

Private Military Companies, Necropower and Fragile States

Karina Junqueira*

Cristiano Mendes**

Abstract: Private military companies (PMCs) have gained prominence in the international arena since the end of the Cold War. Offering a wide range of services, these companies have been contracted by state and private actors to operate in international conflicts. The use of these companies, however, has raised suspicions about the legitimacy of their actions, especially when they provide agents for direct involvement in conflicts occurring in fragile states. This is because these groups have promoted massacres against unarmed civilian populations, which no longer constitute collateral damage but rather a target. A target of necropower exercised by PMCs in the context of what Achilles Mbembe termed contemporary wars, where war is not only waged by states and their regular armies, but where coercion has become a market product, and military service can be bought and sold. The objective of this article, therefore, is to analyse the actions of PMCs in conflict situations in fragile states as an exercise of necropower, where technologies of destruction are used and sovereign decisions are made about life and death. To this end, the methodology employed is a conceptual and theoretical analysis, applying Foucault, Agamben, and Mbembe's concepts to the PMCs' actions in fragile states.

Keywords: fragile states; private military companies; necropower; massacre; contemporary wars.

Introduction

On 27 March 2022, Malian troops, accompanied by well-armed white foreign men, arrived by helicopter in Moura, a rural village in the Republic of Mali, West Africa, with about 10 000 inhabitants. The soldiers' mission was to locate and kill terrorists linked to Al-Qaeda and the Jama'at Nasr al-Islam wal Muslimin group. Upon landing near the local market, where a large part of the residents gathers every Sunday, the group was met with gunfire, supposedly coming from terrorists. In retaliation, Malian forces and their foreign companions began shooting indiscriminately at the population. The helicopters took off again, and from above, the soldiers started shooting at everyone running to

* Pontifícia Universidade Católica de Minas Gerais (PUC-MG), Belo Horizonte - MG, Brazil: karinajunqueira@pucminas.br. ORCID: 0000-0001-7598-9739.

** Pontifícia Universidade Católica de Minas Gerais (PUC-MG), Belo Horizonte - MG, Brazil: cristianomendes@gmail.com. ORCID: 0000-0002-5832-1777.

hide, including local civilians. In a short time, the village was surrounded by Malian troops and their foreign accomplices. In the following four days, residents' homes were invaded, and various goods were stolen (United Nations 2023). When asked about the foreigners who had accompanied the regular Malian troops, the information left little doubt that they were mercenaries linked to the Wagner Group. Survivors of the massacre, who knew English, said it was not the language the foreigners spoke. Besides being very well armed and not wearing any uniform or insignia (many even wore balaclavas to avoid recognition), the *modus operandi* left no doubt that they were agents of the most famous Russian military company today. With operations in more than ten countries, most of them in Africa, Wagner has become, in the last decade, an informal extension of Vladimir Putin's regular troops. Always acting in regions where power vacuums prevail, often due to the presence of guerrilla groups or coups, this organisation sometimes supports governments, sometimes helps to overthrow them. Almost always serving Russian interests, but sometimes aiming to extract natural resources from the countries they occupy, Wagner has become a constant presence in regions of fragile states (BBC News 2022).

However, what was seen in Mali cannot be considered an isolated case; it is just an example. According to Petersohn (2015), the use of PMCs is not limited to one region of the world, although they have a significant presence in conflicts on the African continent. Beyond Africa, between 1990 and 2007, PMCs were involved in conflicts in fragile states in Asia, South America, Europe, and the Middle East. Several episodes involving the activities of private military companies in states considered fragile show a trend and pattern of behaviour of these actors, committing massacres and violating human rights. Examples such as Blackwater (now Academi, and it was responsible for the Nisour Square massacre) and Constellis action in Iraq, DynCorp in Afghanistan, PMC Executive Outcomes in Sierra Leone and in Papua New Guinea, Wagner in Central African Republic, Sudan and Syria, among others, show that this practice has become commonplace in these countries with political and social instabilities. In Africa, however, these practices have become more frequent, especially in countries located in the Sahel region (BBC News 2021). The objective of this study is to analyse, through a methodology of conceptual and theoretical analysis, the practices of these private military companies in fragile countries (Flick 2022). According to this methodology, we will mobilise concepts already developed by other authors to be instrumentalised in understanding a specific phenomenon. We aim to elucidate the conditions under which it is possible to establish concrete policies by international actors, as well as the assumptions underlying the supposed legitimacy of such actions.

Using Foucault's concepts of biopolitics, Agamben's field, and Mbembe's concept of necropolitics, we intend to evaluate how PMCs' strategies fit into a dynamic that transforms the state of exception into something permanent in these regions. Despite the concepts of these authors having been widely analysed and instrumentalised in academic circles, the use of this framework to understand the activities of PMCs in fragile states remains scarce. This work aims to fill this gap by applying these authors' works to a subject that is still underexplored, at least from these theoretical perspectives. The use of

post-structuralist and decolonial approaches will allow us to understand the situation of fragile states from a perspective that seeks to comprehend the philosophical assumptions underlying the policies employed in these contexts.

In this sense, adopting the idea that part of the population in these states is seen as an enemy, we will analyse how PMCs' actions fit into a political logic in which the power to decide on the life and death of citizens becomes legitimised. A new type of war that transgresses traditional combat categories, ignoring humanitarian principles, disrespecting sovereignties, and bringing non-state actors into the logic of combat. In these new types of conflicts, political interests intersect with economic ambitions, and the enemy becomes subject to mere annihilation, as it is inserted into a space considered devoid of norms.

This work is divided into four parts, in addition to the Introduction and Conclusion. First, we will present private military companies. Next, the concept of state fragility. After contextualising PMCs and the concept of state fragility, we will introduce relevant concepts from authors such as Foucault, Mbembe, and Agamben for this work, and finally, apply them to the analysis of the role of PMCs in fragile states.

