia's evolution and organisation indicates similarities in their environment and operations to that of the contemporary private security entrepreneur. Private security companies that operate today evolved from state security agencies, and their sphere of operation is that of dangerous environments. In these environments, companies offer protection where the state is either weak or absent. Private security companies also operate as power-brokers between strong and weak states, the latter comprising differing forms of regimes. Business investors in high risk zones have limited

recourse to the legal systems of weak states; private security companies operate as insurance guarantors instead, offering protection and ensuring commitment to commercial contractual obligations. In states where endogenous distrust is prevalent, mercenary companies operate as proxy law enforcers. Importantly, security companies must have knowledge of their clientele, and the capacity to operate across both licit and illicit networks.

In the state's absence, the mafia initially provided security; where the state was weak, the mafia penetrated, becoming a 'local instrument of government' (Dickie 2005, p. 67). In contrast, contemporary mercenary companies have emerged from, and operate on behalf of, the state, in a series of state-endorsed protective relationships. Unlike the mafia, for mercenary companies, the rules of the game are defined, manipulated and controlled by states. However, private security companies and the mafia are alike in certain aspects: the dynamics of demand for protection and supply, the absence or weakness of state authority and legal systems, involvement in a private ordering of disorderly markets, and protective relationships that invoke both favours and sanctions. Further, the mafia's risk management strategies are mirrored in the way that strong states control private security enterprise.

### *Defining the 'Mafia'*

Popular perceptions of the mafia are that it comprises an autonomous organised crime group, whose members are linked through familial and kinship bonds, but the mafia is more than a familial criminal organisation. Smith (cited in Bierling 1996, p. 169) claims the mafia has so many connotations, it has achieved 'semantic satiation,' with mythical qualities meaning 'many things to many people.' According to Catanzaro (1992) the mafia comprises economic organisations that specialise in violence. For Arlacchi (1992), the mafia were groups that included families and associates. Paoli (1998, p. 272) describes the mafia as a 'segmented

society' consisting of 'concentric circles,' with the inner circle being 'a secret nucleus' of members who undertake protective functions for the organisation, and expansion of its power and influence. Franchetti (cited in Gambetta 1993, p.1), one of the earliest researchers into the mafia, described the phenomenon as an 'industry of violence.' By contrast, Varese (2005, p. 4) contends that the mafia is a specific sub-set of organised crime, comprising a 'set of mafia groups,' whose specialty is the monopoly and sale of protection.

Gambetta (1993, pp. 259-261) views the mafia as industry specialists in private protection, referring to the etymology of 'mafia' as an Arabic word, '*mu'afa*,' meaning 'safety of protection.' According to Gambetta (1993), the mafia's primary activity is protection, where the use of violence is an incidental, but necessary, adjunct. In this context, the mafia is analysed as a series of firms, applying business principles and practices in the sale of their primary commodity, protection. The mafia's corporate objectives include the ability to induce trust, to impose security, act as insurance guarantors, enforcing property rights and engaging in criminal activity, all roles that are a by-product to their principal commodity, being the sale of protection (Gambetta 1993). Importantly, the sale of protection and inducement of trust are dependent on the mafia's capacity and willingness to use violence, with the 'threat of brutal reprisal' should their clients violate the terms of agreement, or where rivals impinge on designated territory, or against fellow mafiosi who 'are disloyal or not observant of omerta,' (the code of silence) (Anderson 1965, pp. 302, 307).

The mafia phenomenon is explored below, firstly, through a review of the Sicilian environment, and secondly, the conditions and processes that led to the emergence of an industry in private protection.

*The Environment*

Sicily is a small island off the south-western corner of Italy, which had been successively colonised by Mediterranean and European armies over two thousand years, before integration into the new Italian state in 1861 (Schneider and Schneider 1976, pp. 19-20). The impact of colonial invaders had been limited, with no successful penetration of Sicilian society. Instead, colonisation had given rise to a feudal system, with inalienable land bequeathed through inheritance, isolated communities, poor infrastructure and a system of patronage that ensured adherence to the traditional patterns of life.

Sicily's feudal system consisted of large estates, isolated small rural villages, and coastal cities. The nobility held long term leases over the land, managed by the gabelloti or overseers, who in turn received leases of land that were rented as short term sub-leases to 'share-croppers' (Blok 1975, p. xv). Security of the estates was provided by guards, often former soldiers, criminals or bandits. Labour was supplied by the peasantry, landless and poor village residents, with high levels of illiteracy, dependent on the gabelloti for subsistence income and open to exploitation (Blok 1975, p. xviii).

In western Sicily, the primary region of mafia activity, the estates were characterised by 'absentee landlords,' residing in urban towns and cities, leaving estate management to the gabelloti (Arlacchi 1992, p. 155). This 'latifundia' was distinctively different to that of other Sicilian regions, where the vacuum in authority permitted the gabelloti to appropriate power, including the acquisition of large portions of revenue that would normally have been ceded to the nobility. The transition from feudalism to capitalism was initiated in 1812, with intermittent revisions until 1861, when formal abolition of the feudal system occurred upon the unification of Italy and integration of Sicily within its territory (Blok 1975; Dickie 2005,

p. 50; Catanzaro 1992). The transition from one political system to another prompted changes to Sicilian society: the acquisition of land by those with wealth, the imposition of a middle class with aspirations for power, and a vacuum in traditional security practices (Varese 2005, pp. 2-3).

Feudal reform included the breaking-up of large estates for sale as private land, and introduction of property rights. Other reforms were the introduction of a legal system, superimposed by the newly formed Italian state, and enfranchisement. The change of land ownership favoured those already with assets, who acquired more land and therefore more power. Land acquisition depended upon access to finance and credit, avenues open only to small sections of the Sicilian community. Access to the legal system was slow, costly and subject to local influences. Enfranchisement also had limits, initially extended only to male taxpayers, with educational qualifications. The peasantry lacked the skills and knowledge to access an alien legal system, and did not meet the requirements for enfranchisement.

Economic progress was an imperative for the Italian state, but capital investment in Sicily was limited, with poor infrastructure, communications and transport (Blok 1975, p. xvii). Sicily's primary industries were agricultural produce, livestock and sulphur mining. Investment was also constrained due to the high level of insecurity and violence, a reflection of the intransigent resistance of west Sicilian elites to the new political regime. The previous remoteness of invading states had resulted in Sicilian elites operating as autonomous actors, instituting their own forms of authority and 'self-help' to ensure security, and where 'incorporation into (the state of Italy) was felt, just as all previous occupations, as an invasion by a foreign power' (Blok 1975; Gambetta 1993; Hess 173, p. 25).

Hess describes the Sicilian response as a sub-cultural system of dual morality, where the 'lack of social identification' with the State was underscored by a belief that enforcers of State authority were acting illegitimately (Hess 173, p. 27). Trust in foreign powers and the Italian state was absent. Integration into the Italian state created tension and resistance to land reform, legal and political changes emanating from west Sicilian elites, many of whom controlled the commissions established to implement land distribution (Blok 1975, p. 38). Obstruction to land reform also came from the 'new landed gentry' who had either replaced or merged with the traditional elites, acquiring land as it came onto the market and 'enclosing fields' to which peasants had legal rights (Blok 1975, p. xiv).

For the poor, there were limited opportunities to engage with the new state. Communities in the rural interior were isolated, with limited communication, and disconnected from external influences (Blok 1975, p. 23). Formal political participation was limited. The peasantry relied on subsistence wages, dependent upon landowners for employment, and unable to participate in society beyond the local economy; with limited state authority and penetration from either colonisers or the state, security evolved instead from within Sicilian society (Blok 1975, p. 24).

*Origins of the Mafia*

The origins of the mafia in western Sicily are traced to the initial breaking up of the feudal estates in the early nineteenth century. Mafia activity was reported from 1838, with the phenomenon being detailed by Franchetti (cited in Gambetta, 1993, p. 88) during his visit of 1875. The mafia's origins have been variously attributed to the security guards of the 'latifundia,' urban markets, poor infrastructure, 'local political conflicts,' or the lack of civic institutions (Bierling 1996; Catanzaro 1992; Gambetta 1993, p. 76). However, mafia activity

was not limited just to the feudal estates and rural locations, but endemic also in the urban coastal towns of western Sicily.

The mafia's genesis lies with the transition from feudalism and inalienable land, to private ownership of property, and the absence of government authority to enforce property rights. Integration into the new Italian state resulted in increased pressure for economic development, while centralised state authority had still not reached many parts of the Sicilian interior. In the decades following unification, Sicily became renowned as a region of violence, where high levels of insecurity left citizens with two alternatives: either to take up arms or to buy protection (Blok 1975; Hess 1973).

The Sicilian mafia was a response to the absence of authority and security. Although Blok (1975, p. xviii) cites the origins of the mafia as 'armed retainers for landlords,' Gambetta (1993, pp. 83-85) has noted that mafiosi included security guards, the gabelloti or overseers, and others from various social classes within the community, including the rural poor. While acting as security entrepreneurs, they also fulfilled the role of political middlemen, making decisions that affected the community (Blok 1975, p. xviii).

With absentee landlords, estate management was left to the 'gabelloti,' who arranged security by the employment of private guards, referred to during ensuing historical eras as 'bravi,' 'compagni d'armi' or 'campieri' (Bierling 1996; Blok 1975; Hess 1973, pp. 17-19). These security officers consisted of 'violent, fearless and criminal elements,' and bandits who were suited to military and policing tasks (Hess 1973, p. 17). The 'semi-private protection of public order,' comprised men who were not representative of the state, but the community, who did 'not wear a uniform or live in barracks, but in their own houses' (Hess 1973, p. 19). These

security officers were involved in networks that included family, friends and associates, and were able to 'reach accommodations with criminals,' as well as gaining access to opportunities for acquiring wealth (Hess 1973, p. 19).

