



Mercenaries and War: Understanding Private Armies Today

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2030 hours, February 7, 2018.

The opening salvo of artillery was so intense that American troops took cover in foxholes for protection. After the barrage, a column of Russian tanks advanced on their positions, firing their 125-millimeter turret guns at soldiers. They returned fire, but it was not enough to repulse the tanks. They were in danger of being overrun.

A team of about 30 special operations forces was pinned down at a Conoco gas plant. Roughly 20 miles away, a team of Green Berets and a platoon of Marines stared at their computer screens, watching the drone feeds of the battle. Their collective mission was to defend the Conoco facility, alongside Kurdish and Arab forces. No one expected an enemy armored assault.

Attacking them were 500 mercenaries, hired by Russia, who possessed artillery, armored personnel carriers, and T-72 main battle tanks. These were not the cartoonish rabble depicted by Hollywood and Western pundits. This was the Wagner Group, a private military company based in Russia, and like many high-end mercenaries today, they were covert and lethal.

The American commandos radioed for help. Warplanes arrived in waves, including Reaper drones, F-22 stealth fighter jets, F-15E Strike Fighters, B-52 bombers, AC-130 gunships, and AH-64 Apache helicopters. Scores of strikes pummeled the mercenaries, but they did not waver.¹

Four hours later, the mercenaries finally retreated. Four hours. No Americans were killed, and the Department of Defense (DOD) touted this as a big win. But it wasn't. It took America's most elite troops and advanced aircraft 4 hours to repel 500 mercenaries. What happens when they have to face 1,000? 5,000? More?

Mercenaries are more powerful than experts realize, a grave oversight. Those who assume they are cheap imitations of national armed forces invite disaster because for-profit warriors are a wholly different genus and species of fighter. Private military companies such as the Wagner Group are more like heavily armed multinational corporations than the Marine Corps. Their employees are recruited from different countries, and profitability is everything. Patriotism is unimportant, and sometimes a liability. Unsurprisingly, mercenaries do not fight conventionally, and traditional war strategies used against them may backfire.

An Emerging Threat

When people think of private military contractors, they imagine Blackwater Security Consulting in Iraq circa 2007. However, the market for force has moved on. Firms like Blackwater are quaint compared to the Wagner Group and other contemporary mercenaries. Curiously, this trend is overlooked by scholars, the mainstream media, and the Intelligence Community.² Consequently, there is a dangerous lacuna of understanding concerning this emerging threat.

Private force has become big business, and global in scope. No one truly knows how many billions of dollars slosh around this illicit market. All we know is that business is booming. Recent years have seen major mercenary activity in Yemen, Nigeria, Ukraine, Syria, and Iraq. Many of these for-profit warriors outclass local militaries, and a few can even stand up to America's most elite forces, as the battle in Syria shows.

The Middle East is awash in mercenaries. Kurdistan is a haven for soldiers of fortune looking for work with the Kurdish militia, oil companies defending their oil fields, or those who want terrorists dead. Some are just adventure seekers, while others are American veterans who found civilian life meaningless. The capital of Kurdistan, Irbil, has become an unofficial marketplace of mercenary services, reminiscent of the Tatooine bar in the movie *Star Wars*—full of smugglers and guns for hire.

The United Arab Emirates secretly dispatched hundreds of special forces mercenaries to fight the Iranian-backed Houthis in Yemen. Hailing from Latin American countries like Colombia, Panama, El Salvador, and Chile, they were all tough

veterans of the drug wars, bringing new tactics and toughness to Middle East conflicts. They were a bargain, too, costing a fraction of what an American or British mercenary would charge, so the Emirates hired 1,800 of them, paying two to four times their old salaries. Allegedly, African mercenaries are also fighting in Yemen for Saudi Arabia and come from countries like Sudan, Chad, and Eritrea. Private force has proved a useful option for wealthy Arab nations, particularly Saudi Arabia, Qatar, and the Emirates, that want to wage war but do not have an aggressive military. Their mercenaries have fought in Yemen, Syria, and Libya in recent years.

Turning profit motive into a war strategy, Syria rewards mercenaries who seize territory from terrorists with oil and mining rights. At least two Russian companies have received contracts under this policy: Evro Polis and Stroytransgaz. These oil and mining firms then hired mercenaries to do the dirty work. For example, Evro Polis employed the Wagner Group to capture oil fields from the so-called Islamic State (IS) in central Syria, which it did. Reports show there are about 2,500 Russia-bought mercenaries in Syria. Russia also uses them in Ukraine, and the Ukrainians fight back with their own mercenaries. The war there is awash in Russian, Chechen, French, Spanish, Swedish, and Serbian mercenaries, fighting for both sides in eastern Ukraine's bloody conflict.

Mercenaries were ubiquitous in the Ukraine conflict. Companies like the Wagner Group conducted a wide range of secret missions, all denied by the Russian government. Ukrainian oligarchs hired mercenaries, too, but not for the country's sake. Billionaire Igor Kolomoisky employed private warriors to capture the headquarters of oil company UkrTransNafta in order to protect his financial assets.

Nigeria secretly hired mercenaries to solve a big problem: Boko Haram. This Islamic terrorist group fights to carve out a caliphate in Nigeria, and the Nigerian army fights back, its methods no better. There is a saying in Africa: When elephants fight, the grass gets trampled. Tens of thousands of people were killed, and 2.3 million more were displaced from their homes. Boko Haram abducted 276 schoolgirls for "wives," many of whom were never seen again. International outrage was swift but impotent.

That's when the Nigerian government secretly turned to mercenaries to fight Boko Haram. These were not the lone gunmen of B-grade movies, but a real private army. They arrived with special forces teams and Mi-24 Hind helicopter gunships—flying tanks. Conducting search and destroy missions, they drove out Boko Haram in a few weeks. The Nigerian military could not achieve this task in 6 years. Some wonder if we should hire mercenaries to hunt and kill terrorists in the Middle East, given the slow progress of national armies and United Nations (UN) absenteeism.

Even terrorists hire mercenaries. Malhama Tactical is based in Uzbekistan, and they only work for jihadi extremists. Malhama's hired guns are all Sunni, but not all are not ideological like their clients. Their services are standard for today's market, functioning as military trainers, arms dealers, or elite warriors. Most of their work is in Syria for Nusra Front, an al Qaeda-affiliated terrorist group, and the Turkistan Islamic Party, the Syrian branch of a Uighur extremist group based in China. In the future, jihadis may hire mercenary special forces for precision terrorist attacks.

If terrorists can hire mercenaries, why not humanitarians? Nongovernmental organizations (NGOs) such as CARE, Save the Children, CARITAS, and World Vision are increasingly turning to the private sector to protect their people, property, and interests in conflict zones. Large military companies like Aegis Defense Services and Triple Canopy advertise their services to NGOs, and NGO trade associations like the European Interagency Security Forum and InterAction provide members with guidelines for hiring them. Some think the UN should augment its thinning peacekeeping missions with certified private military companies.³ The option of private peacekeepers versus none at all, which is the condition in many parts of the world today, is a Hobson's choice. What's to stop a millionaire from buying a humanitarian intervention in the future? Stopping atrocities would leave quite the legacy. Actress Mia Farrow considered hiring Blackwater to end the genocide in Darfur in 2008.⁴

Multinational corporations are the biggest new clients of mercenaries, especially the extractive industries. Companies working in dangerous places are tired of relying on corrupt or inept security forces provided to them by host governments,

and they are turning to private force. For example, mining giant Freeport-McMORan employed Triple Canopy to protect its vast mine in Papua, Indonesia, where there is an insurgency. The China National Petroleum Corporation contracts DeWe Security to safeguard its assets in the middle of South Sudan's civil war. Someday ExxonMobil or Google may hire an army, too.

There are mercenaries on the sea as well, similar to privateers 2 centuries ago. International shipping lines hire them to protect their ships traveling through pirate waters in the Gulf of Aden, Strait of Malacca, and Gulf of Guinea. Here's how it works. Armed contractors sit on "arsenal ships" in pirate waters and chopper to a client freighter or tanker when called. Once aboard, they act as "embarked security," hardening the ship with razor wire and protecting it with high-caliber firepower. After the ship passes through pirate waters, the team returns to its arsenal ship and awaits the next client. The industry is based in London, and seeks legitimacy through ISO 28007 certification.⁵ Some would like to see true privateers: private naval vessels that could hunt and kill pirates. Americans will be pleased to know that Congress is authorized to hire privateers under Article 1, Section 8, of the U.S. Constitution, and this could prove more efficient than sending *Arleigh Burke*-class destroyers after pirate zodiacs.

There are even mercenaries in cyberspace, called hack back companies. These computer companies attack hackers, or "hack back" those who assail their client's networks. Hack back companies cannot undo the damage of a network breach, but that is not the point. They serve as a deterrent. If hackers are choosing targets, and they know that one company has a hack-back company behind it and the other does not, they select the softer target. Also known as active defense, this practice is currently illegal in many countries, including the United States, but some are questioning this edict since the National Security Agency offers scant protection for nongovernmental entities. For example, the WannaCry ransomware attack in May 2017 infected more than 230,000 computers in over 150 countries. Victims included the United Kingdom's National Health Service, Spain's Telefónica, Germany's Deutsche Bahn, and U.S. companies like Federal Express. If countries cannot protect their people and organizations from cyber attack, then why not allow them to protect themselves?

Private force is manifesting everywhere. After 150 years underground, the market for force is returning in just a few decades and is growing at an alarming rate. In military strategy, there are five domains of war: land, sea, air, space, and cyber. In less than 20 years, private force has proliferated among every domain except space, but that too may change. Space is already privatized with companies like SpaceX, and it is possible that private armed satellites may one day orbit the Earth.

Worse things are to come. In just 10 years, the market for force has moved beyond Blackwater in Iraq and become more lethal. Mercenaries are appearing everywhere, and no longer just in the fringe. Contract warfare has become a new way of warfare, resurrected by the United States and imitated by others.

The rise of mercenaries is producing a new kind of threat—private war—that threatens chaos. It is literally the marketization of war, where military force is bought and sold like any other commodity. It is an ancient form of armed conflict that modern militaries have forgotten how to fight. Should this trend develop, the super-rich could become superpowers, leading to wars without states. In such a world, states would be mere prizes to be won rather than agents of their own destiny. This has the potential to upend international relations as we know it.

Who Is a “Mercenary”?

There is no expert consensus on who exactly is a “mercenary.” Those in the industry, their clients, and some outside experts spurn the “M” word owing to the associated stigma, and give these private-sector fighters new labels: private military contractors, private security companies, private military companies, private security/military companies, private military firms, military service providers, operational contractors, and contingency contractors. Since the emergence of this new warrior class in the 1990s, volumes of academic ink have been spilt on differentiating them from mercenaries.

