

## The Modern Mercenary: Private Armies and What They Mean for World Order

By Sean McFate  
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### REVIEWED BY DOUG BROOKS

**D**r. Sean McFate is an academic, an Associate Professor at the National Defense University, but what makes his book *The Modern Mercenary* so worthwhile is his combination of military and real-world contracting backgrounds blended with an incisive historical knowledge of the subject matter. *The Modern Mercenary* seats the evolution of the unique stability operations industry, and especially the subset of international private security companies, into a larger historical context. It is an industry that has featured in the headlines for the past ten years for its operations in Afghanistan, Iraq and many places in Africa, but too often for the wrong reasons. McFate describes the value of the industry, parallels with the past, and then looks at how international contractors, especially the armed ones, can be controlled while

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providing valuable services to the international community and even the United Nations.

The *Modern Mercenary* offers an overview and analysis of the contractors who are supporting U.S. efforts in Afghanistan and Iraq, as well in almost every conflict and stability operation that the United States has been involved in for the past quarter century. The majority of McFate's historical insights come from his comparisons with the *Condottieri* of medieval Italy, the mercenary troops that dominated warfare there for centuries. He examines the motivations, incentives, and especially the shortcomings that the Italian city states faced when hiring foreign soldiers and entire armies in the days before professional citizen soldiers became the norm.

Extrapolating from the *Condottieri* model, McFate suggests that we have entered a new era of neomedievalism, "a non-state-centric and multipolar world order characterized by overlapping authorities and allegiances." This neomedievalism model does provide a compelling description of contemporary international relations. Sovereigns of the Middle Ages shared authority with the Pope, powerful warlords, and others which made for complex politics and intrigues. Compare that reality to today's circumstances: modern states are hardly the sole authority; numerous other actors are seen as valid authorities or voices as well, including NGOs, the UN, international courts, multi-national companies, and even international terrorist or criminal networks. In a truly Westphalian state-centric system, sovereigns would not feel so compelled to respond to allegations of human rights violations against their own people by Amnesty International, for instance, or fear the reach of international justice, or have to contend with giant corporations whose resources dwarf the

GNP of many small countries. While the Pope's influence is not what it was a few centuries ago, NGOs, corporations and international organizations (including the Holy See) have stepped in to fill the vacuum and influence human events in ways that most states can only envy.

Is it then back to the Dark Ages for us all? Happily, McFate makes an able defense of medieval times as well, offering a persuasive case that the Dark Ages actually get a bad rap. "The world is not in decline but rather returning to normal, when no single type of political actor dominates the world state, as among different actors as it was in the Middle Ages, and the past four centuries of Westphalian supremacy by states is anomalous." Neomedievalism as a global system presents some drawbacks which will "persist in a durable disorder that contains rather than solves problems," although that does not seem so different from the obsolescent Westphalian model we have been enduring the past few centuries.

So what about the "mercenaries" of the title? McFate describes their modern rise as stemming from a growing faith in the free market that eventually paved the road for the international privatization of security. Much of the credit (or blame) falls on the United States which "opened the proverbial Pandora's box, releasing mercenarism back into international affairs," primarily because of the enormous security demands in Afghanistan and Iraq. Scores of companies, most newly formed, won security contracts in Iraq and Afghanistan, and thousands of local Afghans and Iraqis, Westerners and "third country nationals" (TCNs) were employed doing armed security in support of the missions.

McFate brings a refreshingly nuanced view of the stability operations industry that is rare

among academics. While total contractor numbers sometimes eclipsed U.S. military numbers in Afghanistan and Iraq, he is clear that armed contractors are always a small minority, i.e. somewhere in the neighborhood of 12 percent. The vast majority of contractors are doing more mundane reconstruction and logistical support tasks. He also confirms that the private sector is cheaper than state militaries due to their freedom to innovate, ability to scale up on short notice and independence from the bureaucratic inertia that plagues state (and UN) forces. Nor are private security companies inherently ruthless or evil as many of the industry's voracious critics will claim; McFate points out that, "there is plenty of evidence that private armies are more disciplined and effective than public forces in Sudan, Somalia ..."