Private military companies

The phenomenon of private military companies (PMCs) is not recent in the international environment. However, despite existing throughout the Cold War period,¹ it was after the end of bipolarity that the number of these companies began to grow. The main reasons for this expansion were: increased demand for this type of service; availability of specialised labour in the international job market; ease of purchasing heavy weaponry, and the global neoliberal wave (Uessler 2008; Singer 2008).

Regarding the first reason, increased demand for this type of service, it occurred due to the growing number of regional conflicts in the post-Cold War period. One of the ways the international community found to manage these conflicts was by hiring these companies, especially for actions in countries where the tension generated by the disintegration of the former Soviet Union had led to an escalation of violence. This generated an expansion of the demand for services offered by PMCs, which led to an increase in the number of new companies (Singer 2008).

In the same sense, Petersohn (2015) states that part of the demand for these companies came from fragile states, as many of them lost military support from Western states after the Cold War, resulting in a security capability gap. The alternative to overcoming local insurgencies in unstable regions was to hire PMCs.

With respect to the second reason, the availability of specialised labour, we must note that a large part of active combatants during the Cold War were compulsorily retired due to the cooling of tensions between the United States and the former Soviet Union. This group, very well trained by their respective national forces, largely made themselves available to PMCs in search of a new job to supplement their retirement income. Thus, it became easier for PMCs to obtain well-trained military labour at reasonable prices, facilitating the composition of their staff and the offer of specialised services.

Additionally, the ease of purchasing heavy weaponry also helped the growth of these companies. When the Cold War ended, a large part of the arsenals of countries that were part of the Soviet Union were diverted to parallel markets. This made it easy for PMCs to acquire these weapons at a relatively low price (Singer 2008).

Finally, the end of the Cold War was also marked by the neoliberal wave that took over much of the world's countries. Accompanying this liberalising ideology was the idea that the privatisation of various sectors of society would generate access to better products for the global population at more competitive prices. The relative success of these policies ended up generating the belief that privatisation, at least of part of international security, would also be positive. All these factors together explain how the ground for the growth of private military companies became fertile during the 1990s and continued to be prolific in the first two decades of the following century (Avant 2008). PMCs currently provide a wide range of services, including armed protection, consultancy, training and support services, logistics, demining, and even combat (Petersohn 2015).

Some points regarding private military companies, however, need to be clarified to avoid treating this phenomenon simplistically or caricaturally. First, we need to remember that the use of these companies was never intended to be a complete substitute for countries' regular armed forces. In all places where PMCs operate, the services offered are much more complementary to those of regular troops than a replacement for them. Always tasked with surgical missions, with well-defined objectives that can be achieved in a short period by groups that usually do not exceed 50 combatants, these companies operate in activities for which regular troops (mainly due to their size) are not trained (Singer 2008).

Second, we must note that there are two types of PMCs with regard to the degree of institutionalisation and regulation of their practices. There are companies that operate transparently, within the laws of their countries and international law. These are large companies that even desire to be regulated. These companies care about their image in the market because they know that the more PMCs are considered legitimate by the international community, the greater the possibility of securing future contracts. These companies condition the signing of a contract on the compliance of the contractor's objectives with the laws and interests of the country where they are headquartered (Uessler 2008).

According to Kruck (2014), these companies are primarily used by strong and democratic states, such as those belonging to the OECD. Although the reasons for their use vary from country to country, both in quantitative and qualitative terms, all of them find reasons for the privatisation of the use of violence. This trend appears to be irreversible, given that efforts toward legalisation and regulation outweigh attempts to prohibit this type of service.

However, there is another type of PMC. These are companies that do not value the transparency of their services. This second type of PMC signs contracts with any international actor and, as long as they are well paid, do not care about the nature of the service to be performed. These are the types of companies that do not like to be regulated

and are always in the news, being accused of violating human rights, being involved in illicit activities (drug trafficking, terrorism, etc.), and whose owners' only objective is to increase profits obtained from providing military services (Uessler 2008).

One of the debates surrounding the actions of PMCs concerns the pertinence of comparing their employees to old mercenaries. While some authors argue that there are undeniable similarities between the two and, therefore, PMC employees should be considered a modern version of mercenaries, others see substantive differences between them, invalidating any attempt at comparison (Singer 2008; Uessler 2008; Patrick 2007).

PMFs (Private Military Firms) are unlike either the individual mercenaries of the 1960s or those freelancers still active today. Although sharing similarities, they are also distinct from the contracted units of past centuries, such as the Swiss or the Hessians, or even the charter trading companies. Instead, they represent the next evolution in the provision of military services by private actors, parallel to the development of the modern business organization. A more complete, and less normative, assessment of the phenomenon finds that it is the corporatization of military service provision that sets them apart (Singer 2008: 45).

Although there is no consensus on the extent to which private military company employees can or cannot be considered modern mercenaries, it is generally the employees of this second type of company who most closely resemble the figure of the old soldiers of fortune. While the first, from more transparent and regulatable private military companies, are more difficult to classify as mercenaries according to the Geneva Convention, the employees of the second type of companies fit more easily into this category. It is precisely this second type of company, which is less transparent and sells its services to any actor, that commonly operates in fragile states.

State fragility

In principle, fragile states, previously known by the terminology of failed or failing states,² are political units that have deviated from the Weberian concept of the state. That is, states that, for various reasons, have failed to maintain the monopoly on violence by their governments and, therefore, coexist with armed groups within their territory, generally questioning the legitimacy of state authorities. The concept of state fragility, however, can be expanded to encompass other characteristics.³ When a state is considered fragile, we see that the government can no longer effectively control its borders, public services are inefficient, and corruption is endemic both among public officials and the population itself. In fragile states, it is usually the economic elites who control the government according to their interests, transportation and communication systems are ineffective, and the population's quality of life is low (Rotberg 2002). Furthermore, in fragile states, human rights are systematically violated, there is no transparency in public spending, and the economy cannot guarantee the country's growth.