However, such labels are little more than euphemism. Expert definitions fail to endure because they defy the obvious: If you have the skillsets to be a “private military contractor,” then you can work as a “mercenary,” too. There is no shining line between these categories, and it all depends on the individual warrior’s will and market circumstances. Academic typologies overcomplicate an already

complex problem, helping no one. Accordingly, this analysis will use these myriad labels interchangeably with “mercenary.”

In simplest terms, a *mercenary* is an armed civilian paid to do military operations in a foreign conflict zone. For example, civilians conducting direct actions or training troops in foreign conflict zones are mercenaries because they are performing uniquely military functions. Federal Express, a courier company, delivering a parcel to Kabul during the Afghanistan War is not a mercenary firm because logistical supply is not an exclusively military task. Only privatized military tasks earn the label “mercenary.”

There are five characteristics that distinguish mercenaries from soldiers and armed nonstate actors, such as terrorists. First, they are motivated more by profit than politics. This is not to suggest that all mercenaries disregard political interests and serve merely at the whim of the highest bidder, but they are fundamentally profit-maximizing entities. Second, they are structured as businesses, and some of the large private military corporations have even been traded on Wall Street and the London Stock Exchange, such as DynCorp International and Armor Group. Third, they are expeditionary in nature, meaning they seek work in foreign lands rather than provide domestic security services. There are exceptions to this, especially when it comes to homeland defense, but in general, mercenaries are foreign-focused and are not domestic security guards. Fourth, they typically deploy force in a military manner, as opposed to a law-enforcement one. The purpose of military force is to violently defeat or deter the enemy, while law enforcement seeks to de-escalate violent situations to maintain law and order. This intrinsically affects how they operate. Fifth and most important, mercenaries are lethal and represent the commodification of armed conflict. Soldiers and politically motivated armed nonstate actors do not seek to marketize war and monetarily profit by it. There will always be exceptions to these five features, but they serve as a good test of whether an armed actor is a mercenary or not.

A person, company, or state that hires a mercenary does not change its status. For example, some experts have argued that mercenaries employed by legitimate states make mercenaries legitimate, too.⁶ This was a common claim during the Iraq and Afghanistan wars, when the United States hired thousands of armed civilians

to supplement troop levels. However, this is flawed thinking and the consequence of selection bias. By this same logic, the Russian company Wagner Group would be considered legitimate, yet few Western observers would probably agree. Clientele do not change the nature of mercenary force.

Stigma and Hypocrisy

We are taught to hate mercenaries as sinners and love soldiers as saints, but such stereotypes are ignorant. There is plenty of evidence showing both have done noble and abhorrent things throughout history. For example, during the Iraq War a squad of Blackwater mercenaries killed 17 civilians at Nisour Square, a traffic intersection in Baghdad. It sparked an international uproar, multiple high-level investigations, and was a strategic setback for U.S. efforts in that country. For Americans, Nisour Square was a stain on their country's moral character, and a low point of the war. For Iraqis, Blackwater combatants look like U.S. Soldiers, a challenge for American commanders in the field.

The Nisour Square shooting is often cited as one of the Iraq War's worst war crimes, but who remembers the Haditha massacre? In 2005, a squad of U.S. Marines murdered 24 unarmed civilians in a revenge killing spree after one of their comrades were killed and two were injured. The incident had overtones of the My Lai massacre during the Vietnam War. The victims ranged from age 3 to 76. Many were shot multiple times at close range while unarmed, some still in their pajamas and in their bedrooms. One was in a wheelchair and four were children.

For some reason, Haditha was overlooked as an acceptable war tragedy. The only investigation found nothing wrong, and blamed "an unscrupulous enemy" for everything. The report stated the incident was a "case study" that illustrates "how simple failures can lead to disastrous results."⁷ After massacring 24 civilians, which is more than the Nisour Square shooting, the military quietly dropped all charges against the Marines except for the squad leader, Staff Sergeant Frank D. Wuterich, who was acquitted in a court martial. The world took no notice because it saw nothing wrong.

Both Nisour and Haditha were comparable crimes, but the reaction could not have been more different: Mercenaries are butchers while Soldiers (or Marines)

make innocent mistakes. This is an irrational prejudice. Murder is murder, no matter what kind of warfighter pulls the trigger. Experts justify this bias by citing Niccolò Machiavelli (1469–1527), a senior official in the Florentine Republic and author of *The Prince*. He despised mercenaries as “disunited, ambitious, without discipline, unfaithful; gallant among friends, vile among enemies; no fear of God, no faith with men.”⁸ This judgment has ossified into orthodoxy.

Most think Machiavelli’s assessment of private force definitive, but it should not be. He hated mercenaries because they cheated him, owing to his own incompetence. From 1498 to 1506, he helped organize Florence’s defences and suffered serial humiliations at the hands of the city’s own mercenaries during the war against Pisa, a weaker adversary. In 1505, for example, 10 mercenary captains defected to the other side, a major embarrassment and strategic blow. The market for force is a “buyer beware” emporium, and those who do not know how to handle mercenaries, like Machiavelli, should not rent them.

No longer trusting mercenaries, Machiavelli convinced the Florentine authorities to raise a militia instead, composed of citizen-soldiers whose loyalty to the republic would remain unflappable. But loyalty is a poor substitute for skill. These farmers-turned-soldiers were no match for professional troops, and the Florentines were soon crushed in 1512 by professionals. This military disaster resulted in the capitulation of the Florentine Republic, henceforward under papal control, and questions Machiavelli’s claims about the superiority of militias over mercenaries.⁹ The French regarded the flush Florentines as the epitome of military incompetence. Cheekily, Machiavelli wrote *The Prince* to impress the conquerors of Florence and win back his old job. They must have laughed.

Machiavelli’s ideas on militias and mercenaries were spurned for centuries because they were maladroit. Mercenaries remained the main instrument of war for the next 200 years, and no one dare rely on feeble militias. Despite Machiavelli’s protestations and those of other early Renaissance humanists, the mercenary profession was considered a legitimate trade. Often the lesser sons of nobility, such as Duke Werner of Urslingen, Count Konrad von Landau, and Giovanni de’ Medici, sought careers as mercenary captains. There was no stigma attached to hiring a private army; it was considered no different than employing an engineering company

to repair one's moat or commissioning an artist to paint portraits of one's family. The commodification of conflict resulted in a thriving market for force, as the services of private armies or "free companies," as they were known, went to the highest or most powerful bidder. Contract warfare was common, and mercenaries were how wars were waged.

Machiavelli also ignored inconvenient facts in his analysis, like the loyalty of mercenaries. Sir John Hawkwood was one of the greatest mercenary captains of the age. Hailing from England and a veteran of the Hundred Years' War, he was monogamous to Florence for over two decades, until his death in 1394. The city honored his faithful service with a funerary monument in Florence's famed cathedral. Meanwhile, Machiavelli faded into obscurity. He is lionized today, thanks to 20th-century scholarship, but his views on mercenaries are spurious.

People view soldiers like wives and mercenaries as prostitutes, who turn love into a transaction. But every soldier has a little mercenary in him, and vice versa. Troops often reenlist for big bonuses, a transactional practice common in most militaries. For example, the U.S. Army sometimes offers up to \$90,000 for Soldiers to reenlist, enough to make modern mercenaries salivate. The author has also seen mercenaries refuse jobs on political grounds. Some American-hired guns will never take money from Russia, China, Iran, or a terrorist group; America's enemies are their enemies. The line between soldier and mercenary is fuzzy.

The Second Oldest Profession

The taboo against mercenaries is a recent invention, only a few hundred years old. Mercenaries were long considered an honorable, albeit bloody trade, and only the past 200 years stigmatized them. As for the previous 4,000+ years, mercenaries were a feature—often the main feature—of war. The word *mercenary* comes from the Latin *merces* (wages or pay) and is no different than the *solde* or pay due to fighters, from which the word "soldier" is derived. For much of the past, mercenaries and soldiers were synonymous.

Most of military history is privatized, and mercenaries are as old as war itself. The reason is simple: Renting force is cheaper than owning it. Maintaining a permanent military seems normal today, but it is not. Paying for one's own armed

forces is ruinously expensive, similar to owning a private jet versus buying a plane ticket when you need it. Why invest in your own expensive standing army when you could just rent one? This is why a vibrant market for force existed throughout most of history, with today's national armies as the exception. Put another way, if you could go to war with 5,000 rented mercenaries or 1,000 owned soldiers, what would you choose? Especially if your enemy had 5,000 mercenaries? Some, like Machiavelli, chose their own soldiers, and were duly crushed. Most went with mercenaries.

Mercenaries are everywhere in military history, starting with the Bible. The Old Testament mentions hired warriors several times, and never with reproach.¹⁰ Everyone used them. There was King Shulgi of Ur's army (reigned 2029–1982 BCE); Xenophon had a huge army of Greek mercenaries, known as the Ten Thousand (401–399 BCE); and Carthage relied on mercenary armies in the Punic Wars against Rome (264–146 BCE), including Hannibal's 60,000-strong army, which marched elephants over the Alps to attack Rome from the north. When Alexander the Great invaded Asia in 334 BCE, his army included 5,000 foreign mercenaries, and the Persian army he faced contained 10,000 Greeks. Rome used mercenaries throughout its 1,000-year reign, and Julius Caesar was saved at Alesia by mounted German mercenaries in his war against Vercingetorix in Gaul.

The Middle Ages were a mercenary heyday. Nearly half of William the Conqueror's army in the 11th century was made up of hired swords, as he could not afford a large standing army and there were not enough nobles and knights to accomplish the Norman conquest of England. King Henry II of England engaged mercenaries to suppress the great rebellion of 1171–1174, because their loyalty lay with their paymaster rather than with the ideals of the revolt. In Egypt and Syria, the Mamluk sultanate (1250–1517) was a regime of mercenary slaves who had been converted to Islam. From the late 10th to the early 15th centuries, Byzantine emperors surrounded themselves with Norse mercenaries, the Varangian Guard, who were known for their fierce loyalty, prowess with the battle axe, and ability to swill vast tankards of brew.

Medieval Europe was a hot conflict market, and mercenaries were how wars were fought. Kings, city states, wealthy families, the church—anyone rich

enough—could hire an army to wage war for whatever reason they wanted: honor, survival, god, theft, revenge, or amusement. Even Sir Thomas More, the great humanist and author of *Utopia*, coining the word, advocated using mercenaries to protect his utopian republic.

Popes even hired mercenaries, using them to obliterate enemies and purify infidels. In 1209, Pope Innocent III launched a crusade against the Cathars, a heretical sect in Southern France, that would look like a war of terror today. When his mostly mercenary army stormed the city of Béziers, both orthodox and heretical Christians fled into the church for sanctuary. The papal legate in charge, Arnald Amalric, ordered the army to seal and burn it, allegedly saying, “Kill them all, God will know his own.” The papacy still employs a Swiss guard, once a fearsome mercenary unit but now part of the Swiss army, complete with halberds and tights.