The fragmentation of land ownership, with no residential legitimate authority, increased the potential for banditry and violence, in turn creating demand for protection. Demand was met by supply, in the form of the mafia, whose protection functions included, 'Policing of the peasantry; enforcement of property rights over land, livestock and produce; and the regulation of ill-defined or extra-legal rights (in relation to) allocation of resources (for) the land' (Gambetta 1993, p. 97).

The opportunities for protection extended from the rural interior to the cities, where producers sought assurances that their product would arrive safely in the coastal city markets. During the nineteenth century, banditry was common, not only in the rural western regions but along the major transit routes to the urban coastal markets. For the mafia, the avenues for increased protection came not just from guarding rural estates, or the enforcement of local property rights, but also in ensuring the security of livestock and produce during its transportation from the producer to the market. The protection entrepreneurs not only travelled, but initiated links in and between the cities and rural properties, increasing their clientele base and industry knowledge (Catanzaro 1992, p. 104; Gambetta 1993, p. 95; Sabetti 1984, p. 104). The capacity for protection specialists to increase networks and markets came through the extension of their services, in their local environ, along transit routes, urban markets and coastal cities (Catanzaro 1992).

The mafia adopted the roles of intermediaries and middlemen, across the rural interior and urban coastline. In doing so, they supported elite resistance to the new Italian state, ensuring a reciprocal protective relationship with political representatives and the elite who served on local authorities, boards and commissions. Political reform between 1860 and 1885 resulted in elections that were an arena for 'fierce local factionalism,' with internal conflict among the elite (Gambetta 1993, p. 98). The mafia were able to work with formal authority, facilitating control through 'covert, pragmatic relationships with those in formal office,' a capability that distinguished them from mere bandits, as a symbiotic relationship of power and control emerged (Blok 1975, p. 6). By imposing their own form of security, the mafia's capacity to support local politicians was pivotal, reducing violent crime in return for the 'right political cover' (Dickie 2005, pp. 67-99). Attempts to repress mafia activity by the newly formed Italian state included military and police action, and the establishment of anti-mafia inquiries, none of which were successful (Dickie 2005, p. 67).

The absence of authority in western Sicily was an opportunity for the mafia. Being able to 'travel back and forth,' the mafia became intermediaries, not only between the rural and urban centres of western Sicily, but also between the 'two worlds' of a feudalist society and the transitional state, and the 'local infrastructure of villages (and) the superstructure of larger society' (Gambetta 1993, pp. 98-99; Blok 1975, p. 7). As Blok (1975, p. 7) describes it, they were a 'modus vivendi,' capable of travelling between the formal political framework of the state and traditional local demands.

The difference between the mafia and other types of intermediaries was their capacity to exploit, rather than close or destroy, the gaps between communities and wider society (Blok 1975, p. 8). As gatekeepers, the mafia monitored and supervised communications. In doing

so, they exerted control, and preserved their position through the threat or use of force, preventing others from making their own connections, and so becoming 'poised between incongruent political cultures that provided the setting for brokerage, as well as resources that could also be exploited' (Blok 1975, p. 8). The mafia mediated between the village and the state, ensuring local and regional self-sufficiency, and constraining the state's capacity to infiltrate society (Blok 1975, p. 26).

The mafia's penetration of society is highlighted in its capacity to form 'instrumental friendships,' a replication of the previous feudalist patron-client relationships (Catanzaro 1985). In this way, 'specific configurations with interdependent individuals,' including the recruitment of peasants as armed staff, enabled the mafia to challenge both the state and the poor in a region without state authority (Blok 1975, pp. 9, 11). Mafia power was further enhanced by the alternate increasing of class tensions through land control, or limiting open rebellions, repelling outside influences, opening avenues for upwardly mobile peasants, and turning outlaws into allies (Blok 1975, p. 11).

The paradox of the mafia is that it emerged as the 'antithesis of a strong, orderly state,' but could not exist without the 'great concentration of power in national states,' for it required a protective relationship to exist to enable its activities (Blok 1975, p. xix). In considering the methodology of selling protection and retaining control, Gambetta (1993, pp. 24-28) points to an 'endogenous distrust' that was endemic in western Sicilian society. The lack of both colonial and state authority led to an insecure environment, where community members had no trust in legal institutions or security agencies to enforce contracts or property rights (Gambetta 1993). Within this void, the mafia operated as brokers of trust, capable of using

force to ensure security, guarantee property rights, and compliance with contractual agreements.

*Structure*

The mafia's structure is hierarchical, bound by social, familial or kinship ties (Anderson 1965, p. 304). Secrecy is maintained through a cellular arrangement, where each cell is task-oriented and ephemeral, being created and dissolved as required for specific operations (Catanzaro 1992, p. 41). The cell (known as 'cosca') comprises an elected leader or capo, a deputy and 'soldiers' (Anderson 1965, pp. 306-308; Blok 1975; Catanzaro 1992; Dickie 2005, p xix). The capos of each cosca form associations with other capos, forming a collective group of cosca (known as cosche). Each capo in turn reports to higher district and regional councils (Dickie 2005, p. xix).

Each leader is regarded as a 'man of honour,' whose reputation and business is important in ensuring the survival of himself and his cosca. There is a potential for each member to become autonomous, creating his own cosca and adopting the role of capo. Gambetta (1993, pp. 58-65) notes that an individual's decision to join the mafia is either due to an 'absence of preferable alternatives,' or because those who do join, 'enjoy special competitive rights.' Each individual member, and cosca, relies upon instrumental friendships, a series of protective relationships, to survive. The connections to power of each individual, cosca and the cosche, collectively enable survival of the mafia.

It is the networks and relationships created by the mafia that enables its activities. Gambetta (1993, pp. 68-71) argues that the mafia, conceptualised as a firm, adopts natural alliances and groupings, co-operating with each other and exchanging labour and services as required,

where these arrangements can work across the 'rural-urban divide.' In this paradigm, the mafia originated due to the congruence of three factors: the availability of a group to supply protection at a profit, and the expertise and capacity to use force; community demand for protection; and a close connection between clientele and suppliers (Gambetta 1993, p. 76). In this conceptual framework, the mafia, as a firm, adopts business practices to address dispute settlement and payment (Gambetta 1993, pp. 159-182). 'Dispute settlement' encompasses differing types of protection, from enforcement of public safety or contractual obligations, debt collection, and protection against crime, extortion and kidnapping (Gambetta 1993, pp. 159-182). Examples of enforcement action includes ensuring the safe delivery of supplies or replacement of faulty goods, the arrangement or collection of debts, retrieval of stolen goods or prevention of theft, and to counter extortion from rival firms.

Payment may occur in a variety of forms, either by an 'exchange of favours,' the free use of resources, discounts, or purchases on 'credit,' the employment of nominated personnel, corporate partnerships, or simply by cash. For politicians, mafia services may incur an exchange of favours, where votes are the commodity for sale and aspiring politicians are the buyers. Ensuring preferable voting for nominated politicians lays the foundation for a later exchange of favours. Politicians therefore become linked to the mafia in 'networks of exchange,' if not directly by membership. Dispute settlement and payment become entwined in a series of protective relationships that has, as its basis, an endogenous distrust of state-supplied security and a demand for protection.

*Risk Management Strategies*

As a protection industry which developed in place of, and opposed to, the state, the mafia has adopted various risk management strategies, designed to mitigate the threat of infiltration,

disruption and closure of its operations by state agents, in addition to ensuring compliance by its members to the organisation's objections. Risk management mechanisms may also operate as a constraint on inter-group rivalry (although this occurs with varying success) (Catanzaro, 1985, p. 52). The literature on mafia activity often frames these management strategies within the context of feuds between groups, or attempts to gain power by individual members, as warnings to those who resist 'invitations' for protection, or against state security agents who have sought to dismantle their operations (Blok 1975, pp. 161-171). However, the mafia structure and code of honour are similar strategies to those used by other secretive groups to avoid infiltration and disruption, such as terrorist organisations or state security agencies. For the mafia, risk management mechanisms include an hierarchical structure with a core group of leaders supported by 'foot soldiers' (Paoli's 'concentric circles'), imposing codes of silence and conduct upon its members, and sanctions that range from intimidation and assault, to execution, for those who transgress or oppose the organisation (Anderson 1965, pp. 302, 309; Paoli 1998).

Leaders of 'secret societies' such as the mafia require certain qualities, noted by Miksche (cited in Roucek 1960, p. 165) to include the ability to keep secrets and create an organisation where only a select few are 'in the know,' where leaders are able to deceive both colleagues and the enemy, have the capacity to exercise control and induce commitment from followers, 'moral courage to take responsibility' and are able to 'complete whatever mission has been assigned.' Dickie (2005, p. xix) refers to the 'significant murders' of police officers, politicians or other mafiosi, as requiring the approval and planning 'at the highest level' of the Sicilian mafia, to 'ensure compatibility with the organisation's overall strategy.' Mafia leaders ensure control is retained by careful provision of resources to the members, and risk is reduced by the use of 'underlings to do their dirty work' (Blok 1975, p. 62; Katyal 2003, p.

1395, fn 325). As with many secret societies, the mafia's adoption of an hierarchical structure, with centralised control over processes and resources, reduces risk and ensures limited access to information (Erickson 1981, pp. 199-200).