[...] a government that has lost control over its territory and its monopoly on the legitimate use of force gains the label [failed state]. But, there are other, more subtle attributes of bankruptcy. Some regimes, for example, do not have the authority to make collective decisions or the ability to provide public services. In other countries, the population may depend entirely on the black market, be unable to pay taxes or engage in large-scale civil disobedience (Hehir 2007: 312).

The debate on state fragility has existed since the second half of the 20th century. However, it was after the terrorist attacks of 11 September 2001, in the United States, that the discussion gained greater prominence. According to some scholars on the subject, it would be possible to trace relationships between state fragility and terrorist activities, which has increased interest in the subject. According to these authors, the greater the degree of fragility of a state, the greater the possibility of terrorist groups being present in its territory, thus increasing the region's instability (Ibrahimi 2020; Piazza 2008). Although there are arguments that attempt to deconstruct these supposed relationships, the fact is that in the 21st century, the issue of state fragility gained prominence in political and academic circles, and despite the existing divergences on the subject, there was a consensus that ideally no state should reach a situation of fragility, and those that already do should recover their status of normality as quickly as possible (Patrick 2007).

However, it is important to emphasise that there is no consensus on the definition of what constitutes a successful state or a fragile state. Saeed (2020), for example, criticises this concept, stating that a fragile state is typically defined negatively, essentially as the absence of the qualities that characterise a successful state. In this sense, some more recent approaches hesitate to use the concept of fragility. The main arguments against this adjectivation of states are related, firstly, to the ethnocentric nature of the term. According to some authors, when we consider some states as more fragile than others, we are presupposing an ideal model of state (Mendes 2016; Szuhai 2015; Toledo 2019; Saeed 2020). By using the designation of state fragility, we assume that all states should fit into the Weberian concept, which reflects a Westernised and ethnocentric idea of state. Thus, all alternative formations of the state unit that do not align with the presence of a central government and legitimacy to use force to maintain social order would be classified as incomplete simply because they do not present characteristics typical of the Western model (Mendes 2016; Orman 2016; Toledo 2019; Saeed 2020). Another line of argument accuses the adjectivation of states as fragile as a simplification of reality, as it erases all existing differences among these units. According to this latter argument, the so-called fragile states are so different from each other that placing them under the same label of fragile would ignore the idiosyncrasies among them. In other words, this notion of state is ahistorical and apolitical, sharing characteristics with colonialism, imperialism, and theories of linear development (Saeed 2020).

Saeed (2020) also points out that, historically, the presence of fragile states in the international environment has always been the rule rather than the exception. In this sense, according to the author, fragile states are not the threatening anomaly that must be

‘corrected’ from a normative perspective of the international political and legal arena. For instance, considering the Fragile States Index (FSI) of 2015, 60% of the analysed states were considered to have some degree of fragility, constituting the majority and, therefore, the rule. Furthermore, according to the author, the concept of state fragility mythicises the Weberian concept of the state while ignoring the (neo)colonial and imperialist policies that, in large part, were responsible for the fragility in which these states currently find themselves.

Despite being aware of these caveats, the present study opted for a more conservative use of the concept of fragile states (Szuhai 2015). While agreeing that this classification carries a somewhat ethnocentric bias, we consider that the relativisation of alternative state formations to the Western concept should be done on a case-by-case basis, without ruling out the possibility of working with a more homogeneous classification of the phenomenon, at least for the purposes of this study. Furthermore, we also consider that, despite all the caveats made about this adjectivation, the vast majority of these units thus classified share in common the desire to move away from that situation, whether toward a concept closer to the Weberian model or even through alternatives to this author’s denomination.

Preventing or removing a state from a situation of fragility, however, is not an easy achievement. Peacebuilding policies are costly, take time to show results, and depend heavily on variables beyond the reach of actors involved in this type of activity. How to rebuild a fragile state, how to prevent fragility from worsening, and the exact moment to intervene in these situations are questions that still do not have consensual answers. However, the results of a state’s fragility are well known and expected as a country’s situation deteriorates. Regardless of whether there is a relationship between state fragility and terrorism,⁴ other ills found in fragile states, by themselves, justify concern for these countries. Forced displacements, energy crises, human and drug trafficking, and the danger of genocides, among other problems, are always linked to the fragility of countries. The more fragile states there are in a given region, the greater the political and economic instability of that place and the greater the humanitarian problems arising from this situation (Newman 2013).

Nevertheless, when talking about state fragility, we should not divide the world’s countries in a Manichean way between those who can or cannot be classified with this label. A state’s fragility happens gradually, causing a single state to historically witness significant variations in its degree of fragility. Additionally, measuring the degree of fragility of each state involves subjective methodologies,⁵ and depending on the highlighted variables, the degree of state fragility can vary. Among the various existing indices to measure a country’s degree of fragility, such as OECD States of Fragility Report and World Bank’s Harmonized List of Fragile Situations, the most used today is the Fragile States Index (FSI) from the Fund for Peace. With annual reports on the situation of more than 170 countries, the FSI measures various variables, trying to determine which states have increased or decreased their degree of fragility over time. Through its reports, the FSI tries to indicate trends for each region, locate the causes of detected fragilities, and infer possible solutions for each analysed case.

According to the latest FSI reports, the region that has most increased its degree of fragility in recent years is the Sahel Region. The countries that are part of this territory, in Northern Africa, have shown increasingly worrying indices, making the political, economic, and social situation of these states increasingly concerning (Fund for Peace 2023).

Sovereignty, state of exception, and biopower: necropower

Achilles Mbembe (2016), in *Necropolitics*, articulates the concepts of biopower, state of exception, and sovereignty, in a centrality of life and death, which allows us to understand contemporary forms of human destruction, such as those promoted by PMCs in fragile states. In this context, the starting point of the Cameroonian author's reflection is Foucault's concept of biopower, but expanding the debate beyond the control over life and introducing death as an element of politics and the exercise of power. Therefore, to understand what Mbembe called necropower/necropolitics, it is necessary to first understand Foucault's biopower, as well as its relationship with sovereign power.