All this led to a medieval world at war. There are uncanny parallels between medieval mercenaries and modern ones. Back then, mercenaries were called *condottieri* or “contractors” in old Italian, just like today. They organized into “free companies,” now called private military companies, led by CEO-like captains who managed profit and loss. Professional men of arms filled their ranks, coming from different countries and united by a paycheck. They had a hierarchy of subcommanders and administrative machinery that oversaw the fair distribution of loot according to an employee’s contract, or a “booty clause.” The medieval Free Companies mirror the author’s own experiences 800 years later, minus the booty clause.

Warfare began to change in the 17th century, and mercenaries with it. European battles became increasingly violent as armies grew larger and weapons more destructive. During the Thirty Years’ War (1618–1648), major battles typically involved 50,000 combatants, the size of a small city. Armies were predominantly made of mercenaries, and the concept of patriotism was unconnected to military service.¹¹ That would come later, with the rise of nationalism, Napoleonic warfare, and conventional war.

To meet the rising demand for fighters, mercenaries became industrialized. Clever military enterprisers outfitted whole regiments and leased them to those in need of martial services—the first military industrial complex. These men were not warriors but war oligarchs, such as Count Wallenstein, who became the richest

man in Europe during the Thirty Years' War. Later he was killed by his client, an occupational hazard. Rental regiments allowed rulers to wage war on an industrial scale without long-term administrative costs, like taking care of wounded veterans or pensions, and this lowered the barrier to entry in war while encouraging ever-larger battles. Mercenaries never had it so good, or civilians so bad.

Things began to change in 1648. The Peace of Westphalia ended the Thirty Years' War, one of the most destructive in European history and comparable to World Wars I and II for Central Europe. Nearly a third of the populations of modern Germany and the Czech Republic were wiped out, and it took the region a century to recover. Rogue mercenary units were to blame for much of it, and leaders of all sides tacitly agreed to put the free market for force out of business by monopolizing it. That is, public armies should replace private ones, costs be damned.

Private Force, Power, and World Order

The Peace of Westphalia changed a lot of other things too. All the continental great powers were party to this peace deal that redrew the map of Europe and rewrote the rules of power. Prior to this, Europe was run by medieval rules, which is to say, no rules. Things were messy. All kinds of political actors—popes, kings, city-states, wealthy families, among others—made overlapping claims of authority to the same slices of land and serfs. Disputes inevitably erupted and were settled on the battlefield, often fought by each side's mercenaries.

This led to a thriving market for force. Unconstrained political rivalries, heaps of money, and abundant private armies for hire turned medieval Europe into a war zone like the Middle East today. The 14th-century Italian writer Franco Sacchetti tells a story that captures what a world awash with mercenaries looks like:

Two Franciscan monks encounter a mercenary captain near his fortress.

"May God grant you peace," the monks say, their standard greeting.

"And may God take away your alms," replied the mercenary.

Shocked by such insolence, the monks demand explanation.

"Don't you know that I live by war," said the mercenary,

"and peace would destroy me? And as I live by war, so you live by alms."

“And so,” Sacchetti adds, “he managed his affairs so well that there was little peace in Italy in his times.”¹²

Machiavelli had a point that private warfare turns warriors into beasts and citizens into cowards. Mercenaries not only start and expand wars for profit but are also egged on by employers like Machiavelli’s Florence. The city was continuously at war with someone: Pisa (1362–1364), the pope (1374–1375) and Milan (1389–1390, 1399–1400, 1423–1424, and 1430). It takes both supply and demand to grow a market, not just supply, as Machiavelli implies.

Out-of-work mercenaries also marauded between contracts, preying on the countryside while artificially generating demand for their protection services. This inevitably led to racketeering. An army of mercenaries would encircle a city and demand a huge ransom in exchange for not sacking it. Desperate, the residents scavenged every last coin and treasure, handing it over to the extortionists. “Thanks,” said the mercenary captain. “We’ll be back next year.” This was common, and luckless Siena was obliged to buy its freedom 37 times between 1342 and 1399.

From this medieval din, one kind of political actor emerged as sheriff in 1648—states. Rogue mercenary units and the destruction of the Thirty Years’ War proved too great, and state rulers began investing in their own standing armies, loyal only to them. Mercenaries could existentially threaten states, so they were outlawed. So powerful was this taboo against mercenarism that it still haunts us today, as evidenced by reactions to the Nisour versus Haditha killings.

Over time, states monopolized the market for force with their national armies, and this created another opportunity: domination. Their old nonstate rivals were defenseless, without access to mercenaries or a standing army of their own. Old medieval powerhouses such as the church, city-states like Florence, and elite aristocratic families had no choice but kowtow to state rulers. Without mercenaries, nonstate actors had no way to challenge state ascendancy.

The relationship between force, power, and world order is stark. Those who control the means of violence get to make the rules that others must follow, or die. The consolidation of state power was gradual, spanning 2 centuries, and gave rise to a world order that should look familiar to readers. Sometimes called the

“Westphalian Order,” it is a state-centric international system. It has many features, but the key one is this: Only nation-states are sovereign, and everyone else is subordinate. States guaranteed their supremacy through their national armies, since nonstate actors have no capacity to oppose them. In fact, the monopoly of force is the very definition of the modern state.¹³

Warfare soon became an exclusively state-on-state affair fought via national militaries, and this became “conventional war.” It is the only type of conflict Carl von Clausewitz knew, and it puts states at the center of everything. Only they get to wage war, make international law, and govern. The Westphalian Order spread across the globe through European colonization, and today we have internalized it as timeless and universal, even though it is less than 400 years old.

Mercenaries did not disappear immediately. States outlawed their use, unless they were the client, and soon mercenaries became a state-sponsored affair, such as the large private armies of the Dutch or British East India companies. Occasionally, states would rent out their armies to other states, as German sovereigns did to King George III during the American Revolutionary War. But eventually mercenaries were banned. The last time a state used a mercenary army was in 1854, during the Crimean War. Mercenaries of the sea, known as “privateers,” were also employed by states. But this too was abolished in the 1856 Paris Declaration Respecting Maritime Law. By the 20th century, the market for force was defunct.

Mercenaries did not go extinct but were driven underground. Lone soldiers of fortune bounced between geopolitical hot spots and were secretly hired by rebel groups, weak governments, multinational corporations and states. The decolonization that followed World War II offered rich opportunities for these private warriors, especially in Africa. Some of their exploits are captured in novels and films. Fiction can be a safer truth-teller than nonfiction when it comes to clandestine activities.¹⁴

The mid-century surge in underground private warfare prompted Geneva Protocols I and II in 1977 that banned mercenaries. The primary objection is that they were warriors without a state, fighting for money rather than national ideology. The most widely accepted definition of a mercenary in international law comes from Article 47 of Protocol I to the Geneva Conventions, which states:

1. *A mercenary shall not have the right to be a combatant or a prisoner of war.*
2. *A mercenary is any person who:*
 - a. *is especially recruited locally or abroad in order to fight in an armed conflict;*
 - b. *does, in fact, take a direct part in the hostilities;*
 - c. *is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;*
 - d. *is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;*
 - e. *is not a member of the armed forces of a Party to the conflict; and*
 - f. *has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.*¹⁵

However, this law is almost unusable. The characterization of a mercenary is so restrictive yet imprecise that anyone can wiggle out of it. As military historian and legal scholar Geoffrey Best remarks, “any mercenary who cannot exclude himself from this definition deserves to be shot—and his lawyer with him!”¹⁶

The Return of Mercenaries

In 1989 the Berlin Wall fell and the Cold War with it. To the Westphalian thinker, it symbolized the everlasting triumph of the liberal-democratic state over all others, and the Darwinian resolution of world order. In a bestselling book, *The End of History and the Last Man*, scholar Francis Fukuyama asserted that the end of the Cold War was nothing short of the “end of history” because it was “the end point of mankind’s ideological evolution and the universalization of Western liberal democracy as the final form of human government.”¹⁷ World peace forever was at hand, according to Fukuyama. He flubbed it, of course, and the phrase “end of history” is now a meme for daft scholarship.

The fall of the Berlin Wall was more than just the end of the Cold War; it marked the beginning of the end of the Westphalian Order, too. Rather than the

utopia Fukuyama expected, state sovereignty began eroding everywhere. Some states lost control of their territory, as in the conflicts in the Balkans, Indonesia, and Sudan. Other states, such as Liberia and Somalia, failed altogether. Unconventional wars spiked, and conventional ones dropped to nearly zero.¹⁸

Armed nonstate actors began taking over, just like in the Middle Ages. Examples include separatist groups in northern Mali, warlords in eastern Congo, and violent extremists in Yemen. Drug cartels captured states for their own purposes. These “narco-states” exist in parts of Latin American and include Guinea Bissau in West Africa. Some wanted to topple the Westphalian Order altogether. Al Qaeda and its imitators seek to replace states with a global caliphate, governed under sharia law. One of the first things the so-called Islamic State did after it established the caliphate was bulldoze the border between Iraq and Syria, also known as the Sykes-Picot Line. There is no clearer challenge to the reign of states. The Westphalian Order is collapsing in slow motion, and the National Security Strategy in 2002 declared that the United States is “now threatened less by conquering states than we are by failing ones.”¹⁹

As state power declines, private force rises. The relationship is causal. Without a global sheriff, mercenaries are free to roam the world again, in the light of day. The first public mercenary organization emerged in South Africa, ominously called Executive Outcomes, and fought across the continent. It put down rebel groups, took oil facilities and diamond mines, and trained client militaries for \$40 million a year. During the Rwandan genocide in 1994, Executive Outcomes went to the UN and offered to stop the genocide for \$120 million, a bargain in UN terms. However, Kofi Annan, then head of UN peacekeeping, refused, claiming “the world may not be ready to privatize peace” as 800,000 people were massacred.²⁰ Executive Outcomes closed its doors in 1998, but left a strong alumnae network across Africa. It was involved in mercenary actions in Equatorial Guinea in 2005, Somalia in 2011, and Nigeria in 2015.

Other mercenary firms got their start in the years after the Berlin Wall. A few include Sandline International, Blackwater, and Military Professional Resources Incorporated (MPRI). These were not lone mercenaries of the Cold War but organized ones, akin to the Free Companies of the Middle Ages. No longer in the shadows,

they were multinational corporations, such as the medieval Free Companies, and some were even traded on Wall Street. Their reappearance signals the decline of the Westphalian Order and a slow return to the disorder of the age before.

The U.S. Role in Resurrecting Mercenarism

The 1990s were only a prelude for what was to come. What truly revitalized the ancient mercenary trade was the chum-slick of American war contracts in Iraq and Afghanistan. One would assume failing states needing strong militaries would defibrillate mercenarism, but it was a superpower seeking political top-cover that resurrected the industry. Like everything else in those wars, it was not planned. It just happened.