Risk is also mitigated by the imposition of codes of honour and secrecy. The 'mafia code' obligates its members to put the organisation above their family, country or religion, to follow orders including directions to commit murder, to provide no information or assistance to law enforcement, nor to disclose any information to 'outsiders,' and to respect other members (Katyal 2003, pp. 1383 fn 55; see also Merlino 1894, p. 467). Respect for other members includes being truthful at all times, promoting mutual trust and loyalty within the group (Dickie 2005, pp. 6, 14). The need for secrecy encourages recruitment of members from prior social networks, external to the organisation (Erickson 1981, p. 195). Coming from sources beyond the mafia's control, risk instigates the need for trust, and the use of prior networks 'that predate the secret society,' setting constraints upon the size and scope of the organisation's activities (Erickson 1981, p. 200).

'*Omerta*' is the code of silence 'obtained by the threat of violence' (Catanzaro 1985, p. 37). Secrecy is important to the protection industry, requiring the capacity for maintaining silence under adverse conditions, particularly in relation to 'crimes committed, witnessed or suffered' (Gambetta 1993, p. 36). Ignoring the code may be perceived as an 'attempt to bypass the power broker,' as well as a threat to the organisation's survival (Gambetta 1993, p. 36). Dickie (2005, p. 17) notes that, for some mafiosi, 'to turn state's evidence' is to abandon their sense of identity, friendships and family ties. Transgressing the code can result in a variety of sanctions, from intimidation and exile, to assault or murder. Blok (1975, p. 185) recites the case of a mafia member, exiled from Sicily to the USA, and later executed on his return.

Gambetta (1993, pp. 174, 178) refers to the murder of mafiosi following his robbery of a jewellery shop owned by the protégé of a mafia capo, and of another mafia member who 'had signed his own death warrant' by 'planning a kidnapping against the mafia's will.'

The code of honour serves to promote internal cohesion among and within mafia groups (Catanzaro 1985, p. 51). Risk management strategies, exemplified through the imposition of silence, secrecy, and fear induced by violence, has ensured continuation of the Sicilian mafia, despite the efforts of state agencies and agents to disrupt and close the organisation. Hess argues that the 'informal relationship chains' between the mafia and those in power assume significance because the 'impersonal machinery of bureaucracy' is perceived in Sicily to be unable to act, slow in taking any measures, where the financial burden may be too great, or potential solutions lie outside the bounds of legality, requiring avoidance of the formal machinery of government (Hess 1973, p. 136). Intervention by the mafia is sought instead, 'in order to exert coercion in the direction of the desired solution' (Hess 1973, p. 136).

### *Mercenary Companies as a Mafia*

In the context of Hess' (1973) analysis of the mafia's utility for Sicilian authorities, mercenary enterprise similarly offers alternatives to the state where security options are limited and state agencies are constrained in their responses, for reasons that may include bureaucratic inertia, resource limitations, financial imposts, or extra-legal requirements. Drawing upon the analytical framework of the Sicilian mafia, similar mechanisms may be identified that facilitate the employment and activities of private security actors by states. These mechanisms include the perspectives of their clientele, and the conditions and processes that have enabled mercenary and private security industry. Firstly, applying the analogy of a mafia requires consideration of the role of strong states, the latter being

described by Tilly (1985, p. 169) as the 'quintessential protection racket with the advantage of legitimacy.'

*A Mafia Don: The Strong State*

Conceptualised as a mafia don, the strong state epitomises the leader of Tilly's 'protection racket,' with a monopoly on the use of force, and a capacity to control and direct security operations and resources, not only at a domestic level, but internationally also (Tilly 1985). The strong state may form alliances with other states, sell protection to weak states, control the distribution of resources, require a code of allegiance and silence from its soldiers, and impose sanctions for any transgressions. For the strong state, extra-legal capacity is represented by private security enterprise.

For strong states, acquiring a monopoly over violence included gaining the authority to distinguish between legitimate and 'illegitimate' use of force, an 'elastic line' determined by those in 'the upper reaches of power' (Tilly 1985, pp. 171, 173). Citing Braudel, Tilly (1985, p. 173) notes that the 'elastic line' was evident where, 'Behind piracy on the seas acted cities and city-states,' and 'Behind banditry... the aid of lords.' As 'freebooters,' pirates and bandits were offered protection and/or sponsorship by cities and nobles (Braudel in Tilly 1985, p. 173). In Tilly's analysis, the European state could be understood through reference to an organised crime group, where the state acquired control over the use of force, offering protection not only to its subjects, but also to groups that might stand in opposition; a risky approach to a high risk resource (Tilly 1985, pp. 169-191). Control over the 'freebooters' is exercised by the state's manipulation of the 'elastic line,' that is, society perceptions (creation and variation of the political myth), labelling, and by sanction (Gallant 1999, 25-26).

The mafia's risk management strategies are mirrored in the strong state's approach to mercenary and private security enterprise: a hierarchical structure with cellular arrangements, associations between cells restricted to the capos or leaders, and imposition of codes of honour and secrecy. Conceptualising private security enterprise as a mafia for the state, each company or individual represents the capo and his foot soldiers, whose activities are controlled by state approval or withdrawal of resources, with coercive strategies to ensure 'adherence to the desired solution' (Hess 1973, p. 136). As with the mafia, reputation and business are important to the strong state; however, the strong state's liberal democratic ethos requires adherence to international norms and legal codes where 'potential solutions (may) lie outside the bounds of legality, requiring avoidance of the formal machinery of government' (Hess 1973, p. 136). The strong state's reputation and business are preserved instead through the facilitation of a private protection industry, its mafia.

While Tilly (1985) is silent upon the strong state's continued use of 'freebooters,' he notes that, in contrast to strong states, weak states have limited security options, where their capacity to operate are dependent on strong states, the 'quintessential protection rackets.' In Tilly's framework, weak states emerged from the efforts of 'state-certifying organisations such as the League of Nations and the United Nations (extending) the European-based process to the world as a whole,' resulting in states that did not replicate the European image (Tilly 1985, p. 185). With limited security capacity, weak states became reliant upon (among other things) the supply of military expertise from 'outside states,' expertise supplied 'in return for commodities, military alliance, or both... and where outside states guarantee the boundaries of weak states' (Tilly 1985, pp. 185-186).

The following analysis is predicated on Tilly's understanding of the strong state as a 'protection racket,' and Gambetta's model of the mafia, as an industry in private protection (Gambetta 1993; Tilly 1985). The utility of private security enterprise for strong states is considered in the ensuing section as a mafia, operating in low trust environments, where their clientele's perceptions of threat and risk are shaped by internal conflict and external demands.

*Clientele and Endogenous Distrust*

The clientele of contemporary private security actors are reviewed in this section from the perspective of endogenous distrust, the 'low trust environments' of weak states (Gambetta 1993; Goldsmith 2005, p. 450). Reviewing low trust environments assists in understanding the associations that bind mercenary enterprise with strong states and their allies, weak state regimes and aspiring political contenders.

Strong state responses towards private security enterprise reflect a duality of distrust. Historically, rulers and states have viewed armed groups within their societies as potential security threats, as well as a resource. This distrust has led to arrangements that ameliorate the threat posed by these armed groups through their removal to other states – either by enticement or exile – as well as allowing for their potential return or later employment as an additional security resource. While distrust of strong states towards private security enterprise remains, this is mitigated by the variety of sanctions that can applied by the state, as well as the need for mercenary actors to retain a sanctuary or base of operation. In this context, distrust has been replaced instead by a symbiotic relationship.

Private security companies are advantageous to strong states in the attainment of political and economic objectives in dangerous environments, as noted in earlier chapters (5, 6, 7 and 8)

with the employment of British, American and South African companies in weak states across Africa, Asia and the Middle East. Strong state alliances with preferred regimes in weak states are also correlated to trust. During the twin eras of decolonisation and the Cold War, the preferred regime was that which would oppose communism (refer chapters 5 and 6); in the post-Cold War era, the granting of access to resources and to combat transnational crime (refer chapter 7); and in the post 2001 world, alliances to counter terrorism (refer chapter 8). The strength of each alliance is based upon trust.

Transitional weak states have limited security resources and exhibit high levels of endogenous distrust, that is, a 'propensity to distrust' (Goldsmith 2005, p. 448). For weak states, as previous colonies, the withdrawal of imperial powers often left a void in security. Transitional states, undergoing the process of democratisation, are especially vulnerable to conflict unless there is 'internal cohesion' among the elites (Gurr 1994; Laitin and Fearon 2003; Marshall 1999). The vacuum left by an overarching authority (such as an imperial power) is analogous to the 'absentee landlord' of the Sicilian estates. Competition among aspiring rulers similarly engenders comparison to the gabelloti, seeking to gain control and appropriate authority for themselves.

Endogenous distrust is a characteristic of such states, where regimes lack faith in political opponents and legitimacy with their populace. Further, distrust also extends to their military and security apparatus, particularly in states where military coups are common. Such distrust may also be conceived as bounded rationality, influencing the choices a clientele group perceive to be available, where the previous imperial powers have manipulated indigenous loyalties to secure colonial government (Dequech 2001; Jones 2002, 2003). The utility of private security actors are that they may counter distrust, offering protection as a commodity

that can be bought, and advising on the consequences should services have to be withdrawn. However, distrust may operate at two levels for weak state regimes in accepting private protection, either that of reinforcing former imperial ties or, conversely, as a reflection of neo-colonialism.

For political challengers to incumbent regimes, distrust is exhibited also, potentially within the group itself, in its alliances to other contenders or the populace, and in any attempted ceasefires or truces, particularly where agreements on political inclusion or recognition are contingent on disarmament. The trust of insurgents in private security enterprise also operates at two levels, as evidence of support, directly or indirectly by strong states, or as potential saboteurs.