Sovereign power and biopower

According to Foucault (1985), for a long time, one of the characteristic privileges of sovereign power was the right of life and death over subjects. This derived from the *patria potestas* of the Roman paterfamilias, who had the right to dispose of the lives of his children and slaves.

This right will persist in the relationship between sovereign and subject, but in an attenuated form, not exercised in absolute and unconditional terms. In sovereign power, it will be a matter of defence and self-survival, a kind of right of reply to a threat. If it is an external enemy, it is the sovereign's prerogative to ask subjects to take part, through war, in the defence of the state; at this moment, it is a matter of exposing the subject's life, an indirect exercise of life and death over them. In the case of an internal enemy, the sovereign has the direct right of life and death over the subject, to kill them as punishment for revolt, disobedience, and threat.

In this context, in its ancient form, the right of life and death was absolute, while limited in its modern form. However, in both cases, it is an asymmetric right, in which the sovereign marks the power over life by death – the right of life and death is, therefore, the right to cause death or to let live. In its ancient form, it was exercised as a right of seizure of things (wealth, goods, confiscation), time, bodies, and finally, life; it was the privilege of seizing life to then be able to suppress it.

Since the classical era, power mechanisms underwent a transformation in the West; confiscation ceased to be an end in itself and became a part among others, with functions of reinforcement, control, surveillance, and organisation and enhancement of the forces subjected to it. It is now a power destined to produce forces, make them grow, and organise them. Thus, the right to death comes to rely on the demands of a power that manages life and is ordered according to its needs (Foucault 1985).

This power over life developed from the 18th century onwards in two forms, which are not antithetical, but rather poles that interconnect through an intermediate network of relations – disciplinary power and, a little later, biopower. Both initially developed in different directions until, in the 19th century, they began to articulate, forming a great technology of power in which the highest function of power is not to kill, but to invest in life from top to bottom. It is discipline over the bodies of individuals, in a process of docilisation and training; it is biopower as the administration of bodies and the calculated management of life. This is no longer the sovereign's old power of death, but the subjection of bodies and the control of populations, inaugurating an era of biopower. Therefore, unlike discipline, which is directed at the body and the individual, biopower is directed at the life of men, at man as a species. Thus, discipline is individualising, and biopower is massifying. Both are technologies of the body, but while disciplinary power individualises the body as an organism endowed with capacities, biopower places it in the biological processes of the group (Foucault 2003).

Biopower is, in this way, a set of processes that seeks to control, through statistics and direct and indirect interventions, the events of life, such as birth, health, and mortality. What interests it are the collective phenomena in series, at the level of the mass, not of individuals, but of the population. It is about knowing them, controlling them, and even modifying them, seeking a global balance.

With this new technology, a new right will be established, the right to make live and let die, which will not replace the right of sovereignty but will complement it, permeate it, and even modify it. In short, according to Foucault (2003, 2008), the second half of the 18th century witnessed the emergence of a new power, biopower, which can be defined as 'that domain of life over which power has taken control.' (Mbembe, 2016: 123).

It is important to emphasise, therefore, that biopower does not replace sovereign power, but rather, what occurs is an articulation between them, particularly when we have the phenomenon of the camp, which is configured, in Agamben's analysis (2007), as a zone of permanent exception.

State of exception and camp

According to Agamben, in order to understand contemporary modern politics, it is necessary to look at the phenomenon of the camp not as an anomaly that remained in the past, but as the very matrix of the political space in which we live today.

In this context, the camp can be defined as the 'space that opens up when the state of exception begins to become the rule.' (Agamben 2007: 175). Instead of the extreme case, the emergency situation that requires an exceptional and provisional measure, current politics sees a transformation of the state of exception into a technique of government, making the exception a permanent exception (Agamben 2007). It is the space in which the normal legal order is suspended in the name of a supposed situation of danger – a factual situation. However, what was meant to be temporary, the exception, becomes the rule, permanent, inaugurating a desired state of exception. In it, the sovereign is not limited to deciding on the exception but 'produces the factual situation as a consequence of

the decision on the exception.’ (Agamben 2007: 177). It is no longer the fact that creates the law; in the camp, fact and law conflate, and any questioning of the legality or illegality of the acts committed against the camp’s deportees ceases to make sense.

In this sense, the camp is, *par excellence*, a biopolitical space, where bare life and norm become indistinguishable, and power is exercised without any mediation. It is a space that has meaning beyond the territorial, installed whenever the permanent state of exception materialises, suspending rights and guarantees for part of or even the entire civilian population. The camp is extraterritorial; it is more than the possibility of suspending the law within a state of law; it exceeds the ‘inside-outside’ logic, it is the place of exclusion, where life and death represent simple biological possibilities and peace and war are options indifferently practicable and absolutely reversible (Rahola 2007).

Historically, there is no consensus on the origin of camps. For some, the first occurrences were the concentration camps created by the Spanish in Cuba in 1896 as a way to repress the colony’s population. For others, the matrix is the concentration camps created by the British at the beginning of the 20th century for the Boers (Agamben 2007). For Rahola (2007), this issue becomes more complex when considering the reservations where the indigenous peoples of North America were confined.

In any case, according to Rahola (2007) and Mbembe (2016), camps are, historically and geographically, a colonial creation. The colonial subject was the first ‘internable’ and deportable subject – an ‘excess’ people, a disposable humanity, which would be at the base of the principle of confinement. Thus, making a genealogy of the camps is making a genealogy of the surplus.

The camp is also the territory of productivity – where power is produced and also produces difference, generating the bodies of the interned. These bodies are disciplined, subjected, administered, and made clandestine. Subjects who live an existence in transit, reduced to simple biological reproduction and a possible death, whose most extreme manifestation is the extermination camp.