The United States contracted out its wars in Iraq and Afghanistan. For every American Soldier in Iraq or Afghanistan, there was at least one contractor—a 1:1 ratio or greater. At the height of these wars, contractors comprised over 50 percent of the U.S. force structure in Iraq and 70 percent in Afghanistan. By comparison, only 10 percent of the force was contracted in World War II.²¹ Most contractors were unarmed and performed innocuous tasks like cooking food or repairing trucks. About 15 percent were mercenaries, but do not let the small numbers fool you.²² Failures of private force have an outsize strategic impact, as evidenced by Nisour Square, and this 15 percent has been enough to revive mercenarism around the world.

Contractors did most of the bleeding, too. In 2003, contractor deaths represented only 4 percent of all fatalities. At the wars' height, more contractors were killed than military personnel, marking the first time in history that corporate casualties outweighed military losses on U.S. battlefields.²³ These are conservative estimates since the United States does not track this data, and companies under-report their wounded and dead because it is bad for business. Wounded or dead contractors save clients money because they do not have to pay contractors' hospital bills or veteran benefits. Ultimately, contractors are disposable people, like mercenaries in the past.

Contracting has become a new American way of war, and trendlines indicate the United States may outsource 80 to 90 percent of its future wars. Certainly,

Erik Prince, the founder of Blackwater International, thinks it should. In 2017, he pushed replacing all American troops in Afghanistan with contractors—in other words, privatizing the war in Afghanistan with 100 percent mercenaries. Invoking neocolonialism, he insisted an American “Viceroy” backed by a mercenary army could fix the place. A year later, he posted a short video on the Internet titled *The Way Forward in Afghanistan*. In it, he lambasts senior military leadership. “The Pentagon does what it does and wanted to keep doing the same thing it has done for the last 17 years,” Prince states in the video, calling the Pentagon’s plans “the definition of insanity.” Instead, he states the Central Intelligence Agency (CIA) and 6,000 mercenaries should take charge of the conflict, ending it.²⁴ Outlandish as this might seem, Prince’s proposal has attracted national media attention.

How did we get here? Surely the world’s sole superpower has no need of hired guns. It has it all: the best troops, training, technology, equipment, and resources. But it does not have the will, and this is why it turns to military contractors. Contracting enables bloodless wars, at least from the perspective of the client. Like super technology, mercenaries are a crutch for a nation that wants to fight but does not wish to bleed. This happened not by design but rather by accident. There was an unanticipated collision between American domestic politics and the all-volunteer military, a source of national pride. When the United States went to war in Iraq and Afghanistan, the White House assumed they would be short conflicts. “Five days or five weeks or five months, but it certainly isn’t going to last any longer than that,” Secretary of Defense Donald Rumsfeld stated on the eve of the Iraq War. The U.S. military can “do the job and finish it fast.”²⁵ Over a decade later, America is still entangled in both places, unwilling to admit defeat but unable to declare victory.

Soon Iraq and Afghanistan together became “The Long War,” as journalists dubbed it, and America’s all-volunteer force discovered it could not recruit enough volunteers to sustain them. This left policymakers with three terrible options. First, they could withdraw and concede defeat in disgrace. Second, they could reinstate a national draft to fill the ranks, like during the Vietnam War. This would be political suicide. Third, they could use contractors to fill the ranks, relying on them mostly for nonlethal tasks. Unsurprisingly, policymakers chose contractors.

Few realize that most of the contractors who fight in U.S. wars are not even American. To keep costs down, military companies hire personnel from the developing world where military labor is cheap, making these firms densely international. According to a Department of Defense (DOD) report, nearly 50,000 contractors worked for U.S. Central Command in 2018. Of these, only 20,000 were American. Most of these contractors were unarmed and performing nonmilitary jobs, therefore not mercenaries. There were 2,002 armed contractors, 746 of whom were Americans and 1,256 whom were foreigners.²⁶

When I was in the industry, I worked alongside ex-special forces troops from places like the Philippines, Colombia, and South Africa. We did the same missions, but they got developing world wages and I did not. Mercenaries are just like T-shirts; they are cheaper in developing countries. Call it the globalization of private force. What is significant for the future of the industry is that these foreigners have gained valuable trade knowledge that can be exported around the world, in search of new clients once the United States does not renew its contract. This spreads mercenarism.

U.S. outsourcing of security has normalized the market for force, inspiring warlords and other conflict entrepreneurs to start their own private military companies. Today, most of the private military companies operating in Iraq and Afghanistan are local and less picky than their U.S. counterparts about whom they work for and what they do. The United States is partly to blame. For example, take its “Host Nation Trucking” contract in 2010. Under this \$2.16 billion contract, the U.S. Army hired eight civilian trucking firms to transport supplies to bases in Afghanistan, and also required the companies to provide their own security. In some ways this arrangement worked well; it effectively supplied most U.S. combat outposts across difficult and hostile terrain while only rarely needing the assistance of U.S. troops. However, a U.S. congressional investigation revealed that most of the prime contractors hired local Afghan private military companies for armed protection of the trucking convoys. The congressional report, titled *Warlord, Inc.*, found that

*the principal private security subcontractors on the [Host Nation Trucking] contract are warlords, strongmen, commanders, and militia leaders who compete with the Afghan central government for power and authority. Providing “protection” services for the United States supply chain empowers these warlords with money, legitimacy, and a raison d’être for their private armies.*²⁷

Like the medieval market for force, the report concludes that these indigenous “private armies” fuel warlordism, extortion, corruption, and likely collaboration with the enemy. It determined that “the logistics contract has an outsized strategic impact on U.S. objectives in Afghanistan.”²⁸

That same year a U.S. Senate report confirmed the localization of the industry. In a comprehensive investigation into private military companies, the Senate discovered that the industry was going native or, as one observer explained, “What used to be called warlord militias are now Private Security Companies.”²⁹ American and British private military companies unwittingly produced the native industry by creating local subcontractors that went into business for themselves. For example, the British firm ArmorGroup subcontracted two Afghan security companies that it called “Mr. White” and “Mr. Pink” to provide a guard force. The Senate investigation found evidence that they were linked to murder, kidnapping, bribery, and anti-coalition activities, and concluded that the “proliferation of private security personnel in Afghanistan is inconsistent with the counterinsurgency strategy.”³⁰

Problematically, the only local organizations in conflict-affected states capable of providing private security are warlords, militias, and insurgents who swell the ranks of the marketplace. Bagram Air Base, a strategic U.S. military facility in Afghanistan, employed a local security company run by Asil Khan, a former commander in the Northern Alliance, a guerrilla fighting force. The Afghanistan company Navin also supplied a guard force of 500 men and armed convoy escorts to the air base and is owned by former mujahideen commander Lutfullah. A now-defunct American company called U.S. Protection and Investigations partnered with Northern Alliance military commanders like General Din Mohammad Jurat to provide protection to former militia members. Other examples of indigenous Afghan paramilitary firms include Watan Risk Management, Kandahar Security

Group, Strategic Security Solutions International, NCL Holdings, Elite Security Services, and Asia Security Group. This model of force provision did not exist before the United States arrived.

In some cases, these native mercenary groups have restored order yet undermined the very institutions the Americans sought to build—a public police force, a national army, provincial administrations—elements of a Westphalian state. For example, Commando Security is a company that escorts convoys between Kandahar and Helmand Province to the west. Ruhullah, the company's chief, is suspected of colluding with the Taliban, like most of his peers. According to one official at the Interior Ministry, the “rule seems to be, if the attack is small, then crush it. But if the presence of Taliban is too big to crush, then make a deal.” However, bribing the enemy does not eradicate the problem and perhaps makes it worse. Afghan officials believe another company called Watan Risk Management secretly pays the Taliban to attack North Atlantic Treaty Organization (NATO) convoys in order to keep the private military companies in business. Supply can generate its own demand in a free market for force.

Like medieval mercenaries, this new breed of mercenary can prove overly brutal when executing contracts, with little or no concern for human rights. Ruhullah deals ruthlessly with those who impede the flow of his trucks regardless of whether they are Taliban or civilian. “He’s laid waste to entire villages,” stated one Afghan official. Watan Risk Management and Compass Security were both banned from escorting NATO convoys on the highway between Kabul and Kandahar after a pair of bloody confrontations with Afghan civilians. The industry’s over-utilization of subcontractors or “subs” has produced an indigenous free market for force, replete with homegrown mercenaries. When asked about why NATO would contract these native private military companies, one senior NATO official stated, speaking on the condition of anonymity, “I can’t tell you about the sub to the sub to the sub.”³¹

All this has led to major investment in private warfare, making war even bigger business. The market for force’s value remains unknown since there is no Bureau of Labor and Statistics for mercenaries. DOD spent about \$160 billion on private security contractors from 2007–2012, worth almost four times the United Kingdom’s entire defense budget.³² Moreover, this entails only military contracts

and does not include those paid by other government agencies. For example, Blackwater was on a State Department contract during the Nisour Square incident. The total amount the United States paid for private security is unknown, and even Congress does not know despite the fact that it writes the checks.

Contracting is now part of the American way of war. It is one of the few issues in Washington that enjoys true bipartisan support, as Republican and Democratic White Houses rely on military contractors more and more, perhaps for the wrong reasons. The implications are significant, especially for civil-military relations and democratic control of the armed forces, since using contractors may allow the executive branch to circumnavigate congressional oversight. Additionally, the United States has grown strategically dependent on the private sector to sustain wars, creating vulnerabilities that a clever adversary could exploit.

Market Globalization

Heavy U.S. reliance on military contractors has catalyzed the international mercenary trade, with supply and demand diversifying and expanding in chilling ways. On the supply side, the United States has marshaled a global labor pool of mercenaries. Thousands of mercenaries got their start in Iraq or Afghanistan, and when those wars shrank, they set out looking for new conflict markets (that is, war zones) around the world, enlarging the wars there. The wars in Iraq and Afghanistan allowed the private military industry to mature, with networks of mercenaries established and some modicum of best practices. Others are imitating the American model, and every day new private military groups emerge from countries like Russia, Uganda, Iraq, Afghanistan, and Colombia. Their services are more robust than Blackwater, offering greater combat power and the willingness to work for the highest bidder with scant regard for human rights. They are mercenary in every sense of the word.

On the demand side, the United States has de facto legitimized mercenaries by using them so heavily. Can the United States really tell Russia not to use private military troops in Syria? No, it cannot. New consumers are appearing everywhere, seeking security in an insecure world: oil and mining companies guarding their drill sites against militias, shipping lines defending their vessels against pirates,

humanitarian organizations protecting their workers in dangerous locations, oligarchs who need professional muscle, countries that want to wage proxy wars, regimes fighting civil wars, guerrillas fighting back, and the super rich for any reason you can think of, no matter how petty.