A 'propensity to distrust' can also influence the approaches of regional and international actors active in high risk environments, of weak states (Goldsmith 2005, p. 448). These actors include humanitarian agencies, regional and inter-governmental organisations, diplomatic missions and corporate enterprise. Trust in the security agencies of weak states is limited, and operations within the 'grey zones' are susceptible to threats or use of force by a multiplicity of actors, including insurgents, terrorists and criminals. Insecurity is high and so, too, is the demand for protection. However, trust in private security companies may be circumscribed by alternative factors to those of indigenous recipients, such as the legal and ethical implications of employing an armed private protection service, for example, by non-government and humanitarian organisations (Shearer 1998).

*A Mafia Structure?*

The structure of mercenary companies reflects that of the mafia 'cosca' and 'cosche,' particularly in aspects of reputation, operational management, autonomy and networks. Reputation is important to private security enterprise, where mistakes can be costly in terms of lives lost, as well as financially. While advertising their capability in protection, however, the test for each company is in their 'ability to use violence,' when required (Gambetta 1993, p. 45). In this respect, references to Ghurka Security Guards (GSG) often note the company's withdrawal from Sierra Leone following the deaths of two personnel as an indication of its inability to guarantee protection (O'Brien 1998, p. 84; Vines 1999, pp. 129-134). Similarly, the murders of four Blackwater employees in Iraq raised questions over the company's ability to ensure operational security for its own employees as well as clientele (Pelton 2006, pp. 137-142; Scahill 2007, pp. 91-104).

The operational management of the mafia is reflected in private security enterprise. Mercenary companies are task-oriented, with contractual obligations to clients directing the nature of personnel requirements, employees often being recruited for short term contracts. Companies or subsidiaries may be ephemeral, existing only for certain types of contracts or operations, or as a recruitment agency (Avant 2005, pp. 16-22). Associations between mercenary commanders can influence the way in which operations are conducted, in addition to reinforcing their connections to power. One example of this is the formation of an intelligence exchange centre in Iraq, established by and comprising private security contractors, which emphasised information-sharing as a counter-strategy to insurgent targeting of contractors, as well as their clientele (Towery 2006, p. 6). Another example is that of Alastair Morrison (of DSL) promoting Sandline to the PNG government when discussing the Bougainville situation (Madsen , 1999, p. 294; O'Brien 1998, p. 89).

Private security enterprise also offers the opportunity for individual soldiers to gain promotion, create their own companies, or to become political actors. The choice to become a mercenary or contractor, as with a mafiosi, is contingent upon alternative opportunities or other factors (such as political exile). An example of a 'mercenary mafiosi' with 'special competitive rights,' being connections to power, is David Stirling, and those with no preferable alternative, the Sao Tomean exiles recruited by EO (Seibert 2003). The choice of men to become mercenary soldiers is often contingent upon the perceived lack of opportunities for other life pathways, or alternatively, the opportunities offered by mercenarism, such as promotion that may be unobtainable in formal state militaries, as previously noted in Chapters 1 and 2.


*The Nature of Protection*

Considering protection as the focus of mercenarism, rather than violence, does not detract from the threat or use of force that may need to be employed. Rather, it is the mercenary's capacity to use force in the course of 'protection' that is described by Gambetta (1993, p. 2) as 'a means, not an end; a resource, not the final product.' In weak states, private actors sell protection across the interconnecting systems of politics, economics and security. As intermediaries, private security companies are able to 'travel back and forth' between the politically unstable environment of weak states and liberal democratic strong states. Examples include the Yemen campaigns undertaken by Stirling's companies in the early 1960s, and the training of agencies of weak states, undertaken by private security actors in Liberia and Iraq.

As gatekeepers, private security actors can monitor and supervise communications for their clientele. Importantly, mercenaries may act as gatekeepers between antagonistic employers, such as occurred with Tshombe and Mobutu in the Congo. Denard and Schramme were employed by the Congo state, headed by Tshombe with Mobutu as army chief, but their allegiances were divided during the latter part of the Congo wars, with Denard especially supporting the reinstatement of Tshombe following Mobutu's ascent to power. Operating with the support of strong states, private actors may gain access to information not openly available to their clients; one instance being signals intelligence provided to Sandline in preparation for its Bougainville operations (Madsen 1999, pp. 248-249). In the role of power brokers, private security actors may intercede on behalf of a weak state regime, or alternatively initiate political activity. An example of the former is Bob Denard's recruiting of Serbian security personnel for Zairean President Mobutu in 1997, and the latter, Hoare's ill-fated attempt to initiate a coup in the Seychelles (Madsen 1999, p. 181-183; Mockler 1985, pp. 284-348; Ellis 1996).

Private security companies are most notable, however, for their role as enforcers. Enforcement may require the threat or use of force, and occurs across differing types of activity: as bodyguards, convoy escorts, static guards, in anti-piracy operations, and assistance with insurgency or counter-insurgency campaigns. Ensuring commercial contracts are fulfilled is exemplified by the connections between private security actors and mining companies; examples of these include Executive Outcomes links with Branch Energy in Sierra Leone, securing the Koidu diamond fields in Angola, and DSL's training of Colombian state paramilitary units to protect a British Petroleum refinery (Barlow 2007, pp. 356-369; Pech 1999; Shearer 1998; World in Action 1997).

Protection services can also include assuring public safety. This may occur indirectly, such as the imposition of a security zone around mining areas that offers protection for indigenous residents, or directly, as was intended with EO's offer to remove Hutu militia from UN refugee camps, and the US hiring of Blackwater in 2007 to enforce public safety in the aftermath of Hurricane Katrina in New Orleans (Scahill 2007, pp. xxiv-xxv, 321-328; Shearer 1998). As brokers of trust, however, private security actors must have a reputation not only to provide protection, but to be able to enforce security when necessary. Reputation is derived from client endorsement, particularly from strong states, who retain control. For mercenaries and private security contractors, protection is not uni-directional, but occurs within a series of 'instrumental friendships' (Catanzaro 1992, 1985).

Within these protective relationships between state and private security actors, legality may be compromised by political expediency. Involvement in the protection industry necessitates entry into 'privately ordered markets,' an arena where the delineation between licit and illicit becomes blurred.

*Order and Markets*

A private ordering of markets occurs where business requires 'contractual assurance' and, particularly in weak states, is not able to rely upon the legal system (McMillan and Woodruff 2000, pp. 2421, 2445). Although not inherently illicit, the absence of 'legal professionals and state-sanctioned rights-enforcement agents' is filled instead by non-state actors to ensure commercial contractual obligations are met (Milhaupt and West 2000, p. 58). Within this paradigm, private protection guarantees that property rights are enforced where there is no viable alternative authority. In weak states, the 'dark side of private ordering' is a response to

'significant gaps between formal property rights structures and state enforcement capacities' (Milhaupt and West 2000, pp. 41, 95).

Gambetta (1993, pp. 195-225) refers to the mafia's private ordering of markets through corporate strategies, such as cartel arrangements, and the division of territory, clientele and 'taking turns' as methods that instil order into potential or actual chaos. One strategy the mafia can adopt to initiate order is by collusion between firms, that invoke a variety of mechanisms, such as the 'imposition of binding legal, financial and technological standards' (Gambetta 1993, pp. 100-126).

Mafia firms that unite to share markets and acquire a monopoly over customers and resources may engage in extortionate behaviour, keeping prices high and quality low, securing restrictive access to public contracts, directing government action to manipulate consumer choices, or by corruption (Gambetta 1993, pp. 28-33). These sharing arrangements can 'ward off new firms.' 'Dark-side private ordering' can also promote criminal activity while 'corroding the framework for legitimate rights enforcement' (Mailhaupt and West 2000, p. 92).

*The Private Ordering of Mercenary Markets*

How does the private ordering of markets by the mafia correlate to those of mercenary companies? Introducing security into a chaotic market allows economic processes to continue. Without security, society, or a weak state, would descend into Hobbesian chaos. Mercenary companies can introduce order into insecure environs, according to their client's needs. The needs of these clients may vary. For example, by supporting the preferred regime or political contender in a weak state, protection services introduce order. Introducing order

may also be interpreted as securing a region for economic development, particularly for mineral resource companies based in strong states.

Importantly, the private ordering of markets is also a form of insurance. Private security actors offer not only protection but act as insurance guarantors, operating across multiple levels, between and for states or political contenders.  Important clientele for insurance guarantors are businesses based in strong states, with investments in weak states. Key entities in British private security companies have had strong links to the insurance industry, such as Jim Johnson of KMS and Tim Spicer of Sandline**.** Control Risks Group was established as an organisation specialising in kidnapping and ransom, underwritten by Hogg Robinson, an insurance company linked to Lloyds. In 2001, private security specialists travelled to Sri Lanka, following a devastating terrorist attack that caused Lloyds to invoke a war risks assessment against the state. Agreement to facilitate security analysis and risk assessment was required for Sri Lanka to have the war risk assessment rescinded.  Spicer, formerly of Sandline, is a member of the Lloyds War Risks Committee.

*Disorderly Mercenary Markets*

The mafia sells protection and in doing so, creates privately ordered markets (Gambetta 1993, p. 195-225). Disorderly markets exist where the mafia becomes involved in illicit activities that require additional services to protection.  Examples include drug trafficking, prostitution and gambling.  Disorderly markets may also arise through the activities of autonomous actors, bringing discredit on the mafia, drawing unwanted attention, or initiating violence between firms.

For mercenary companies, a similar disorderliness in markets can occur, where protection is not the only service being rendered. Disorderly markets can arise where entry into the criminal market is necessary to obtain the tools for mercenary operations not readily available elsewhere, such as weapons, military materiel, end user certificates, falsified identity documents, or to launder money. Operational exigencies may also necessitate contact with criminal networks on an ad hoc or urgent basis. In 1998, for example, Sandline broke a UN arms embargo on Sierra Leone, buying and transhipping thirty-five tonnes of weapons from Bulgaria to Nigeria, en route to Sierra Leone (*The Independent,* 22 May 2000).