In this sense, the Nazi state and its extermination camps are the extreme of both powers, articulating biopower’s making live with sovereignty’s making die, ‘in such a way that biopolitics immediately coincides with thanatopolitics.’ (Agamben 2008: 89). In this context, the first function of racism is the criterion of the ‘cut’ in the biological continuity of species, regulating the ‘distribution of deaths’ and making ‘the murderous functions of the state possible.’ (Mbembe 2016: 128).

That said, racism would still have a second function, which would be to allow the establishment of the following relationship: if you want to live, you must take lives, you must be able to kill. However, this is not only a logic of racism; the logic of war is the same, and it can be put in similar terms. That is why, according to Mbembe (2016: 128), the state of exception and the relationship of enmity have become the ‘normative basis of the right to kill.’

In this perspective, the Nazi state’s racism, its biopower, established the cut of those who should live and those who should die, who was or was not the enemy. A racist, murderous, and suicidal state (Foucault 2003), which had as a consequence the Final Solution, the extermination of Jews and other races. According to Agamben (2008), the

place par excellence of the practice of biopower, as well as traditional sovereign power, was the concentration and extermination camps, such as Auschwitz, a ‘biopolitical machine,’ in which biopower and sovereign power, making live and making die, coincide. It was thus the place where biopolitics was generalised and became most extreme, where the enemy was annihilated.

In this link between sovereignty, state of exception and biopower, as well as the concept of the camp, Mbembe (2016) develops his concept of necropower. This concept is used in his analysis of the historical and social processes of colonisation and its consequences, as well as of late colonial occupation, such as in Palestine (especially when we analyse the current conflict in Gaza), and, finally, of contemporary wars.

Necropower

According to Mbembe (2016), colonies and slavery should be analysed as biopolitical experiments, preceding, therefore, the Nazi extermination camp, but sharing the regulation of life and death based on the criterion of race. In the colonies, the state of exception manifests, representing the place ‘where sovereignty fundamentally consists in the exercise of power outside the law (*ab legibus solutus*) and where typically “peace” assumes the face of an “endless war”’ (Mbembe 2016: 132), making the distinction between war and peace meaningless. In the colony, a zone of war and disorder, the right to kill is not subject to rule, operating the state of exception, in which ‘the sovereign can kill at any moment or in any manner’ (Mbembe 2016: 134).

The colony is, therefore, a camp, a permanent state of exception where necropower operates, going beyond Foucault’s notion of biopower. The concept of biopower is, therefore, insufficient both to explain the colonial world and contemporary wars, as it is incapable of explaining the current forms ‘of subjugation of life to the power of death’ (Mbembe 2016: 146).

Is the notion of biopower sufficient to designate the practices by which the political, under the mask of war, resistance, or the fight against terror, opts for the annihilation of the enemy as a priority and absolute objective? War is not only a means of obtaining sovereignty but also a way of exercising the right to kill. If we imagine politics as a form, we must ask ourselves: what place is reserved for life, death, and the human body (particularly the wounded or murdered body)? What place does it occupy within the order of power? (Mbembe 2017: 108).

Thus, to analyse them, the author proposes the concepts of necropower and necropolitics, in which sovereignty is exercised by controlling mortality, deciding who can live and who must die, who is disposable and who is not, and who is the surplus.

In necropower, politics is understood from the categories of life and death, and sovereignty is understood not as the struggle for autonomy, but as the instrumentalisation and destruction of human bodies and populations. Sovereignty is understood not from

the perspective of modern reason, as ‘a project of autonomy and realization of agreement in a collectivity through communication and recognition’ (Mbembe 2016: 24), but with life and death as elements. It is not only about making live, but also about making die, linking biopower and sovereign power in a situation of permanent exception.

An example of the articulation between biopower and sovereign power is the already mentioned phenomenon of racism, both ethnic and biological, which was present both in the phenomenon of colonial imperialism and in the Nazi extermination, as well as in the origin of wars. In this context, the privatisation of global security is not limited to merely military or economic issues. Historical movements involving postcolonial policies and racial variables have always been present in this privatisation process.⁶ Taking advantage of the existing power inequality between actors operating in fragile states, the relationships between those wielding force and the local population reproduce old colonial logics in the current scenarios of occupation of these spaces (Chisholm 2015; Mbembe 2016).

Therefore, for Mbembe (2016), as in Foucault, racism has a prominent place in the rationality of biopower. Thus, colonies and slavery can be considered one of the first biopolitical experiments, manifesting the emblematic figure of the state of exception. In colonisation, the enslaved loses his home, the rights over his body, and his political status, consisting of an ‘expulsion from humanity in general’ (Mbembe 2016: 131), as he is a thing, property, a tool of production. In the colony, a particular type of terror is formed, concatenating biopower, state of exception, and state of siege, necropower, with race being crucial to this relationship. The ‘savage’, the colonised, is the enemy, the non-human, who can be governed in absolute illegality.

However, this link between sovereign power and biopower is not a historical experience that remained in the past. As Mbembe (2016: 128) states, when analysing Foucault, it is inscribed ‘in the way all modern states function, in fact, they can be seen as constitutive elements of state power in modernity.’ It is also not a past or exclusive characteristic of the colonial world or Nazism to perceive the other as a threat, a danger, requiring physical elimination, but it is one of the ‘many imaginaries of sovereignty, characteristic of both early and late modernity’ (Mbembe 2016: 129). In this logic, the ability to kill the enemy, even if fictional, leads to living in a permanent state of exception produced by power, which is not necessarily that of the state.

It is in this context that we can analyse the Moura massacre, as well as others committed by PMCs, from the perspective of necropower – a permanent state of exception in which it is decided who is the enemy that must be annihilated, who must live and who must die. Death not as collateral damage, but as a central element in the sovereign and biopolitical exercise of power.

Fragile states, PMCs, and the exercise of necropower

According to Mbembe (2016), the new wars, fought in the 21st century, differ from traditional wars in four aspects: the actors involved in the conflicts, the objectives sought,

the strategies used to achieve these objectives, and the relationship between territory and sovereignty.