The mercenary trade is growing because mercenaries offer what clients want. It is simple supply and demand. One attraction is the industry's covert nature. When you want to keep a secret, sometimes the private sector is murkier than government agencies. In the United States, for example, researchers possess tools to investigate public sector actors, such as the military and CIA, using the Freedom of Information Act or public hearings on Capitol Hill. Alternatively, they cultivate leakers and other "unnamed sources" for information. Leakers are ubiquitous in Washington and rarely held accountable.

Not so in the private sector. Private military companies hide behind "proprietary knowledge," claiming every piece of information is a trade secret. Even employees' emails are considered proprietary, no matter how trivial. These firms fire employees who talk to the press, and sometimes large firms threaten media outlets with multimillion-dollar lawsuits to chill free press. Government agencies do not do this, as evidenced by the landslide of military memoirs of secret operations during the Iraq and Afghanistan wars.

An example of the public sector's laxness is *No Easy Day: The Firsthand Account of the Mission that Killed Osama Bin Laden*.³³ The book was written by Navy SEAL Matt Bissonnette under the pen name Mark Owen and it detailed the highly classified mission to kill bin Laden. DOD did nothing. At least, not immediately. Four years later they ordered Bissonnette to return his royalties of \$6.8 million to the U.S. Government, but Owen was not tried as a felon for releasing classified information.

If you want to keep a government secret, sometimes the private sector is better than the Pentagon or CIA. This is attractive to some officials and a way of circumventing democratic accountability of the Armed Forces. For example, take the problem of mission creep. DOD uses contractors in war zones to get around Presidentially mandated troop caps, since contractors do not count as "boots on the ground." In 2016, President Barack Obama capped troop levels in Afghanistan

at 4,647. By 2017, that number crept to 9,800 troops, supported by more than 26,000 contractors—nearly a 3 to 1 ratio.³⁴ Contractors enable mission creep by allowing DOD to “do more with less,” although it erodes civilian control of the military.

Plausible deniability is another reason why the industry is flourishing. When a job is too politically risky, contractors are sometimes used because they can be disavowed if the mission fails. Not so with the CIA or military. Special operations forces and CIA operatives do not get left behind, and this can be embarrassing for a nation caught running covert operations. Contractors can be abandoned with minimal political fallout. Americans do not fuss over contractor casualties, unlike dead Marines. Tellingly, Senator Obama sponsored a bill in 2007 to make armed contractors more accountable, a bill that President Obama later ignored.³⁵ Russia uses mercenaries like the Wagner Group in Ukraine and Syria while denying involvement in those countries. Nigeria initially repudiated media reports of them employing mercenaries against Boko Haram, until it became too difficult to deny. Contractors are invisible people, making them a stealth weapon in more ways than one.

Contractors are also cheaper, just as they have been for thousands of years. The Congressional Budget Office, a nonpartisan Federal agency that provides budget and economic information to Congress, found that an infantry battalion at war costs \$110 million a year, while a comparable private military unit totals \$99 million. In peacetime, the costs savings are even greater; the infantry unit costs \$60 million, and the contractors cost nothing since their contract would be terminated.³⁶ From 1995 to 1997, Executive Outcomes was paid \$1.2 million a month to put down a rebellion in Sierra Leone—which it did—whereas UN forces swallowed up \$47 million a month doing nothing.³⁷ Renting is cheaper than owning, and business excels at efficiency compared to the public sector.

The cost of these savings may come at a high price. Mercenaries are not like army reservists, to be used only when you need them. Military contractors do not reintegrate into the civilian workforce after a war but instead look for new employers because they are profit-maximizing entities. Worse, linking profit motive

with killing encourages more war and suffering, making another Nisour Square incident inevitable.

There are many reasons why private military contractors are a growth industry, but most of them are dubious. The U.S. national security establishment dismisses the issue, but the trend is clear. Forty years ago, the idea of using armed contractors was anathema to policymakers. Now it is routine. This is not a Democratic versus Republican issue, but an American one. Since the 1990s, Presidents of both parties have used military contractors. More disturbing, others around the world are imitating this model, and it is evolving into a global free market for force.

A Glimpse Inside the Mercenary World

Little is publicly known about the cagey world of mercenaries. Government intelligence agencies ignore them. Journalists' and academics' investigations are anemic because the industry is media-phobic, owing to the clandestine nature of its work. Reporters are rarely able to interview mercenaries and can only record events surrounding the industry. Academics depend almost entirely on the work of journalists for their analyses and too often contort their findings with inappropriate theory.

What follows is an optic into the mercenary world. It is not comprehensive, but such a study is not feasible. Mercenaries are an illicit economy, like drug-traffickers and terrorist networks, and they resist investigation. What follows is informed by non-attributional interviews with active members of the industry, the author's 15 years of closely monitoring this issue, and his own experiences inside the industry.

Mercenaries are not the caricatures depicted in movies. They are complex people, like all people. It is true that some seek the lifestyle because they want to go rogue, but most do not. When I was in the field, I met guns for hire with all sorts of stories: some wanted adventure, others needed a paycheck, a lot were more comfortable with war than peace, a few wished to help others (amazing but true), and many just did not have a life plan.

Being a military contractor has its practical appeals, too. A lot of American troops were deployed multiple times to Iraq and Afghanistan. Meanwhile, their home life was imploding: wife living with another man and filing for divorce, kids not recognizing their dad, personal bankruptcy, and post-traumatic stress disorder. Rates of suicide, divorce, and domestic violence spiked among Servicemembers during the Iraq and Afghanistan wars.³⁸ If a soldier refuses to go on deployment, he is court martialed. By contrast, a contractor can always say “no thanks” to a job. A lot of American contractors I met signed up because they wanted their life back.

Almost all mercenaries have military or national police backgrounds. There are no mercenary basic training camps, so everyone starts somewhere else, usually in a national army. Some of the larger military companies are associated with particular military units. In the U.S. market, for example, MPRI was mostly 82nd Airborne Division vets back in the 1990s and early 2000s, until it was bought by L-3. Triple Canopy was founded by ex-Delta Force Soldiers, and its name refers to the U.S. Army’s three elite tabs—Special Forces, Ranger, and Airborne—worn on the uniform’s left sleeve, signaling a super elite Soldier. Troops joke they look like three parachute canopies, one above the other, hence the moniker “triple canopy.” Blackwater was founded by former Navy SEALs and the name refers to covert underwater missions at night, nicknamed “blackwater” operations because there is zero visibility. A lot of military firms embed dog whistles to signal their credentials to attract high-end troops.

The author has never met or heard of a female mercenary.

A dangerous trend is occurring in today’s market for force—it is bifurcating. Modern soldiers of fortune have a choice between overt or covert mercenary groups, and it is uncertain which one will dominate. This is important because it may influence future war, specifically who, how, and why people fight.

Overt private warriors seek legitimacy and wish to work in the open. They rebuff the mercenary label and call themselves private security companies, advocating full transparency and accountability according to the International Organization for Standardization (ISO) 28007 and ISO 18788³⁹ business standards. Examples include companies like Hart Security, Janus Global Operations, Olive

Group (Constellis), Chenega Security, and Patriot Group International. Some, such as GardaWorld and AEGIS Security & Investigations, even undergo third-party audits and certification processes in accordance with the American Society for Industrial Security (ASIS) PSC.1-2012⁴⁰ management standard, which had worked with the American National Standards Institute (ANSI) to define operational standards for security companies operating in areas of armed conflict. Another facilitating organization is the International Code of Conduct Association (ICOCA), a Swiss initiative that establishes industry standards that comply with human rights and international law. From a company's perspective, the business model is simple: If you get certified by ANSI/ASIS PSC.1-2012 for quality management, marquee clients such as the U.S. Government and big oil companies are more likely to hire you. Most of this business takes place in Washington, DC, New York, London, and Dubai.

However, overt actors may disappear. Many in the industry view ANSI/ASIS PSC.1-2012 and ICOCA standards as having more of a marketing value rather than a commitment to best practices. Or, put another way, it is busywork good for public relations and little else. A few CEOs confided in me their frustration with the certification process as too much burden for too little reward. Like corporate social responsibility, companies will abandon these efforts if the cost-benefit ratio turns negative.

The overt business model is struggling, as marquee clients do not seem more likely to hire certified security providers. In interviews, ICOCA staff are aware they need to drive up the demand signal to keep their membership engaged, but demand for overt or "legitimate" private security firms has severely dipped since the United States left Iraq and has reduced its footprint in Afghanistan. This is driving the entire industry underground, as it seeks new opportunities from clients not interested in transparency. This would end the world's only effort for an open and accountable market for force, resulting in secret wars with scant regard for human rights or anything else. War could get medieval. The only way to prevent this future is counterintuitive. Governments, international organizations, NGOs, and other clients who claim they want a responsible private security sector should consider employing overt actors, rather than let them literally slip to the

dark side. Customers can pool their market power, like a cartel, to enforce their best practices. This would shape the industry in fundamental ways, but this opportunity is fading.

The covert side of the market for force is far more dangerous. Mercenaries are hired for plausible deniability and therefore operate in the shadows. Few know the identity of the mercenaries operating in Syria, Ukraine, Nigeria, Yemen, and elsewhere. Fewer still know who exactly retained them and what they paid. Underground soldiers of fortune are employed for many reasons. Some consumers, like oil companies, want mercenaries because they have no security forces of their own and renting them may be preferable to relying on corrupt and incompetent host nation forces. Others, like Nigeria, have security forces but need a niche capability, such as Mil Mi-24 Hind attack helicopters or special operations forces teams. Still, others hire mercenaries to do things they do not want their own people doing, like human rights abuse. Historically, plausible deniability has always been a strong selling point of soldiers for hire.

How do you hire mercenaries? Overt actors seek public channels, such as their Web site and Internet job sites. Covert operations are a word-of-mouth business. Mercenaries form informal networks of shared military background, contacts, cultural identity, language, and so forth. When you make a deal with a client and initiate an operation, you recruit by tapping your network. Trusted colleagues also recruit and vouch for their hires. Contrary to Hollywood depictions, reputation is the primary currency in the mercenary world, with money second. Those who forget this get burned. In 2004, mercenaries attempted a takeover of oil-rich Equatorial Guinea. Known as the Wonga Coup, it failed because of poor operational security. An individual recruited for the coup told South African, British, and American authorities of the plan, leading to the arrest of most of the mercenaries.

A key problem in a word-of-mouth business are charlatans, and the mercenary world has many. Good recruiters can spot them with a few qualifying questions, such as: What unit were you in? What years? Who was your commander? What operations did you conduct? Did you know Sergeant Bill Smith? What was he like? Also, detailed questions about training works well. For example, if someone claims they graduated from the U.S. Army's Jungle Warfare School, having

them describe what they did on a day-to-day basis easily separates the frauds from the qualified. You cannot fake it. However, this method does not scale well for large recruitment drives.