Academic literature includes numerous definitions and categorizations of the stability operations industry, and McFate offers his own perspective. He describes Private Military Companies (PMCs) as those that are in the line of fire or provide their clients lethal training and capabilities. PMCs are further split into the "Mercenary" type, offering offensive operations and force projection, and the "Military Enterpriser" type, which works to raise or improve armies and police forces, provides training, and helps equip their clients. McFate worked for one of these Military Enterpriser companies, DynCorp International – more on that later. The second category includes the Security Support companies providing non-lethal support, translation and propaganda services. The third category, General Services, includes the logistics, maintenance, transportation, construction and other non-lethal services that are not directly related to military operations.

The *Modern Mercenary* examines two case studies, both in Africa: Liberia and Somalia. McFate uses these examples to highlight what he sees as value that the private sector brings as well as trends that should raise concerns.

McFate was a principal player in the Liberia example where he was part of the DynCorp team that won the contract to build a professional Liberian army from scratch. He has previously written about this experience, but in short the company created a remarkable program vetting, training, and ultimately raising a small, professional army from the ashes of a bitter and divisive civil war. DynCorp had an extraordinary level of success considering the difficult circumstances in Liberia at the time, not to mention client issues, such as late payments, a complicated relationship with a contracting partner, poor government management and oversight, etc. Their success is especially notable when compared to the disastrous UN attempts to form a professional police force that was plagued with vetting issues, multinational disagreements, and poor long-term planning.

The "good, bad, and the ugly" of the Liberia contract offer some frank insights on why things did work, while discussing some of the many problems and conceptual issues involved. For instance, the Liberians themselves had very little input into the creation of their own army. On another specific instance, DynCorp manipulated Liberian politics to gain additional work and to ease their own contractual requirements. Nevertheless, one wonders if many of these problems would have been solved using a traditional military (or militaries) training program. Certainly the Afghan police program that I witnessed in 2006 was a convoluted affair with some dozen countries doing bits of the training, some

better funded and managed than others, but with very little coordination or standardization between them.

The Somalia example is also interesting, although it does not have the same depth as the Liberia section. McFate describes “a true free market with ‘lone wolf’ PMCs who fight for the highest bidder and become predatory when it suits them.” The chapter provides some background on companies that have worked in Somalia, especially in terms of security sector reform (SSR) and coastguard operations. Further, it delves into the world of maritime security, a sector that grew rapidly to address the Horn of Africa and Gulf of Aden piracy issue. Like most previous analysts, he takes the UN line and is dismissive of what turned out to be the most successful private sector initiative (funded by the UAE in this case): the Puntland Maritime Police Force (PMPF). While McFate’s book indicates that the PMPF disbanded, in fact they continue to operate and it is no coincidence that the most dramatic drop in Somali piracy coincided with the commencement of PMPF operations; more recently they have had some success against al-Shabaab. McFate is on firmer ground when he describes the innovations of the armed maritime private security companies that enjoy a perfect record when protecting their clients from Somali pirates. He also surveys some of the companies hired to support U.S. policies in Mogadishu to avoid having American “boots on the ground” in this location of past policy failure.

The Modern Mercenary concludes with a discussion of industry trends and recommendations, starting with industry resilience. McFate is very clear that the industry, in his opinion, is not going away and various attempts to eradicate or drastically curb the

industry are doomed to failure. He further notes that the industry is globalized, so while many of the key concepts were pioneered by American and British firms working in Afghanistan and Iraq, many companies around the world have adopted the model, thus complicating efforts at regulation. He highlights the “indigenization” of the industry too, although some may nitpick on that count since many states have always suffered or tolerated indigenous warlords or gangs with ostensible veneers of corporate legitimacy. If they are not international, should they be part of this book? Finally, McFate returns to his case studies and ponders the two potential directions for international private sector services: the Liberian “mediated market” which he advocates, or the Somali “free market,” which realizes much less regulation and more potential for mayhem in the neomedieval world we live in.

McFate presciently argues for market controls as the best way to harness and regulate the industry. He sees international regulation as slow and problematic, but prefers that larger clients (i.e. “super-consumers” – such as the U.S., UK, and UN) use their market power to demand norms and standards of the industry. It is unfortunate that he does not give much credence to the International Code of Conduct for Private Security Providers (ICoC) which is designed to do exactly what he advocates: enlist and coordinate the largest clients to ensure global standards for their private security companies. The ICoC was created through a broad partnership of states, civil society organizations, academics, and industry voices, but if thoughtful scholars such as McFate reject the concept then it does not bode well for the initiative – unless somehow an alternative framework swiftly emerges.