First, contemporary wars are not only fought by states, as generally happens in modern war and its *jus publicum europaeum*, and their regular armies, in an exercise of their monopoly on violence. The centrality of the state in the calculation of war is lost here, with coercion becoming a market product, in which military service can be bought and sold, involving private companies and militias. In this context, non-state actors provide two central coercive resources – labour and minerals (extracted resources), fuelling the war and becoming part of the local or regional economy, or even forming a militia economy.

In this sense, war machines – a concept by Deleuze and Guattari (1995) used by Mbembe – emerge, which can be defined as polymorphic and diffuse organisations, with a mobile relationship with space, formed by armed men, with borrowings from regular armies. The state itself can become a war machine or appropriate an existing one. These organisations use technologies of destruction in a ‘context in which the choice is between life and death’ (Mbembe 2016: 141), seeking control over bodies, not only through discipline, but inscribing them in the order of maximum economy, represented by the massacre. It is in this context that the actions of PMCs should be understood.

Second, we can note that in the 21st century, particularly in contemporary wars, their objectives are no longer characterised by the struggle for territorial annexation as in modern wars (Mbembe 2016). The main objectives of current wars are the nullification of enemy power through infrastructural war and the use of airspace, access to natural resources, stabilisation of strategic positions, and gaining political capital by co-opting part of the population and local armed forces where the conflicts occur. Instead of the broad and total annihilation of the enemy’s military capabilities, these new wars aim to nullify the belligerents’ destructive power only to the point where they are incapable of producing resistance to foreign incursions. As Mbembe (2016) states, the goal is to force the enemy into submission.

Instead of completely subjugating the population of the country where they operate, the promoters of these new types of conflicts prefer to gain the legitimacy of their actions before part of the population by establishing themselves as legitimate foreign forces interposed to local military and political powers. More than replacing the authority structures of the regions where they operate, the new perpetrators of these conflicts seek to entrench themselves in local power relations, aiming to secure their financial and political gains through the annihilation of only part of the population and gaining the trust of other citizens.

In the case of private military companies, their actions in fragile countries combine political objectives with economic purposes. While PMCs serve the interests of their contractors (whether other private actors or states), their leaders gain ascendancy over the extraction of natural resources in these countries, becoming companies not only of military use, but also of capturing and commercialising these resources, generating financial gains for their associates through the illegal trade of the exploited products. As Mbembe (2016) analyses, using the concept of Deleuze and Guattari, the war machine,

as formed by PMCs (sometimes in conjunction with states and their regular armies), has a plurality of functions, possessing characteristics of both a political organisation and a mercantile company, even forging direct links with transnational networks so that these products can be exported. And this 'militia economy' serves as fuel for the war itself.⁷

The third aspect of change, the strategies used to achieve these new objectives, shows that these new ends established by current conflicts also require a change in the types of strategies adopted.

What first catches our attention are the strategic positions during confrontations, aimed at paralysing the adversaries' response power without necessarily promoting the complete destruction of enemy forces. The nullification of enemy power is achieved through infrastructural war, which seeks to destroy the transportation, communication, and water supply systems, among others. The objective of this strategy is to promote the 'bankruptcy of the enemy's survival system,' making it dependent on the adversary forces. For this, the most effective means possible are used, even if there is collateral damage to the civilian population (Mbembe 2016: 138). In this context, we can analyse these 'collateral damages' as an exercise of necropower, since the population, having affected water and health services, among others, is the most affected, including putting lives at risk.

At the same time that those identified as enemies have their infrastructures destroyed and access to means of survival besieged, private military companies seek to establish themselves politically in the regions where they operate, choosing one side of the conflicts to support. Investing in benefits for local citizens who identify as friends of these foreign actors, these companies co-opt part of the elites of the countries where they operate, recruiting the country's armed forces and acting paternalistically to gain legitimacy and power before social institutions. The war machine formed by these PMCs is also, as Mbembe (2016) states, a form of governance, a 'management of multitudes,' that articulates the plundering of natural resources with the management of the population in space. Often articulated with the state, they form a mosaic of 'incomplete and overlapping rights to govern [...], in which different de facto legal instances abound, geographically intertwined, and in which plural loyalties, asymmetrical suzerainties, and enclaves abound.' (Mbembe 2016: 139).

Another strategy used is investing in the local economy through the provision of products and security services for the armed forces and the population. Whether through the offer of bodyguards or support to regular forces, or even through the production and commercialisation of popular appeal products (such as the production of beer by Wagner in the Central African Republic, for example), these companies invest in local commerce with the main objective of gaining legitimacy among the general public. Instead of imposing themselves solely by force and fear, private military companies rely on a type of domination based on empathy with part of the citizens of fragile states.

Finally, Agamben's concept of the camp can also be easily visualised in the actions of these companies in fragile states. The part of the population considered as enemies by PMCs is always circumscribed to a fluidly defined territory but with continuous boundaries, within which the state of exception becomes the rule. Within those boundaries, the decision over the lives of the people there is at the discretion of the PMC combatants.

As described by Agamben (2007), variables such as race and ethnicity are mobilised to characterise those who belong to the space delimited by PMCs, creating a stereotype of the enemy that can be combated in the most effective way, regardless of the principles governing international humanitarian law.

In these camps created by PMCs, cutting-edge technologies such as drones, radars, and now artificial intelligence coexist side by side and blend with the use of conventional weapons (mortars, AK-47 rifles, landmines) in a war economy that becomes a laboratory for what will be the future of battles in the medium and long term.

In addition to the plundering of natural resources, the war machines, as political organisations, immobilise, fix, or disseminate entire populations across the territory, or even beyond the state territory. Part of the population is composed of ‘rebels, child soldiers, victims or refugees, civilians incapacitated by mutilation or simply massacred in the manner of ancient sacrifices; while the “survivors”, after a terrible exodus, are confined to camps and zones of exception.’ (Mbembe 2016: 141). The civilian population, as in the Moura massacre, or in other episodes where these PMCs acted, is the target of this form of governance. This governance exercises necropower and creates a new form of sovereign power in which the decision over the life and death of citizens is in the hands of non-state actors within fluid exclusion boundaries that determine which part of the population deserves to live. A logic of war that, today, can be put into practice not only by states but also by non-state actors, such as PMCs, in politically unstable territories, such as fragile states.