Private security companies may also be exposed to disorderly markets through the opportunistic activities of their employees, where individuals have appropriated force or authority for personal gain. Examples of private security engagement with disorderly markets include drug trafficking (MPRI employees in Colombia), the operation of prostitution rings involving women and children (Dyncorp employees in Bosnia) or the murder of civilians or colleagues (Blackwater and ArmorGuard employees, respectively, in Iraq).

Where private security companies become involved in disorderly markets defines the point that the state, as client or protector, can become exposed to illicit enterprise. Chambliss (1988, p. 184) notes that, 'The most important type of criminality organised by the state consists of acts defined by law as criminal,' and it is in this context that the links between private security activity and the state lead to the potential for crimes conducted in the course of mercenary operations to become hidden and investigations obstructed (also see Kwitney 1987; Martin and Romano 1992, p. 6). It is therefore important for states to control their mafia; the way in which they do is considered in the following section.

*Risk Managing the Mercenary Mafia*

The risk management strategies available to states in controlling private security enterprise are similar to those employed by the Sicilian mafia: maintenance of a hierarchical structure, emphasis upon secrecy and compliance, and sanctions that range from exile and intimidation, to the extreme, imprisonment and execution. Unlike the Sicilian mafia, however, states also have recourse to a legal framework that may be employed when informal compliance strategies are ineffective.

Although legal sanctions may be available, their invocation is fraught with difficulties for strong states, risking media attention, disclosure of national security policies and practices, international condemnation, and potential loss of legitimacy with their domestic populace. Strong states appear reluctant to pursue convictions for mercenary activity, instead being more likely to press charges for criminal offences such as hijacking, manslaughter and murder. Few mercenaries or contractors have been subjected to criminal or civil trial in liberal democratic states; among those who have are former Congo mercenaries, Mike Hoare and Jack Schramme, and five Blackwater employees. Following the aborted coup of the Seychelles, Hoare was eventually convicted in South Africa of civil aviation offences (hijacking of a plane), for which he received a ten year term of imprisonment, being released in 1985 (Mockler 1985, pp. 351-355). In 1968, following Mobutu's visit to Belgium, Schramme was arrested and charged for the murder of a Belgian national in the Congo; Schramme left the country shortly afterwards, having obtained a passport (Mockler 1985, p. 113). The US trial of five Blackwater employees, facing manslaughter and weapons charges for a 2007 incident in Iraq, was dismissed in December 2009 due to 'tainted evidence' (*The Washington Post*, 16 January 2010).

Rather than the potentially embarrassing disclosures emanating from legal sanctions, strong states rely instead upon informal strategies to control the private security industry. These strategies are primarily focused on hierarchy and secrecy. Hierarchical arrangements and connections to power are evident from historical analysis of mercenaries and contractors since 1945, their genesis lying with the state, as military officers and soldiers, or as security agents; examples include Sillitoe, Denard, Stirling, Morrison, Barlow and Spicer. The connections to power, formed through prior employment, reinforce the private security entrepreneurs' understandings of strong state policy and practice, and promote adherence to a 'code of honour.' Erickson (1981, p. 195) refers to the strength of such ties as integral to risk reduction, where 'The component links (are selected from) prior networks, and just which prior networks depends on the participants' understanding of which ties are most trustworthy.'

Private security enterprise represents a symbiosis of opportunity for both entrepreneurs and strong states, reinforced through hierarchy, and centralised control over resources (Erickson 1981, pp. 198-200). The provision of resources for many mercenary operations and private security enterprise can be traced back to strong state facilitation, if not provision, and may include state-derived intelligence, military materiel, and modes of support, such as logistical, transport and personnel. Examples include the provision of safe houses, weapons and transport of recruits by Britain and France on behalf of Stirling's mercenary enterprise in Yemen in 1962; France and Portugal's facilitation of weapons and transport for mercenaries to the Biafran conflict of 1967; the involvement of Portugal in the provision of transport and weapons via Angola for mercenaries operating in the Congo during the 1960s; South African intelligence support for Hoare's aborted 1981 coup in the Seychelles; and the provision of

signals intelligence to Sandline in its proposed 1997 PNG operation in Bougainville (Madsen 1999, pp. 248-249).

Conversely, resources may also be withdrawn or suspended, should the security actor operate against strong state objectives, a prospective sanction that induces compliance. Instances of resource control by strong states may be identified in Portugal's provision of bicycles (instead of vehicles and weapons) to Denard during the Congo conflict of 1967; the 1996 US State Department's rejection of a licence for MPRI to undertake security operations in Angola; US government denial of departure processing and transport to Steele Foundation contractors, en route to provide additional protection for Haiti's besieged president Jean-Bertrand Aristide; and the lack of formal Coalition military support to Blackwater contractors under attack by Iraqi insurgents in Najaf, 2004 (Pelton 2006, pp. 83-85, 147-154).

A further form of compliance used by states to retain control is that of secrecy, and access to classified information by selected personnel in the hierarchy. Similarly, the mafia (as do other secret societies) implement a need to know policy that ensures centralisation of information and restraints on dissemination. Particularly since 2001, private security contractors have been required to obtain and retain security clearances, which are measures of compliance, and where employment is contingent upon the possession of security clearances for work that involves access to classified information. The withdrawal or suspension of a security clearance is a sanction that denies employment to a contractor, should they transgress. References to security clearance as a compliance mechanism include ArmorGroup's mention in the 2002 UK investigation into potential regulation of private military companies, and comments on attaining employment by security contractors working in Iraq and Afghanistan (United Kingdom Foreign and Commonwealth Office 2002; Pelton

2006, pp 73-74). Recent reports of Xe employees working with the CIA in Afghanistan also suggest that security clearances would be required for private contractors engaged in covert operations (Crawford, 8 January 2010).

Compliance and sanction of private security companies and mercenaries is also attained through the potential for dissemination of disinformation by strong states. Where companies or individuals do not comply, the state may employ disinformation campaigns to denigrate or implicate errant actors. Examples include media disclosures regarding the proposed Hilton assignment of 1981, an operation that continued despite British security agency reported advice to Stirling's company not to continue. Conversely, disinformation was employed by promoting the term 'private security companies' rather than 'mercenaries' when describing Stirling's state-approved Yemeni operations. Compliance and sanction are also elicited through the disclosure of information between state agencies, as occurred with disruption of the proposed Hilton assignment by involvement of the Italian security services and detention of the mercenaries, and as may have occurred with the arrest of 65 mercenaries in Zimbabwe in 2007, including Simon Mann, en route from South Africa to Equatorial Guinea.

Sanction and compliance also occurs through the use of state authority, by the threat or actual extradition of private security actors from one state to another. In such an instance, extradition of errant actors to a weak state, lacking the legal framework of a liberal democracy, may be sufficient to induce compliance. Alternatively, the lack of strong state intervention on behalf of mercenaries or private security contractors detained in weak states may be viewed as a form of sanction. Such was the case with American mercenaries, detained in Brazil while en route to Ghana, facing lengthy prison sentences and potential death sentences; perceptions that they were abandoned by the US government were

heightened by an alleged lack of consular support or intervention (Roberts 1999, pp. 112-128). Support for mercenaries detained in Zimbabwe in 2007 on the way to Equatorial Guinea also appeared to generate little home state overtures of intervention. In contrast, the US and UK governments made a number of pleas to the new (communist) Angolan regime in 1976, when five mercenaries, including Colonel Callan, were sentenced to death.

The potential for detention in weak states, and limited or no home state intervention is a powerful incentive for mercenaries and contractors to comply with strong state requirements. Compliance, however, is correlated to environment, for the actions undertaken by a contractor in a weak state could potentially draw severe penalties if occurring in a strong state. For private security actors who are political exiles, the possible forced returned to their state of origin similarly operates as a powerful incentive not to contravene or undermine their employer.

The informal strategies employed by states to control their private protection industry do have limits, where the potential for opportunistic criminal behaviour by individual employees, with access to the use of force, outweighs the potential sanctions for their actions. Recent instances of such behaviour include the creation of a trafficking network of women and children in Bosnia by a number of Dyncorp employees, the murder of one Erinys employee by another in Iraq, and the trafficking of cocaine by MPRI contractors from South America to the USA. The reluctance by strong states to employ legal sanctions might be explained by inter-related factors: the need for an extra-legal resource that in itself comprises risk, and where foreign policy objectives override attention to individual criminal incidents; and the need by companies to meet commercial contractual arrangements with limited time or commitment for staff vetting procedures and a reluctance to investigate complaints that might

impact on operational objectives. The protective relationships that extend from state to mercenary commander or company also operate in the case of errant individuals.

Ultimately, the state retains control of its private security industry, a resource that operates in low trust environments. The following section considers the limits of a mafia analogy to the private security industry, where the primary difference between the two sets of phenomena is the role of the state.

### *The Limits of a Mafia Analogy*

The state operates as a constraint on both the mafia and private protection enterprise for differing reasons. In the case of the mafia, the state is an antagonistic force, whose intent is to curtail and end mafia enterprise. Emerging in an environment where security was absent and ineffective, mafiosi were able to initially fulfil the state's role, but these opportunities were always circumscribed by the effectiveness of state action. In contrast, private security enterprise has emerged from the state, a mechanism that allows personnel with the requisite skills and experience to continue employment, while still subject to strong state control. In the case of private security enterprise, the state is not an antagonistic force, but the central authority.