There are two ways to find work as a covert mercenary. When you make a deal with a client and initiate an operation, you first recruit by tapping your network. Mercenaries form informal networks based on shared military background, contacts, cultural identity, language, and so forth. There are five major mercenary networks today: the United States, the United Kingdom, the former Soviet republics, Latin American special operations forces, and the Executive Outcomes “alumnae” network in Africa. China has a small market share but could dominate the industry by sheer numbers should it grow into an active network.

Alternatively, a lone soldier of fortune could show up at a conflict market (war zone) and look for vacancies. Places like the Middle East, Sub-Saharan Africa, and Afghanistan are typical. Some hope Latin America might open up, given the drug wars, or the UN might hire peacekeepers. Unfortunately, the UN suffers a bad reputation as a delinquent payer. Known mercenary hangouts include Irbil, Kampala, Abu Dhabi, and Dubai. However, this can be a dodgy way to find work. It is better to be pulled into a contract by a trusted associate than submitting to happenstance. Worse, you could be mistaken for a journalist going undercover for a story. Covert mercenaries hug the darkness and may thump those who threaten to expose them. Conflict areas are not known for their rule of law, and few ask about people who disappear.

Outside observers often assume mercenaries get paid huge sums of money. This is inaccurate. Overt actors pay less than covert ones but offer steadier work. During the Iraq War, contractors typically made about twice their old military salary, which is not much if you think about the risks. For example, wounded contractors get immediate first aid but are otherwise sent home to fend for themselves. Nor do contractors enjoy retirement or veteran benefits. The money on the covert side is bigger, but so are the risks. An elite mercenary can earn four figures a week—usually in U.S. dollars, typically through the British Virgin Islands or other places with strong bank secrecy laws and weak extradition practices. There are

rumors that ex-SEALs can make up to \$10,000 a day working for Abu Dhabi on Yemeni issues; if this is true, it is exceptional.

One of the oldest problems of the trade is contract enforcement. In other words, getting paid. There are no courts to sue in, and consequently mercenaries and their masters swindle each other. The Middle Ages and early Renaissance were full of such scandal, as Machiavelli attests. Today, some mercenaries and clients overcome the problem of trust by forming joint ventures in mutual business interests. This may sound odd but it aligns their profit motives. For example, Executive Outcomes secured diamond mines from a rebel group in Sierra Leone and was paid in cash and shares in the mines' profits. More recently, the Syrian government offered oil and mining concessions to Russian oil companies and their mercenaries, such as Wagner Group, on the condition that they liberate them from IS. Going into business together creates a sticky bond that helps guarantee good behavior all around.

In truth, the distance between overt and covert actors is minimal: If you can do one, then you can do the other. The qualifications are similar and the core personnel swappable. The main difference between them is the nature of contract and market circumstances. Today's mercenaries offer a plethora of skillsets, but they all provide a few basic services:

- ◆ **Training.** Mercenaries can improve a client's existing security forces or build a new one. The author honed Burundi's elite Presidential Guard and helped build Liberia's military "from scratch." This required buying and shipping arms from Eastern Europe. Training and equipping are staples of today's military industry.

- ◆ **Protective Services.** Mercenaries can protect a client's people, places, and things. These are defensive operations and there are a few types. First is static defense, such as guarding oil pipelines or client compounds in hostile territory. Second is mobile security for moving people, and convoy security for transporting cargo through high-risk environments. Third are personal security details, or bodyguard work, in dangerous places. Some firms offer specialized skills such as maritime security, bomb detection and disposal, demining and unexploded ordnance removal,

or bug sweeps, known as technical surveillance countermeasures. The niche market is broad.

- ◆ **Strategic Reconnaissance.** This involves walking the ground, usually in a denied area, to gain information or “ground truth.” Sometimes this is the only way to learn what is actually happening. Examples include verifying an asset like a copper mine exists, profiling an opposition group, or probing someone’s defenses. Here, overt and covert actors differ. Overt companies will avoid violating the law and will not conceal their identity if caught, making their services anemic. Covert actors will infiltrate hostile territory under false pretenses, may violate the law, and will conduct necessary clandestine actions to achieve the mission.

- ◆ **Direct Action.** These are offensive military operations and only covert operators conduct such missions. This includes search and destroy missions, seizing denied assets by force, capturing specified people, rescuing friendlies in hostile territory, ambushing a target, or raiding an adversary’s territory. People die.

Occasionally, mercenaries are retained by private intelligence agencies, another secretive world. In fact, a few companies like AEGIS Security & Investigations and Control Risks offer both private military and intelligence services. Few have heard of private intelligence companies, and that is by design. They offer investigative services for corporate due diligence or litigation support. However, a few are agents of plausible deniability, providing rare skills and acting as cut outs for clients. Because of this they shun publicity and advertise by word of mouth with a minimal Web presence. Examples of private intelligence companies include Hakluyt & Company, Veracity Worldwide, and Black Cube. These are not Ph.D. nerds estimating political risk by formula. Rather, they are ex-CIA, Secret Intelligence Service (MI6), Mossad, Federal Bureau of Investigation (FBI), DOD, and others with experience running human intelligence networks to obtain sensitive information, or what the industry calls “hard-to-get elicitation.”

Who needs their own CIA? Anyone dealing in dangerous places where everyone lies to you—for example, oil companies operating in the Middle East or multinational corporations working in Africa. The financial services industry hires them for tough due diligence investigations in places such as Nigeria or Russia, where

corruption is endemic. Insurance companies use them for political risk analysis, especially regarding foreign country stability, nationalization of client assets, and likelihood of armed conflict. Law firms retain them for litigation support, and the super wealthy hire them for whatever they want. They are sometimes hired to spy on competitors and perform dirty tricks. Governments are the one client this industry will refuse. Private intelligence companies support commercial diplomacy that minimizes official involvement, and accepting government contracts would cost them private-sector customers.

In terms of staff, most private intelligence agencies are small. Many are founded by ex-spooks, but their core staff often includes former journalists, FBI investigators, corporate lawyers, ex-military, and fresh college graduates. Beyond this, they rely on a global network of subcontractors, or “stringers,” for project work. Stringers can range from a retired CIA chief of station to an overseas journalist to a street urchin. Fees are expensive; a monthly retainer will cost you four to five figures and sometimes more, not including expenses. Due to the sensitivity of their work, these firms only deal with the C-Suite (for example, a CEO or COO), the general counsel’s office, and sometimes corporate security. The industry is based in New York City, London, and Washington, DC.

What private intelligence companies can accomplish is impressive and disturbing in equal measure. Like military companies, private intelligence firms shroud their offerings in euphemisms such as competitive intelligence, risk consulting, security management, strategic advisory services, exotic due diligence, and risk avoidance. What they really do is asset tracing and recovery, international investigations, threat assessment, facilitation or cut-out services, corporate espionage, and “shaping operations”—manipulating situations in favor of client interests. Needless to say, these firms operate in the moral and legal gray areas of world affairs, similar to mercenaries. Perhaps this is one of the gravitational pulls between the two industries.

What little the public knows about private intelligence comes from their failures, which often makes national news. While not the best metric of success, it does provide insight into what these firms do:

◆ **Corporate Espionage.** Spying is more than just observation; it is about obtaining key information by any means necessary. In 2005, Guy Enright, an accountant for KPMG Financial Advisory Services in Bermuda, got a call from MI6. The man spoke in a crisp British accent and stated he needed information about a KPMG project that had national security implications for Britain. Enright, who was born in Britain, agreed to meet. Several meetings later he was depositing confidential audit documents in plastic containers at dead drops for the MI6 officer. Except the spy did not work for MI6 but rather Diligence, Inc., a Washington private intelligence firm. Diligence's client was Barbour, Griffith & Rogers (BGR Group), a formidable lobbying firm. BGR Group's client was a Russian conglomerate whose archrival, IPOC International Growth Fund, Ltd., was being audited by KPMG's Bermuda office.

◆ **Sly Investigations.** When normal fact-finding techniques lead to a dead end or are politically unacceptable, seek out a private intelligence agency. In 2006, Hewlett-Packard suffered embarrassing media stories about internal deliberations. The company's chairperson suspected an insider threat and secretly hired Action Research Group, Inc., to root out the leaker. They obtained the phone records of board members, employees, and journalists by pretexting—calling up phone companies and impersonating individuals seeking their own records. They even considered sneaking into the San Francisco offices of the *Wall Street Journal*, posing as a cleaning crew, to snoop. Soon they discovered the leaker was a disgruntled board member.

◆ **Opposition Research.** As the saying goes, keep your friends close and your enemies closer. That is what Shell and BP did with Greenpeace, an activist environmental group that opposes big oil. They hired Hackluyt & Company to infiltrate Greenpeace, which it did by sending in an undercover agent posing as a left-wing filmmaker to uncover secret plans Greenpeace was making against the oil companies. Undercover personnel can also act as agents of influence to change the minds of key leaders through subtle persuasion and disinformation. It is not just activist groups, either. These companies can infiltrate political parties, labor unions, rival companies, and governments. To a limited extent, they can even get inside armed

groups and criminal networks by turning members through bribery or blackmail, or sending mercenaries on a strategic reconnaissance.

◆ Intimidation. Harvey Weinstein was a titan of Hollywood until his Icarus-like fall in 2017, when more than 80 women accused him of rape, sexual assault, and sexual abuse over a period of 30 years. One of Weinstein's attorneys, David Boies, hired an Israeli private intelligence firm called Black Cube to halt the publication of sexual-misconduct allegations against Weinstein. Black Cube operatives used false identities to "get dirt" on accusers and reporters in order to bully them into silence. Similarly, someone hired Black Cube to disgrace the Iran nuclear deal in American politics. The firm's agents were instructed to find damaging information on officials in the Obama White House who helped negotiate the deal, including unsubstantiated claims that they worked closely with Iran lobbyists for personal profit. However, both projects backfired and made headline news. Black Cube now has its own Wikipedia page, a deathblow in the private intelligence industry.

These are the failures of private intelligence; their successes are impressive and terrifying. Expect both the mercenary and private intelligence industries to grow commensurately with wealthy nonstate actors in the coming decades. The global 1 percent is evolving into a new class of world power as military and intelligence capabilities are privatized and available in the marketplace. These twin industries allow *Fortune* magazine's "Fortune 500" and *Forbes*'s "The World's Billionaires" to become armed and dangerous. Already they are more powerful than most states. Can anyone really argue that Gabon is more influential in world affairs than ExxonMobil simply because it is a state? Now ExxonMobil can have its own intelligence service and army too, making it even more powerful. This introduces the possibility of wars without states—private wars—a concept inconceivable to most national security leaders. This is the danger. You cannot win wars you do not understand.