Once the use of necropower in such states has been identified, we are left to think about what could be done to prevent these types of actions from continuing. Two courses of action, with some attempts already being made to put them into practice, can be considered. The first would be greater international regulation of PMCs. As happened with the Montreux Protocol in 2008 and the International Code of Conduct for Private Security Service Providers (ICoC) in 2010, the international community has shown interest in this type of control over PMCs. However, the reluctance of international actors to adhere to these standards or the difficulty in reaching a consensus on regulation has delayed the existence of stricter control over these companies. Another possibility would be the policies of prevention or withdrawal of states considered fragile from the situation they are in. However, whether due to the long period that this type of policy requires to yield results or due to the high costs imposed by such a task, or even due to the lack of interest,⁸ we find that, just like the regulation of PMCs, the prevention or end of state fragility is still something very incipient and unlikely to produce good results in the short term.

Conclusion

Mbembe’s (2016) work presents us with a conception of politics in which the centrality is in death and its management, with sovereignty understood as necropower.

In this context, the sovereign is the one who decides who must die in a permanent state of exception and no longer the one who holds, in the Weberian concept, the

legitimate monopoly of violence. This is because, analysing African states, Mbembe (2016: 139) asserts that many of them can no longer claim ‘monopoly over violence and means of coercion. Nor can they claim monopoly over their own territorial limits.’ They are, therefore, fragile states, in which the right to kill and exercise violence are no longer exclusive state attributes, but involve ‘urban militias, private armies, regional warlords’ armies, private security.’ (Mbembe 2016: 139).

The very nature of war is reconfigured in this perspective, abandoning the centrality of the state and the conception of war as an armed conflict between two political units, regulated by *jus publicum europaeum*. Modern war, rational and ‘civilised,’ with subjects who respect each other mutually, with a clear division between combatants and non-combatants. On the other hand, in contemporary war, we have the war machine, with its plurality of subjects, the use of aerial warfare and infrastructural warfare, seeking the bankruptcy of the enemy’s survival system. Not the combatant of modern war, but the enemy, the object of destruction technologies that, according to Mbembe (2016: 142), seek to inscribe bodies in the ‘order of maximum economy, now represented by the massacre’ (p. 141), in which ‘lifeless bodies are quickly reduced to the condition of mere skeletons [...], mere relics of inexhaustible pain, empty corporealities, without meaning, strange forms plunged into cruel stupor.’

In this new order, war is waged not only between sovereign states but also by armed groups such as PMCs, sometimes acting on behalf of the state. What they have in common is their main target – unarmed civilian populations or organised as militias. If, in modern war, the civilian population is, at most, collateral damage, in contemporary war, it occupies a central place as the object of necropower.

This type of situation, therefore, requires two courses of action from the international community. Greater regulation of the use of these companies, especially in fragile states, or prevention policies and the removal of these states from the situation they are in. Both solutions are difficult to implement at the international level, despite being urgent in addressing this type of situation.

Notes

- ¹ An example of a PMC (Private Military Company) operating during the Cold War was the United Kingdom’s WatchGuard International and its activities in Yemen during the 1960s. According to Peterson (2015), in the 1970s and 1980s, several British companies already offered military training, security, and consulting services as commodities. However, it was in the early 1990s that they became more professional, expanding and diversifying their range of services.
- ² Discussions about state fragility gained prominence in international relations debates, particularly from the 1990s onward. Initially, the term ‘failed states’ was commonly used. Over time, however, the term ‘fragile states’ became preferred, as it was considered less derogatory to the situation of these countries.
- ³ The FSI was established in 2005, initially focusing on the Weberian concept of state, which emphasises the state’s monopoly on the use of force as the primary characteristic of stable/fragile states. Over time, however, this index has evolved to include additional issues (Saeed 2020).
- ⁴ For discussions on this topic, see Hehir (2007), Mendes (2016), Patrick (2007), and Piazza (2008).

- ⁵ On critiques of state fragility indices, see Saeed (2020). According to the author, the most common criticisms of fragility indices are that they have problems with methodology, quantification, and calculability. Furthermore, the choice of index categories is neither neutral nor objective.
- ⁶ In examining the relationship between ethnic and cultural issues and the use of private military companies (PMCs), Al-Kassimi (2021) provides important insights. According to the author, after 11 September, there was a de-monopolising violence by states that consider themselves sovereign subjects, hiring 'death squads' such as PMCs as a 'rational means to preemptively engage terror allegedly reedifying Arabia from its Arab-Islamist predispositions.' (p. 4). And in this 'crusade' to save Arabia from the 'Islamists,' by linking violence and chaos to Islam, the state turned into a necropolis, a non-sovereign object, and a lawless space. Using the Mbembe (2016) framework, a camp where the necropower is exercised.
- ⁷ Turcan and Ozpinar (2009) further argue that the presence of PMCs in fragile states brings additional practical problems, such as the lack of accountability for their activities (mainly due to the absence of a specific legal framework to regulate them) and the lack of oversight of these companies by those who hire them.
- ⁸ The situation of state fragility can be advantageous from the perspective of economic exploitation, which, as Mbembe reminds us, forms part of the logic of necropower.