McFate also discusses some of the legal methods that the United States has at its disposal to hold private security personnel accountable, such as the Patriot Act and the Uniform Code of Military Justice (which he rightly believes is entirely inappropriate for civilian contractors). McFate gives short shrift to the Military Extraterritorial Jurisdiction Act (MEJA) as infrequently used and ineffective, a misperception that is the fault of the Department of Justice (DoJ) which has sought to downplay the law and refuses to provide data on the law and its enforcement. In 2007 a DoJ representative informed an astonished industry conference that there were more than sixty MEJA cases in all states of preparation and conclusion with many contractors jailed as a result. More to the point, while McFate describes the Blackwater contractors who were involved in the September 2007 Nisour Square shooting that left some 17 Iraqis dead, he claims that “they were simply sent home without punishment.” However, as this review heads to publication, four of those involved are awaiting their fate in the hands of a jury. Criminal accountability of contractors operating in international contingency operations may be difficult and complex, but it can and has been done.

Although *The Modern Mercenary* is thought provoking and groundbreaking, coming from the industry perspective I nevertheless have a number of quibbles, though to be clear they do not diminish McFate’s central arguments, which are compelling. His use of journalistic lingo and phrases at times in otherwise academic prose detracts from his arguments. The very term “private army” is frequently thrown out, but are we really describing “armies” or just security companies? Have any been involved in state-to-state

conflict, which really would challenge the Westphalian system, or are they more accurately involved in providing protective security to clients in internal conflicts where a state’s legitimate forces are opposed to what can only be described as “unlawful combatants” under international law? It is not like DynCorp and its peers are private armies that will be bidding on a contract to plug the Fulda Gap should the Russians become uppity again.

And are private security companies “paid to kill” and involved in “for-profit killing” or, like most domestic security companies, are they authorized to use force under specific (inherently defensive) circumstances? Will war be available “to anyone who can afford it” or are there numerous other complex constraints involved as itemized elsewhere in the book? Finally, as McFate emphasizes himself, the “mercenary” term is not entirely useful either. When I ran the International Stability Operations Association (ISOA), we determined that the real definition of the word “mercenary” as used in the media when discussing our industry was an entirely derogatory term that really meant “foreigners and business people we don’t like.” But as McFate points out, the “mercenary” term certainly helps journalists get their articles published.

And finally, do companies really sell their services to the “highest bidder?” Although a delightful concept to play with from a social science perspective, more often than not we see many companies competing for a small number of contracts. And yes, innumerable constraints can prevent companies from working for certain clients. Of course, some companies might not be Western, and McFate suggests new companies could emerge from Russia or China “with scant regard for human rights or international law” in order to win

contracts. Realistically, Western companies, working for the proverbial “anyone” can land their executives and employees in jail for violations of the International Traffic in Arms Regulations (ITAR) or other laws, and how would it look to future clients if your company had a Robert Mugabe or North Korea as a former client? But assuming a company did win a contract with a Dr. Evil, how many former military professionals are willing to shed their revered veteran status, their family’s respect and even risk their lives and liberties for a despot or international criminal? If international courts are one of the growing powers in a neomedieval world, would that not create greater legal risk for private operators violating international laws? A few rogue companies perhaps, but do not expect any geopolitical-altering mercenary invasion forces any time soon.

Will the industry grow? McFate believes so, describing limitless markets and opportunities in the future. Nevertheless, the larger contingency operations industry has actually waxed and waned over the decades. There were 700,000 U.S. contractors in the Second World War, 60,000 in Vietnam and so on, yet in every case the contractor numbers shrank dramatically and expectedly after the demand fell. McFate mentions “surge capacity” as one of the industry strengths, but companies can do the surging cheaply because they have far more freedom than governments to hire personnel on only a temporary basis. The large contractors today are substantially smaller than ten years ago during the height of the Afghanistan and Iraq conflicts, and predictably we are currently seeing a great deal of industry consolidation and downsizing. Even maritime security, which is featured in the *The Modern Mercenary*, has seen an enormous drop in

business as Somali piracy has dwindled to almost nothing and other regions, such as the Gulf of Guinea, have not had the expected growth in similar criminal activities.

Ultimately the book is a fascinating analysis comparing the old and new issues related to contracting. It boldly develops a compelling thesis and, my minor complaints notwithstanding, uses the “modern mercenary” concept to develop a convincing case for a neomedieval future. If so, we should expect a very interesting and complex time ahead for diplomacy, international relations and the political science field itself. **PRISM**