Understanding Private Warfare

Privatizing war distorts warfare in shocking ways. If conflict is commoditized, then the logic of the marketplace and the strategies of the *souk* apply to war. A

souk is an Arab open market, and it is a good analogy for how private wars work. In a souk, everything is up for sale and must be bartered. Anything goes. Fraud, deception, deceit, and hard bargaining are the watchwords. But so are value, rare finds, and exotic merchandise. Treasures are to be had, and for cheap—if one knows what one is doing. If not, expect to be scammed; this unregulated space is not for amateurs. There are no refunds, returns, or exchanges. Only street savvy buyers should engage and the best advice is also the oldest: *caveat emptor*, Latin for “let the buyer beware.” In the context of war, the implications are grave, as Machiavelli warns us.

Privatizing war changes warfare in dangerous ways. First, private war has its own logic: Clausewitz meets Adam Smith, the father of economics. For-profit warriors are not bound by political considerations or patriotism, one of their chief selling points. They are market actors and their main restraint is not the laws of war but the laws of economics. The implications of this are far-reaching. This introduces new strategic possibilities known to CEOs but alien to generals, putting us at risk.

Second, private war lowers the barriers to entry for war. Mercenaries allow clients to fight without having their own blood on the gambling table, and this creates moral hazard among consumers. Mercenaries are rented forces, and clients may be more carefree about going to war if their people do not have to bleed. Mercenary leaders might not care either if they do not have to fight themselves and instead order others into combat. Private warriors are expendable humans, and this emboldens recklessness that could start and elongate wars.

Third, private war breeds war. It is simple supply and demand as mercenaries and their masters feed off each other. The marketplace works like any other: Mercenaries and clients seek each other out, negotiate prices, and wage war for private gain. This prompts other buyers to do the same in self-defense. As soldiers of fortune flood the market, the price for their services drops and new buyers hire them for additional private wars. This cycle continues until the region is swamped in conflict, as it was in Machiavelli’s day.

Private war’s inclination toward intensification is a result of its economic nature. Clausewitz observed that the nature of absolute war is escalation; privatized

warfare exemplifies this because it is fueled by the profit motive. On the supply side, mercenaries do not want to work themselves out of a job. Instead, they are incentivized to start and elongate conflicts for profit. Out-of-work mercenaries become marauders, preying on the countryside for sustenance and artificially generating demand for their services. Sometimes they engage in racketeering and extortion of the defenseless. There is abundant historical evidence for this. “We find that our [mercenary] forces have cost the country a great deal and done much wanton damage,” declared one ruler during the Thirty Years’ War. “The enemy could not have done worse.”⁴¹

On the demand side, the availability of mercenaries means buyers who had not previously contemplated military action can now do so. The world has already seen multinational corporations, governments, and millionaires hire mercenaries in the past decade; that was not the case two decades ago. The availability of private force lowers the barriers of entry into armed conflict for those who can afford it, tempting even more war.

Fourth, private war creates a security dilemma. In such a dangerous environment buyers retain mercenaries for purely defensive purposes, but this can backfire. Other buyers watch this and suspect the worst, namely a surprise attack, and procure twice as many mercenaries for protection. This prompts the first buyer, who also assumes the worst, to buy even more mercenaries, and soon an arms race ensues. The danger is when all sides escalate and they unleash their forces. This lateral escalation creates a security dilemma because people who do not wish to fight end up doing so anyway. More belligerents are possible in private wars compared to public ones, and therefore there is more chance of this happening.

Fifth, weak contract enforcement and double-crossing is the bane of private warfare. When mercenaries and their masters have a dispute, there are no courts of law to sue for breach of contract. Instead, things are settled by blood and treachery. Greedy mercenaries may wish to traitorously renegotiate their contract with violence, steal their client’s property, or accept bribes from the client’s enemies not to fight. Buyers who do not pay their bills may become victims of their own mercenaries unless they hire a bigger mercenary outfit to chase them off. But this also

invites bigger problems. Since there are no laws of war in private warfare, market failure in this context means savagery.

Wars without states is the antithesis of conventional warfare and why modern militaries are unprepared for it. To them, private war is an oxymoron—a dangerously naïve assumption. Private warfare has been with us for millennia, even though it is forgotten by modern strategists. In a free market for force, business strategies meld with military ones. In other words, private wars are driven less by politics than by political *economy*. Owing to this nuance, the conventional strategic thinker will have problems identifying private wars, much less devising strategies to defeat them.

Strategies for Private Wars

Not all wars without states will be marketized, but many will. Some wars will be political, fought by national armies or insurgents, but they might turn to mercenary help as it becomes available. Modern strategic thought has no logic or grammar for private war; its goals might not even be political in nature. This must be remedied because private warfare is an emerging trend.

In terms of strategy for private war, the Italian Wars (1494–1559) are instructive. They were dominated by mercenaries since no one could afford their own standing army. Machiavelli tried this and Florence paid for his imprudence in blood. The Italian Wars represent private warfare *in extremis*, but maximal examples make phenomenon more transparent. Still, the parallels between then and now are striking. For instance, back then mercenaries were called *condottieri*—literally, “contractors”—who agreed to perform military operations described in a written contract, or *condotte*. Both modern and early contractors sold their services to the highest or most powerful bidder for profit and operated in military units rather than as lone wolf mercenaries often depicted by Hollywood. Both filled their ranks with professional men of arms drawn from different countries and loyal primarily to the paycheck. Both have functioned as private armies, usually offering land-based combat skills rather than naval (or aerial) capabilities and deploying force in a military manner rather than as law enforcement or police.

The Italian Wars teach us that cunning and deception are the watchwords of private warfare, therefore lending itself more to Sun Tzu than Clausewitz. A full historical analysis of the Italian Wars is beyond the scope of this study, but key points can be gleaned.⁴² Below are unique ways to win private wars, divided between buyers (demand side) and force providers (supply side). The marketplace demands an asymmetry of strategy.

Buyers have ample opportunity to swindle mercenaries. Marketplace stratagems include: bribing the enemy's mercenaries to defect, retaining all mercenaries in the area to deny the enemy a defense, and renegeing on paying mercenaries once they complete the military campaign. Sometimes, clients hired a larger mercenary group on a short-term contract to chase off or kill unpaid mercenaries.

Wealthy clients can also wield market power to change the winds of war. For example, they can buy all the mercenaries available in a region, driving prices up, then dump them on the market, driving prices down and creating mayhem for enemies who are dependent on hired guns for survival. Rich actors can bankrupt adversaries by stoking a mercenary arms race or outspending rivals in a war of attrition. Mercenaries have a bigger recruiting pool than national armies, which are limited to their country's citizenry. The mercenary labor pool is global, allowing longer wars of attrition.

Mercenaries enable strategies of cunning and deception. Clients can hire them as agent provocateurs, drawing rivals into wars of the client's choosing. Mercenaries are well-adapted for covert actions and "zero footprint" operations, maximizing plausible deniability for the client. This is useful for conducting wars of atrocity: torture, assassination, intimidation operations, terrorism, civilian massacres, high collateral damage missions, ethnic cleansing, and genocide. Some clients might prefer to outsource human rights violations rather than have their troops caught in the act.

Similarly, clients might hire the private sector for "false flag" operations—for instance, secretly hire mercenaries to instigate a war between one's enemies, reducing them while keeping the client's name out of it. Alternately, one can hire mercenaries for mimicry operations to frame enemies for massacres, terrorism, and other atrocities that provoke a backlash.

Despite Machiavelli's rants, buyers can act unfaithfully toward mercenaries. Knowing the high danger of a mission, a client can misrepresent the threat so that mercenary casualties will be extreme. Once they have achieved the mission the buyer cuts them loose and does not pay them. They will be too weak to challenge the client. There are also amoral hedging strategies. For example, a buyer might contract multiple mercenary units to pursue the same objective without telling them. Each uses different strategic approaches, sometimes working at cross purposes. The client rewards the first unit that completes the mission and the rest are cut loose, unpaid for their sacrifices. Lastly, a client can secretly hire multiple mercenary units to kill each other, thinning out their numbers and making them easier to control or swindle.

Mercenaries can also cheat their masters. Profit motive incentivizes them to start and/or elongate wars. This includes playing multiple potential clients off one another to foster mistrust that leads to more war contracts. Asymmetries of expertise allow force providers to manipulate key military information to influence the client's business decisions in favor of the mercenary's interests. Then there is the classic shakedown strategy: either blackmailing their client for more money at a crucial moment or selling out the client to the enemy for a greater return. Bribery was a powerful weapon during the Italian Wars. Force providers can also act as a cartel by secretly cutting deals among each other and negotiating a war outcome that benefits all mercenaries at the expense of clients. "A rising tide lifts all boats" is an aphorism of economic theory.

Between contracts, mercenaries often sustain themselves through banditry, destabilizing whole regions. For them, it has the added benefit of artificially generating demand for their protection services. This can lead to extortion and racketeering. They threaten to lay waste to a community unless it pays for protection money, similar to the Mafia. Then they try to establish payments on a rotating basis and raise prices whenever possible. Mergers and acquisitions occur in the market for force. One approach is for larger force providers to buy smaller one, giving them market power. Alternatively, they can kill off the competition and become monopolists so they can raise prices.

Another strategy is praetorianism, a term deriving from the infamous Praetorian Guard, the imperial bodyguard of the Roman emperors established by Augustus Caesar. During its 300-year existence, it assassinated 14 emperors, appointed 5, and even sold the office to the highest bidder on one occasion. Mercenaries can hold a weak client hostage and bleed him dry of wealth for as long as possible and then look for a new host when finished. Alternately, they can establish a warlord kingdom to extract wealth from the area. This is especially attractive in highly volatile regions rich in natural resources. Or they can capture a high-value asset like an oil field or small city and sell it back to the owner. When complete, they can ask for a contract to protect it from other mercenaries.

These are just a sampling of strategies peculiar to private warfare. Not one of them is taught in war colleges or studied in civilian security studies programs, leading to a gap in our strategic IQ. Private wars do not behave like public ones and some of the best weapons may not fire bullets. It is possible to undermine mercenaries and their masters, but not by using traditional war strategies.

An Unstoppable Trend

Mercenaries are back, with nothing to impede their growth. To date, Washington has ignored this trend—a dangerous oversight. Mercenaries may not directly threaten the U.S. homeland, but they can challenge American allies and interests across the globe. Annihilating them is a losing strategy. You can kill individuals but not the market conditions that give rise to mercenarism in the first place. Trying to kill your way out of this problem is playing Whac-A-Mole for mercenaries. Unfortunately, other approaches are equally problematic.

The market for force cannot be regulated because mercenaries can kill law enforcement. International public law is feeble and difficult to enforce. One famed legal scholar called it the “vanishing point of law,” since it is followed by courtesy rather than compellence.⁴³ This is especially true with the Law of Armed Conflict. There is no international judiciary, police force, or prisons so there is little consequence for violating the law. Just ask Vladimir Putin, who stole Crimea. Who is going to enter Ukraine and Syria to arrest all those mercenaries? The 82nd Airborne

Division? UN Blue Helmets? Unlikely. Besides, if they did, the mercenaries would probably shoot back.