Figure 4 summarises the similarities and differences between the mafia and private security industry, according to elements of structure, operation and power arrangements.

| Element | Mafia | Private Security Sector |
|---|---|---|
| **Structure** | | |
| Organisation | Initially no organisation above local level, later transition to centralisation, chains of command | Appeared fragmented, individual actors, with later transition to corporate entities, chains of command |
| Leadership | Leaders of local coscas initially were gabelloti, other security providers, transition from feudalism widened leadership to include business class, middle class | Mercenary commanders, then corporate office holders |
| **Operation** | | |
| Territory | Western region of Sicily – rural inland, sulfur mines, urban markets | Weak states – remote and peripheral regions, mineral resource operations, conflict zones |
| Coordination | Evolving national coordination reflecting economic and political progress of Sicily | International coordination reflecting global security, economic and political frameworks since 1945 |
| Networks | Secretive, each cosca linked by leader (capo) to other coscas, a cosca controlling specific territory (sometimes function) | Secretive network of groups and companies, linked through (host/home) state personnel, commercial arrangements, covering territory and/or function |
| **Power Arrangements** | | |
| State Authority | State regarded as antagonistic, limited or no enforcement of authority | Strong state has significant control, centralised resources and information |
| Power | Clustered around local strong points | Strong states |
| Patronage | Centred around private magnates, attracts retainers, dependents, state agents | Strong states, weak state regimes or opposing political actors |
| Legal Framework | Parallel private system of law | Assumes responsibility for peace/law enforcement |

**Figure 4 – Similarities and Differences Between the Mafia and Private Security Enterprise**
*[Sources: Catanzaro 1992, 1985; Gambetta 1993; Hess 1973; Hobsbawn 1978]*

An intriguing aspect of illicit (mafia) and quasi-licit (private security) organisations are that both exhibited changes in their strategic objectives during the 1970s. According to Arlacchi (1992), these differences were categorised as an 'old' and a 'new' mafia, where the local focus of 'old mafia' operations transitioned to the international arena (the 'new mafia') and provided opportunities in addition to protection, such as illicit drug trafficking and money laundering. The migration of mafiosi to overseas environs not only extended the reach of mafia activities, but created opportunities for individual mafiosi to establish their own coscas and develop new businesses. Access to international markets was facilitated through the growth of air travel and the banking sector, and expansion of licit commercial markets.

Changes also occurred in the private security industry during this timeframe, where commercial aspirations overtook ideological commitment. Stirling is reported to have noted these changes in corporate objectives, citing a reluctance to continue in an industry that promoted commercial opportunity above patriotism (cited in Kinsey 2006). The expanding private security industry was the result of Britain's downsizing of its military forces, creating a supply of former military men seeking employment, and where demand was high for additional security personnel in colonies subject to nationalist or communist insurgencies, or to support nascent indigenous regimes. In contrast to the mafia, however, the evolution and growth of a private protection industry during this decade and beyond represents, not an oppositional force to the state, but an extension of state power through informal channels, a parallel security system to the formal legal conventions and norms that constrain strong states.

*A Mafia for the State?*

Placing private security enterprise within the conceptual framework of a mafia assists in identifying the mechanisms that facilitate their operations and interactions with clientele and states. The conceptual framework of a mafia allows differential analysis of private security companies as purveyors of protection, and as intermediaries between differing political communities, power-brokers and enforcers, and with a capacity to act as insurance guarantors for strong states, weak state regimes and political contenders.

Gambetta's analysis of the mafia emphasises the role of trust where security is absent. The literature on mercenarism has paid limited attention to the impact of endogenous distrust in security arrangements, and the role that private security actors undertake as brokers of trust. Distrust is instead nominated as a feature of mercenarism, rather than an imperative for their employer. However, trust and distrust are often referred to by those who recount mercenary exploits, particularly in interactions between individual mercenary soldiers, mercenary companies and the role of states (see Geraghty 2007; Mockler 1985; Roberts 1999). Low trust relationships are represented by accounts of assault and murder of fellow mercenaries and contractors (such as Colonel Callan in Angola), and allegations of fraud (as occurred with Custer Battles, a US company operating in Iraq).

Low trust relationships between states and private security companies also exist; South Africa's distrust of EO resulted in the introduction of anti-mercenarism legislation in 1998 that contributed to the eventual cessation of company operations. By contrast, EO enjoyed a high trust association with the Sierra Leone regime of Valentine Strasser. Similarly, Xe (formerly Blackwater) appears to be considered trustworthy by the US government, with

continuing contracts in Afghanistan in 2010, despite the legal proceedings against some of its personnel accused of murder in Iraq.

It is the connections to power that allow private security actors to exist, in a series of protective relationships between individual and company, strong and weak states, and extending to the array of organisations that include business, humanitarian, non-government, regional and international organisations. The protective relationships enjoyed by private security actors are constrained by potential state sanctions, but can also be mitigated by the state's perception of a security resource which is flexible, adaptable, can offer speedier responses than state militaries, and appears autonomous. Control over private security actors is exerted through the informal risk management strategies of states, mechanisms that reflect those employed by the mafia, being centralisation and control of resources, and secrecy.

Contemporary research into mercenarism focuses on the privatisation and outsourcing of security, based on a belief that private security actors have no discernible ties to the state. In particular, concerns relate to the privatisation of a key government function, the monopoly on the use of force (Singer 2008). Critics argue that strong state control of private security entities is limited. If private security actors are to remain part of the security framework, then legislation and regulation are requisite factors to introduce (or re-introduce) state control.

The argument outlined in this thesis proposes an alternative view, that private security actors are controlled by the state, and linked to, state security functions. One example of how this may be determined is the variety of sanctions available, should the security actor transgress state authority. Further to this analysis, private security companies operate within a series of state-endorsed protective relationships, such mechanisms being understood through the

analogy of a mafia. For the mafia, these relationships include political, economic, and community associations. For private security companies, however, such associations are perceptible by their connections to power. Although the data is still 'thin,' the consistency and range of responses by strong states towards their 'freebooters' indicates that Tilly's 'elastic line' of licit and illicit security arrangements continues to exist, subject to state-imposed limits (Tilly 1985).

A corollary to the arguments proposed in this thesis is that private security actors are not totally autonomous, but operate within a risk matrix designed and controlled by states. Historically, mercenary companies and soldiers were viewed as a potential security resource, appropriated as force multipliers by rulers and states when required. The attractions of such a resource included economic as well as political and military advantages – limited costs to the state in terms of maintenance, pensions or compensation, short-term contracts, and third party deniable action. Conversely, mercenary resources may also be threats to their home states; within this paradigm, the removal of mercenaries to other states may be interpreted as out-sourcing a risk factor, rather than the outsourcing of security. Executive Outcomes presented such a risk to the post-apartheid regime of South Africa, a threat that was managed through security out-sourcing arrangements. These arrangements served two functions, the preservation of an incoming fragile regime and weakened state, and diversion of the company's operators and employees towards potentially lucrative arrangements.

Within this analytical framework, the legislation and regulation of private security enterprise is therefore problematic, particularly for strong states. While previous research has focused on the challenges to regulation, it is contended that the attractions of an extra-legal capability to extend state power, in addition to mechanisms that facilitate the transfer of potential threats

from one state to another, encourage commitment to an informal arrangement between states. Mercenary companies have long assisted strong states in responses to gaps in the international security framework, as intermediaries, power brokers and insurance guarantors. The concluding chapter considers the role of mercenaries and contractors as a high risk resource, controlled by states, an exemplar of the informal mechanisms and arrangements that characterise the international security paradigm and relationships between states.

# Chapter 10 – Redefining the Mercenary: A Mafia for the State

Since 1945, the myth and legitimacy of mercenaries and private security companies have been dependent on strong state promotion, approval and control. The origins of private security entities from state security agencies reinforce connections and understandings with the state, for their capacity to operate is enabled or constrained by their former employer. In contrast to the literal, historical and legal perceptions of a mercenary soldier as a foreign fighter, the private security contractor of today is bound by national allegiance to his state of origin.

The contractor is reliant upon the strong state for protection, and specific forms of authority only available to states. The strong state has centralised resources and funding, and retains authority to recommend or disapprove requests from weak state regimes for the contracting of private protection. Should contractors transgress, the strong state retains authority to approve repatriation for the individual, refuse extradition requests from other states, and can decide upon the level of consular assistance. The lack of regulation and legislative constraints on private security contracting is an 'elastic line' determined by states, specifically designed to facilitate state objectives. Risk management strategies occur instead through informal processes.

The mechanisms that enable private security actors to operate within the international state framework have been analysed in this thesis through analogy to a mafia model. That is, as a specific form of private protection arising in response to a high risk and low trust environment. The environmental factors that facilitated the mafia's emergence were a transition in legal and political processes, high endogenous distrust, and limited recourse to state authority to enforce rights or security. The mafia was a private agent that employed force as a tool for protection. Private security actors, as a mafia for the state, present similar

features, for they operate within weak states with transitions in legal and political processes, where endogenous distrust and security demands are high. Private security actors also have access to force.

The use of mercenaries and private security actors by rulers and states developed as responses towards perceived gaps in the security framework that arose, firstly, within European states and, later, across their imperial territories. The need for additional security resources occurred with changing circumstances: the growth of empire, two world wars, a Cold War fought by proxy in former colonial territories and, later still, from economic imperatives, and the 'War on Terror.' For the strong state, limitations of foreign policy, military strength and capability, has required a security resource that is flexible, economical and, often, deniable.

As a result of decolonisation, weak states gained statehood and independence, although they lacked empirical capacity. Juridical statehood was acceded to former imperial territories, without a concurrent nation-building enterprise that consolidated security frameworks and structures (Jackson 1990, pp. 54-55). Maintenance of the statist system required strong states to support regimes with juridical claims, 'quasi-states' where viability became dependent on external security assistance (Jackson 1990). Historical memory and bounded rationality has led many indigenous regimes to view security as a hierarchy of protective relationships that rest upon patronage, business and funding, rather than as a public good.

Particular skill-sets of mercenaries and private security actors have been valued in the decades since the Second World War, including expertise in insurgency and counter-insurgency warfare, as praetorian guards, military advisers and trainers, and risk assessors. These skills also reflect changes in warfare that have, since 1945, increasingly focused on low intensity

conflict, requiring the employment of third party actors by both strong and weak states. Expansion of private security activity and integration into the international security framework has been reinforced in the years after 2001, where the 'War on Terror' has moved beyond civil conflict or traditional Clausewitzean understandings. Security governance now includes private actors in a plethora of roles to meet the demand for protection. Private security actors are no longer mercenaries but have since been legitimated by the state as agents of protection.

Key characteristics of the private security sector are elicited through analysis of the market in protection, including the 'dark side' of private ordering, illicit networks, instrumental relationships and the role of trust. Protection is defined within the arena set by strong states, where the security market is a vehicle to ensure foreign policy goals. The national interest of a strong state is tied to its ability to maintain sovereignty in an interdependent world, and where sovereignty extends beyond its territorial borders (Manwaring 1993, p. 86). This perspective is also manifest within the domestic arena of weak states, where patron-client relations are extensions of protection. The private ordering of markets in weak states ensures continuity of the international state system, stabilising challenges to the existent 'world order' (Jackson 1990, p. 51).

### *Extending the State*

The progenitors of private security companies were state security agencies, and actors within those agencies. These entities had the capacity to place distance between themselves and the state, with increasingly complex corporate arrangements across state boundaries. Today, private security companies appear to be autonomous supranational actors, ostensibly operating beyond, but still representative of, the state.

Critics of private security companies assert that they operate as independent actors, uncontrolled by the state, and ultimately representing a threat to the state itself (Singer 2003). Upon closer analysis, it is evident that each of these assertions may be contested. For private security companies to operate requires adherence to the national interest. A review of these actors since 1945 indicates a continuous theme, representative of strong state interest. During decolonisation, this was to maintain imperialist interest and underlying this perspective, 'white supremacist militancy.' During the Cold War, the focus was an anti-communist ideological commitment, while in the post-Cold War era, promoting the economic interests of state. After 2001, engagement with the 'war on terror' has become the primary focus of strong state security agencies. As autonomous actors, private security companies facilitate state objectives while limiting direct connection to state agencies.

The second issue of concern is that private security companies operate without state control. Again, on closer analysis, state control is present, albeit operating with subtle effect. The range of state sanctions include the capacity to withhold approvals for travel and logistics, to enforce compliance with corporate regulations, the denial of recommendation, cancellation of contracts and, ultimately, criminal prosecution. An important tool of state sanction is the media; for example, by the disruption of operations or exposing commission of human rights offences. Importantly, the need for sanctuary by such actors, should they transgress and require repatriation to home states, is dependent upon their compliance with the national interest.

The third criticism of private security companies is that they represent a threat to the state, through their access to, and use of, force. Historically, mercenary soldiers and companies

have always been viewed as a potential threat to the ruler, regime or state. The mechanism developed by those in power to mitigate such risk was to outsource the threat, and so mercenaries instead became a resource, subject to alliances and arrangements between states. One notable contemporary example is EO, whose distinction was not that it represented a 'new form of mercenary,' but that it epitomised the removal of a threat to the post-apartheid South Africa, a previously strong state that had formed key alliances with Western liberal democracies.

The significant features of contemporary private security actors indicate the distance that can be placed between the company and the state. These are effected through complex corporate structures, the use of offshore 'tax havens' or states without links to either home or host states of operation, and the use of TCNs that obscures not only connections with strong states, but also limits the responsibility of state and company towards their employees.

*Private Security Contractors*

Until the 1990s, liberal democratic states recruited mercenaries from their home states and former imperial territories. The descriptors for private actors are now determined according to the type of recruiter, corporate entities, who are in turn contracted primarily to states. Corporate structures reflect similar approaches to past imperial armies, where European or strong state personnel are leaders, while third country nationals and indigenous employees comprise the lower echelons of a firm. Issues of trust, commitment and loyalty are correlated to nationality, and offshore deployment reinforces dependence upon the contractor company and their home state.

*States and Networks*

A major criticism of private security companies is that they represent the outsourcing of a basic function of state, the provision of security. The argument in this thesis is that such actors do not represent a loss of state control, but instead are an extension of the state. Since 1945, strong states have promoted insurgency and counter-insurgency techniques in weak states, their former imperial territories. Private security companies and mercenaries contributed to the dissemination of these techniques, especially during the Cold War era. In doing so, mercenary commanders became political actors, operating between differing forms of the nation-state.

The facilitation of strong state policies through private security companies also necessitated the creation and maintenance of networks that conflicted with liberal democratic principles. These networks were links between state security agencies and mercenary commanders, the establishment of recruitment networks, and the facilitation of mercenary operations by illicit networks. Examples of connections between state security agencies and mercenary commanders may be identified since 1945; Bob Denard and France, Mike Hoare and South Africa, David Stirling and Tim Spicer with Britain, Erik Prince and Ed Soyster to the USA. The critical issues in the nexus between state security agencies and private security commanders are the latter's continuation of attachments to former state employers, and the mechanisms that sustain these relationships; these issues are explored further in Chapter 9.

Recruitment networks have also developed across security agencies and states; examples include the French recruitment of Serb mercenaries for Mobutu in 1997, and the increasingly stronger alliances between the US, Britain and South Africa. Illicit networks comprise arms trafficking, money laundering, and the illegal movement of personnel and materiel. In order

to conduct their operations, private security companies are required to operate within a grey area of licit and illicit enterprise. The mercenary enterprise was initiated by the state, through esoteric policies that promoted and utilised these security resources. Their use of networks and engagement in licit and illicit activities represents, as Van Creveld (1999) describes, the blurring of distinctions between 'The terrorist, the soldier, the mercenary and the criminal.'

The risk management strategies employed by strong states are increasingly tied to the intangible extension of state power. For many private security companies, the predominant source of income is generated from contracts with states; particularly for American firms, contracted with the US State Department, Department of Defense or similar agencies. Logistical arrangements and transport can also be subject to strong state approval; one example is that of contractors arriving at Baghdad airport, where airspace is controlled by US authorities. For individual employees, state influence is bound to nationality; this is exemplified by the granting of immunity for contractors in Iraq and Afghanistan, where nationality and citizenship operate as protective mechanisms. Home state control is exerted through the capacity to waive immunity, deny repatriation or, alternatively, grant extradition. In the latter case, Iraqi demands for extradition of accused Blackwater employees to face murder charges is contingent upon US agreement to the request.

### Instrumental Relationships and Trust

The role of private security actors in protection is dependent upon the chain of instrumental relationships that run vertically - between weak state regimes to strong states - and horizontally, between business and the state, and licit and illicit markets. The withdrawal of protection exposes not only one client group to risk, but also may expose others in the chain. Networks are as important to private security actors as the mafia, with relationships of power

occurring across strong state political offices and security agencies, within and between states. Instrumental relationships operate across licit and illicit networks, including the employees of private security companies, who may initiate and retain contacts within indigenous communities, with members of state security agencies and armies, as well as competing private security companies.

Inherent to instrumental relationships is the notion of trust, built upon historical 'exchange relationships' (Stenson and Edwards 2001, p. 76). Giddens and Pierson (1998, pp. 108-109) refer to trust as a 'future-oriented relationship' that offers 'security in the face of future contingencies.' Private security actors operate as brokers of trust in insecure environments, intermediaries for strong states and their approval or otherwise of weak state regimes. A recent example of trust brokerage and strong state disapproval is America's refusal in 2007 to sanction a Blackwater security detail for Pakistan's Benazir Bhutto, assassinated less than six months later (Loudon 2009, p. 17).

In low trust environments, actors who can provide formal mechanisms for reliable contract enforcement are crucial (Calderon, Chong and Galindo 2002, pp. 189-208). Trust is essential to economic development, where it acts as a 'tax on all forms of economic activity;' by contrast, distrust 'raises the costs of transactions' (Leslie 2004, p. 551). The role of private security as a trust-broker facilitates economic investment for weak states, and ensures continuation and support of preferred regimes or, at times, alternative contenders for power. Trust is also dependent upon other factors: previous relationships with strong states, and bounded rationality, influencing the choices a clientele group perceive are available (Dequech 2001; Jones 2002, 2003). Trust and bounded rationality may be construed as 'risks (which)

are historical products, socially filtered' (Beck 1999, pp. 38-42; Jaeger et al 2001, pp. 152-153).

*Insurance Guarantors and Risk*

Trust is the 'corollary of risk taking,' where risk can be assessed for the purposes of insurance (Pearson, p. 1). Private security companies are also insurance guarantors, able to enforce contractual obligations, while seeking to control, manage and reduce risk (Clear and Cadora 2001, pp. 55-85). Successfully managing risk presents dual opportunities; stakeholders attain desired outcomes, while positive outcomes ensure further employment of private security companies (Luhmann, p. 1).

Successful risk management and control serves to instil the importance of private security actors as insurance guarantors. Their operation in environments where, 'Some things defy insurance (and) that realisation heightens political anxiety over potential chaos,' requires the presence of actors who can deal with and contain the risks (Ericson and Haggerty , pp. 109-110; also see Newman). In this context, private security actors present strong states with solutions to manage risk in weak states, which have the potential to rebound as threats to 'present and future quality of life' in strong states (Beck 1999, p. 83). As Halfmann (cited in Beck 1999, p.83) argues, decisions on risk are essentially determinants of power, where 'The issue is not risk, but power.'