Some believe accountability can be maintained if Washington places military contractors under the Uniform Code of Military Justice. However, this solves little. First, it does not apply to the bulk of mercenaries today, who are not on a U.S. contract. Second, for those hired by Washington, the solution is impractical. Take, for example, the issue of jurisdiction. What happens if a Colombian private military contractor kills an Afghan family while on an American contract? Does he go to trial in Afghanistan, the United States, Colombia, or nowhere? No one really knows, and a good labor lawyer could probably shred the case in minutes.

Others recommend that the international community hold mercenaries' clients accountable and sue them. This could disincentivize hiring mercenaries and diminish the industry. However, this too has its problems. It is not clear that adequate laws exist around the world for this approach. Even if they did, many buyers in the market for force are states like Russia, Nigeria, and the United Arab Emirates. It would be difficult to sue them and achieve meaningful consequences. Nonstate actors are trickier. If you press them too hard they will move offshore, beyond the reach of the law. Big corporations already do this to evade taxes.

Some think the answer is self-regulation, such as the ICOCA. While a noble effort, it does not apply to covert mercenary actors who are the major threat to international order. They dwell in the shadows and would never sign up to a public registry. It is also questionable whether self-regulation curbs bad behavior among overt actors since a voluntary code of conduct is not a regulation; it is like being a member of a club. The worse that can happen to those caught violating the code is being kicked out of the ICOCA. Such costs are not high enough to bring bad actors to heel.

Some suggest market mechanisms to shape industry behavior. Super-buyers can use their market power to establish "rules of the road" by rewarding good force providers with lucrative contracts while driving the rest out of business. Who is a super-buyer? The United States was during the Iraq and Afghanistan wars, and the UN could be if it privatizes peacekeeping. However, the United States did not do this and the UN probably will not either. Alternatively, a cartel of buyers could

accomplish it, but cartels are tough to maintain because defection is cheap while holding fast is expensive. Or the world could achieve what states did after 1648 and slowly monopolize the market. For this to work, all countries would have to pool their resources to abolish mercenarism in a unified front for decades to come. World peace might be easier.

Unfortunately, mercenaries are here to stay. Those who think the private military industry can be safely ignored, regulated, or categorically banned are too late. After 150 years underground, the market for force has returned in just two decades and it is growing at an alarming rate. As the market expands, security will become a good investment and fuel the marketplace in a self-feeding loop. New consumers will seek security in an increasingly insecure world and new mercenaries will pop up to meet their demand. Expect future conflict markets in the usual global hot spots. However, introducing an industry vested in conflict into the most conflict-prone places on Earth is vexing since it exacerbates war and misery.

The re-emergence of mercenaries is one of the most dangerous trends of our time, yet it is invisible to most observers. That is by design. The implications of a resurrected market for force in world affairs are substantial. Offering the means of war to anyone who can afford it will transform warfare and the future of war. If money can buy firepower, then large corporations and the super-rich will become a new kind of superpower. This will rewrite the rules of global order, not seen since 1648. Who, how, and why people fight will change, and there will be wars without states, accelerating global chaos. Like the issue of terrorism in the 1990s, we need to boost our strategic IQ on private warfare or suffer a strategic surprise.

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Notes

¹Thomas Gibbons-Neff, “How a 4-Hour Battle Between Russian Mercenaries and U.S. Commandoes Unfolded in Syria,” *New York Times*, May 24, 2018, available at <www.nytimes.com/2018/05/24/world/middleeast/american-commandos-russian-mercenaries-syria.html>; “U.S. Forces Deploy to Conoco Gas Plant in Anticipation of Iranian Advance,” *Alsouria Net*, February 18, 2018, available at <http://syrianobserver.com/EN/News/33850/U_S_Forces_Deploy_Conoco_Gas_Plant_Anticipation_Iranian_Advance>.

²A notable exception is the Private Security Monitor project at the Sié Chéou-Kang Center for International Security and Diplomacy at the University of Denver’s Josef Korbel School of International Studies. The project is under the direction of Deborah Avant, a longtime expert in this issue. Details are available at <<http://psm.du.edu/index.html>>.

³To accomplish this, the United Nations (UN) would have to establish a licensing and registration regime that all industry members must observe in order to prequalify for contracts with the organization. This would entail clear standards and policies regulating all industry activities plus clear mechanisms of oversight and accountability. At a minimum, this regime should include the following elements: registration criteria, ethical code of conduct, employee vetting standards, mechanisms of transparency and accountability, permissible clients (that is, sanctioned by the UN Security Council), training and safety standards, contractual standards, and compliance enforcement mechanisms such as audits. Contract instruments must be in place to ensure swift deployment of private military companies should a humanitarian catastrophe arise. It would be impermissible to lose a key advantage of the private sector’s rapid response and surge capacity to bureaucratic dithering.

⁴Harvey Morris, “Activists Turn to Blackwater for Darfur Help,” *Financial Times*, June 18, 2008, available at <www.ft.com/content/4699eda6-3d65-11dd-bbb5-0000779fd2ac>.

⁵International Organization for Standardization (ISO) 28007-1:2015, *Ships and Marine Technology: Guidelines for Private Maritime Security Companies (PMSC) Providing Privately Contracted Armed Security Personnel (PCASP) on Board Ships (and Pro Forma Contract)* (Geneva: ISO, April 1, 2015).

⁶For more on this, see Heather Elms and Robert A. Phillips, “Private Security Companies and Institutional Legitimacy: Corporate and Stakeholder Responsibility,” *Business Ethics Quarterly* 19, no. 3 (2009), 403–432; Deborah D. Avant, “Pragmatic Networks and Transnational Governance of Private Military and Security Services,” *International Studies Quarterly* 60, no. 2 (2016), 330–342; Andreas Kruck, “Theorising the Use of Private Military and Security Companies: A Synthetic Perspective,” *Journal of International Relations and Development* 17, no. 1 (2014), 112–141; and James Pattison, *The Morality of Private War: The Challenge of Private Military and Security Companies* (Oxford: Oxford University Press, 2014).

⁷“Excerpts from Army Maj. Gen. Eldon A. Bargewell’s Report,” *Washington Post*, April 21, 2007.

⁸Niccolò Machiavelli, *The Prince and Other Works*, trans. Allan H. Gilbert (New York: Hendricks House, 1964), 131.

⁹I am grateful to the Archivio di Stato di Firenze for their research support. On scholarly critique regarding Machiavelli, see Quentin Skinner, *Machiavelli: A Very Short Introduction* (Oxford: Oxford University Press, 2000), 36–37; Christopher Coker, *Barbarous Philosophers: Reflections on the Nature of War from Heraclitus to Heisenberg* (New York: Columbia University Press, 2010), 139–151; James Jay Carafano, *Private Sector, Public Wars: Contractors in Combat—Afghanistan, Iraq, and Future Conflicts* (Westport, CT: Praeger Security International, 2008), 19; Sarah Percy, *Mercenaries: The History of a Norm in International Relations* (New York: Oxford University Press, 2007).

¹⁰See Jeremiah 46:20–21; 2 Samuel 10:6; 1 Chronicles 19:7; 2 Kings 11:4; 2 Chronicles 25:6; 2 Kings 7:6–7; 2 Samuel 10:6; 1 Chronicles 19:6–7; and 2 Chronicles 25:5–6.

¹¹Examples of big battles include White Mountain (1620), Breitenfeld (1631), Lützen (1632), Nördlingen (1634), Wittstock (1636), and Rocroi (1643). Armies consisted mostly of foreign mercenaries. For example, the majority of Sweden’s military was mercenary, a significant number given that Sweden was a military superpower at the time and King Gustavus Adolphus was one of the great innovators of maneuver warfare. At the Battle of Breitenfeld, only 20 percent of Sweden’s army consisted of Swedes, and at the Battle of Lutzen the figure was 18 percent. This was typical of the time. See Geoffrey Parker, *Europe in Crisis, 1598–1648* (Oxford: Wiley-Blackwell, 2001), 17.

¹²Franco Sacchetti, *Il Trecentonovelle*, novella CLXXXI (Torino: Einaudi, 1970), 528–529. For more on this period, see William Caferro, *John Hawkwood: An English Mercenary in Fourteenth-Century Italy* (Baltimore, MD: Johns Hopkins University Press, 2006).

¹³For instance, in 1919 the eminent German sociologist Max Weber defined the *state* as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.” This definition remains widely used today, and states that cannot maintain a monopoly of force and endure civil war or frequent violent crime are routinely described as “weak,” “fragile,” or “failed” states. See H.H. Gerth and C. Wright Mills, eds., *From Max Weber: Essays in Sociology* (London: Routledge, 2003), 77–128.

¹⁴The Katanga secession and Congo Crisis of 1960–1968 attracted hundreds of mercenaries, some known as Les Affreux (The Frightfuls), and included the Irishman “Mad” Mike Hoare and the Frenchman Bob Denard. Their exploits informed the novel *The Wild Geese* by Daniel Carney and the 1978 film by the same name, for which Hoare was a technical advisor. There is also the film *The Dogs of War* (1980), based on a Frederick Forsyth novel, inspired by the life of Denard. For a modern account of mercenaries, the author recommends the Tom Locke novel series (William Morrow).

¹⁵International Committee of the Red Cross, “Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977,” Geneva, Switzerland, May 2010, available at <www.icrc.org/eng/assets/files/other/icrc_002_0321.pdf>.

¹⁶Originally quoted in Geoffrey Best, *Humanity in Warfare* (New York: Columbia University Press, 1980), 375.

¹⁷Francis Fukuyama, “The End of History?” *The National Interest*, no. 16 (Summer 1989), 4.

¹⁸Kendra Dupuy et al., “Trends in Armed Conflict, 1946–2015,” Peace Research Institute Oslo (August 2016), available at <www.prio.org/utility/DownloadFile.ashx?id=15&type=publicationfile>. For other studies, see “COW War Data, 1816–2007 (v4.0),” The Correlates of War Project, last updated December 8, 2011, available at <www.correlatesofwar.org/data-sets>; Meredith Reid Sarkees and Frank Wayman, *Resort to War: 1816–2007* (Washington, DC: CQ Press, 2010); Uppsala Conflict Data Program/Department of Peace and Conflict Research, Uppsala Universitet, December 31, 2016, available at <www.ucdp.uu.se/gpdatabase/search.php>; see also Nils Petter Gleditsch et al., “Armed Conflict 1946–2001: A New Dataset,” *Journal of Peace Research* 39, no. 5 (2002), 615–637; see also Kalevi Holsti, *Kalevi Holsti: Major Texts on War, the State, Peace, and International Order* (Cham, Switzerland: Springer International Publishing AG, 2016), 42.

¹⁹*The National Security Strategy of the United States of America* (Washington, DC: The White House, 2002), 1.

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