In a structural realist framework, state power is represented through security capabilities. For regimes of weak states, private actors are a security capability and can ensure regime survival, but only with the approval of strong states. The existence of weak indigenous security agencies and high endogenous distrust forces a regime to source assistance elsewhere, from

trusted entities with previous historical association. Instrumental relationships are important to the way in which private security actors, and other stakeholders, function, as protection is extended through a series of relationships that can weaken or strengthen security structures. For private security actors, however, their role is dependent upon state sanction.

### *Private Actors – State Controls*

For states, mercenary soldiers represented a threat and a resource, and mechanisms were developed to enable their control by rulers and states. These mechanisms may be understood through the mafia analogy as a hierarchy of protection, where mercenaries operate as representatives of strong state power, but require careful control. State control, similarly, adapted to changing circumstances post-1945, with a variety of mechanisms.

### *Controlling The Company*

For private security companies, control may be undertaken through corporate scrutiny and sanction, media exposure, allegations that damage company reputation and operational disruption by state security agencies, as well as legislative measures. Corporate scrutiny and sanction by home states has the greatest impact when companies are dependent upon government contracts.

State control may also be exerted through the media, where exposure can damage or enhance a company's reputation and/or cause operational disruption. In the case of the former, media reporting on Sandline's involvement in the 'arms to Africa' incident may have contributed to the company's demise. State security agencies may also discreetly or overtly intervene and terminate operations, as occurred with the proposed 'Hilton Assignment' in Libya (Mockler 1985, pp. 151-154; Seale and McConville 1973). States may introduce anti-mercenary

legislation, one example being South Africa, ultimately affecting EO's capacity to operate without being subjected to criminal charges, although not affecting the employment of its personnel who have since been identified working for other companies. Alternately, the threat of regulation and legislation may be sufficient to notify companies of the 'hidden hand' of state, for example, with Britain's 2002 inquiry into potential regulatory measures (United Kingdom Commonwealth and Foreign Office 2002). Finally, the company's reputation may be irreparably damaged by state machinations, for protective relationships operate in reverse, to discredit as well as to promote.

*Controlling The Contractor*

For individual employees of private security companies, state control can be achieved through prosecution, repatriation and extradition measures, and denial of employment. Criminal prosecution measures can include detention and arrest in home or host states of operation, as well as the imposition of long prison sentences, even execution. Since 1945, detention and imprisonment has been an operational hazard for all private security actors, where sentences can range from a few days to 30 years or more and, at the extreme, a death sentence. Notably, imprisonment of mercenaries appears more common in weak states than strong states, a device that may also reinforce compliance with strong (home) state expectations.

As with corporate entities, legislative prohibition is a significant threat to all private sector contractors – while South African legislation caused EO to cease operations, many former personnel have since been identified working for other companies (Chatterjee 2004, p. 120). Conversely, for political exiles, the threat of extradition to their home state may prove an incentive not to disrupt relationships within the host state of operation. A key example are the

Sao Tomean exiles reportedly given limited options other than to work for the South African military and, later, EO (Seibert 2003).

Extradition to host states is also an issue for contractors; illustrative of this is the US Department of Justice decision to initiate prosecution of Blackwater personnel in its own jurisdiction, rather than extradition to Iraq to face trial (US Department of Justice 2008). Issues of immunity from weak state prosecution demonstrate the dichotomy in protection; strong state control of its citizens extends beyond the territorial borders, where compliance is induced through maintaining national allegiance. Denial of employment is a major feature of contractor compliance, where many personnel have limited career options, or face reduced alternatives to earn high incomes. Many American and British contractors require security clearances for employment and operational purposes; denial or withdrawal of a clearance is a significant inducement to comply with employer and state obligations (CorpWatch 2008, p. 11; Pelton).

### State Control or Symbiosis?

The primary argument in this thesis is that states retain control of private security entities – whether corporate or individuals – through a variety of mechanisms, including reliance upon instrumental relationships and secrecy. An alternative perspective is that private actors and states enjoy a symbiotic relationship, that is, a mutual interest in providing security to preferred clients. For private actors, this interest is financial; for states, the investment has security, economic and political outcomes. It is proposed in this study that, even where symbiosis is assumed, states retain tangible, and at times covert, forms of authority. As Walker and Whyte (July 2005, p. 689) argue, 'the use of (private military companies) provides new opportunities to mystify the State's directing role in military violence.'

Analysis of state and private security relationships is contingent on whether the linkages between both sets of actors are overt; that is, an assumption that 'private' denotes no state interest (Walker and Whyte, July 2005, p. 689). Rather than considering a private actor as being separate to the state, however, it is suggested that, in the decades since 1945, what has occurred is a movement of state-specific policies and practices from the public to a private arena, where supervisory mechanisms normally found within the liberal democratic state cannot operate (O'Reilly May 2010, pp. 183-210; Walker and Whyte July 2005, pp. 687-689). Previous ventures by intelligence agencies in the US and Britain indicate the use of evasive techniques, from Presidential executive orders and the employment of third party actors, which circumvented Congressional or Parliamentary oversight.

Dean (2001, pp. 624-625) refers to 'publicity as the organizing element of democratic politics,' where 'the public has a right to know' (also see Simmel 1906, p. 487). However, the capacity to transfer certain capabilities of government from the public to a private arena can operate to avoid such scrutiny, where state records and policies become obscured and inaccessible. The use of private corporate entities to enable covert action is neither new nor unique; one notable example was EO, initially created to further South African security objectives, and later transformed into a 'private army' (Barlow 2007; Ellis 1996). Similar patterns are discernible in other private security entities, established in offshore 'tax havens,' with multiple layers of subsidiary and holding companies, and a series of office-holders (Chatterjee 2004, pp. 108-123; CorpWatch 2008; Ellis 1996; Todd and Bloch 2003, pp. 107, 112-114, 199-200).

Private security actors may therefore be viewed as the 'proxy or surrogate armies' for states engaged in a 'de facto privatisation of war' (Del Prado 2008, p. 436). Where the state cannot operate, private security actors can; a mafia in lieu of the state. The transfer of state policy and practice to private security actors represents, not an out-sourcing of function, but instead one of security capability (Walker and Whyte July2005, p. 689). In this paradigm, Slessor's reference to the need for a 'fifth column of freedom' may have become a reality. Similarly, Erik Prince, owner of Blackwater, has referred to his company becoming the 'fifth column' for the US military (cited in Pelton 2006, p. 295).

The free, liberal democratic, state seeks to maintain its position within a system constantly in flux, and to sustain power, wealth, and ultimately its survival, it:

> 'Must provide a climate and a set of international relations that facilitates this (objective) if it is to succeed. State officials will be judged in accordance with their ability to create these conditions' (Chambliss 1993, p. 310).

For strong states, private security actors are useful tools to ensure continuation of their preferred international framework.

### Conclusions – Changing Frameworks

The arguments presented in this thesis are that private security contractors operate as an extension of the state, facilitating foreign policy objectives, co-opting and infiltrating weak state regimes, and changing the frameworks of state capacity. The predominant perspective of scholarly and popular discourses is that private security companies represent a privatisation of the use of force, operating without control, and posing a threat to the state.

However, empirical evidence indicates that private actors are reliant upon protective relationships with strong states. State control occurs through informal processes, for private

security enterprises are valuable, being an extension of security capacity, an extra-legal capability that is also subject to state-imposed constraints. Mercenary companies have always posed threats to rulers and states, the latter developing strategies to mitigate risk. The potential to facilitate removal of threats to the state are important; critical historical eras that reflect these practices are times of high unemployment, poverty, famine, post-conflict demobilisation, all potential causes of civil unrest. Allowing citizens to leave and fight overseas is an attractive safety-valve to sustain state stability. At times, such approaches may not always be effective nor a conscious strategic alternative, but, for states, the facility to adapt is as important as it is for private security actors.

The scholarly and popular discourses view the nation-state as an unchanging entity, maintaining the Weberian perspective of a monopoly on the use of force. This monopoly has never been achieved in weak states, however. While weak states may be presumed to lack particular features of state – the control of population and territory – these perspectives ignore the systemic undermining by strong states in previous colonies, thwarting attempts at nation-state creation and consolidation. Examples include Yemen, the former Belgian Congo, and Angola. Key actors in these strategies are irregular soldiers, the 'mercenaries' or 'private security companies' endorsed by strong states.

Duffield (2001, p. 310) describes the 'crisis of state-based security' as having instigated a 'new public-private security framework,' to attain stability. Private security actors represent an example of changes in the state and security frameworks at domestic, regional and global levels. The movement towards legislation and regulation, at national and international levels, reflects an acceptance of these changes (Kinsey 2006). Conditions for such regulation require agreement by the primary source states – the US, and Britain – to facilitate legislative change

at a national level, and introduce regulatory oversight.  As Walker and Whyte (July 2005, p. 689) note, not to do so could lead to a 'consitutional fissure (in) democratic accountability,' facilitating 'greater adventurism in foreign policy (and allowing) a Western-constructed order to be imposed on a much wider range of conflicts.'

Facilitating the integration of private actors into state-managed security frameworks has required redefining the mercenary myth, a transformation at the margins of society (Brunner 1994, p. 4).  Private security actors and mercenaries are an adjunct of the state, a resource that is both powerful and risky.  The myth of the mercenary is one that has been redefined, promoted and appropriated by the state.  Mercenary soldiers and private security contractors have become an extra-legal capability and extension of power; a mafia for the state.

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