References

- Agamben, G. 2007. *Homo Sacer: o poder soberano e a vida nua*. Belo Horizonte: Editora UFMG.
- Agamben, G. 2008. *O que resta de Auschwitz: o arquivo e a testemunha*. São Paulo: Boitempo.
- Al-Kassimi, K. 2021. 'The legal principles of Bethlehem & operation timber sycamore: The "Islamist winter" pre-emptively targets "Arab life" by hiring "Arab barbarians"' *Laws 10* (3): 69.
- Avant, D. 2008. *The Market for Force: the consequences of privatizing security*. Cambridge: Cambridge University Press.
- BBC News*. 2021. 'Mali: Mali's plan for Russia mercenaries to replace French troops unsettles Sahel.' 1 October.
- BBC News*. 2022. 'Mali: Mali troops and suspected Russian fighters accused of massacre.' 5 April.
- Chisholm, A. 2015. 'Postcoloniality and race in global private security markets.' In R Abrahamsen, A Leander (eds), *Routledge Handbook of Private Security Studies*. Abingdon, Oxon; New York, NY: Routledge, pp. 177-186.
- Deleuze, G and F Guattari. 1995. *Mil platôs: Capitalismo e Esquizofrenia*. V.1. Rio de Janeiro: Editora 34.
- Flick, U. 2022. *An introduction to qualitative research*. London: Sage Publications.
- Foucault, M. 1985. 'Direito de morte e poder sobre a vida.' In M Foucault, *História da Sexualidade: a vontade de saber*. Rio de Janeiro: Graal, pp. 125-149.
- Foucault, M. 2003. *Society must be defended*. Nova York: Picador.
- Foucault, M. 2008. *O nascimento da biopolítica*. São Paulo: Martins Fontes.
- Fund for Peace. *Fragile States Index 2023 – Annual Report*. Washington, DC. Available at: https://fragilestatesindex.org/wp-content/uploads/2023/06/FSI-2023-Report_final.pdf. Accessed on: 02 set. 2024.
- Hehir, A. 2007. 'The Myth of the Failed State and the War on Terror: A Challenge to the Conventional Wisdom' *Journal of Intervention and Statebuilding 1* (3): 307-332.

- Ibrahimi, S Y. 2020. 'Violence-producing Dynamics of Fragile States: How State Fragility in Iraq Contributed to the Emergence of Islamic State' *Terrorism and Political Violence* 32 (6): 1245-1267.
- Kruck, A. 2014. 'Theorising the use of private military and security companies: a synthetic perspective' *Journal of International Relations and Development* 17 (1): 112-141.
- Mbembe, A. 2016. 'Necropolítica' *Arte & Ensaios* 32: 123-151.
- Mbembe, A. 2017. *Políticas da Inimizade*. Lisboa: Antígona.
- Mendes, C. 2016. 'Terra de Ninguém: Estados falidos, metáforas e narrativas de exclusão' *Teoria e Pesquisa* 25 (1): 176-198.
- Newman, E. 2013. *The violence of statebuilding in historical perspective: implications for Peacebuilding*. Londres: Routledge.
- Orman, T F. 2016. 'An Analysis of the Notion of a Failed State' *International Journal of Social Science Studies* 4 (1): 77.
- Patrick, S. 2007. 'Failed States and Global Security: Empirical Questions and Policy Dilemmas' *International Studies Review* 9 (4): 644-662.
- Petersohn, U. 2015. 'Private Military and Security Company (PMSCs), Military Effectiveness, and Conflict Severity in Weak States, 1990-2007' *Journal of Conflict Resolution* 61 (5): 1046-1072.
- Piazza, J A. 2008. 'Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?' *International Studies Quarterly* 52 (3): 469-488.
- Rahola, F. 2007. 'La forme-camp. Pour une généalogie des lieux de transit et d'internement du présent' *Cultures & Conflits* 68: 31-50.
- Rotberg, R. 2002. 'The New Nature of Nation-State Failure' *The Washington Quarterly* 25 (3): 85-96.
- Saeed, R. 2020. 'The Ubiquity of State Fragility: Fault Lines in the Categorisation and Conceptualisation of Failed and Fragile States' *Social & Legal Studies* 29 (6): 767-789.
- Singer, P W. 2008. *Corporate Warriors: the rise of the privatized military industry*. Londres: Cornell University Press.
- Szuhai, I. 2015. 'Rethinking the concept of failed state' *Central European Papers* 3 (2): 99-110.
- Toledo, A. 2019. "'Estados Falidos" enquanto discurso colonial' *Monções: Revista de Relações Internacionais da UFGD* 8 (15): 165-192.
- Turcan, M & N Ozpinar. 2009. "'Who let the dogs out?": A critique of the security for hire option in weak states' *Dynamics of Asymmetric Conflict* 2(3): 143-171.
- Uessler, R. 2008. *Guerra como Prestação de serviços: a destruição das democracias pelas empresas militares privadas*. São Paulo: Estação Liberdade.
- United Nations. 2023. 'Moura: Over 500 killed by Malian troops, foreign military personnel in 2022 operation.' 12 May.

Data Availability

Do not apply.

About the Authors

Karina Junqueira Barbosa is a professor in the Graduate Program in Social Sciences at the Pontifical Catholic University of Minas Gerais (PUC Minas) and an associate professor in the Department of Social Sciences, working in the fields of Political Science and Political Philosophy. She also coordinates the specialisation program in Citizenship and Human Rights in the context of Public Policies at IEC/PUC Minas. She completed post-doctoral research in International Relations at PUC Minas (2019), in Political Philosophy at the Federal University of Minas Gerais (UFMG) (2016), and in Communication and Culture at the School of Communication of the Federal University of Rio de Janeiro (UFRJ) (2014). She holds a PhD in Social Work from UFRJ (2013). She earned a bachelor's degree in Social Sciences from the Federal University of Minas Gerais (1996), a bachelor's degree in Law from Milton Campos Law School (2004), a master's degree in Political Science from the Federal University of Minas Gerais (2002), and a specialisation in Administration and Planning of Social Projects from UNIGRANRIO (2006).

Cristiano Garcia Mendes holds a bachelor's degree in Social Sciences and a master's degree in Political Science from the Federal University of Minas Gerais (UFMG). He earned a PhD in International Relations from the University of Brasília (UnB), with a period of studies at the University of Victoria (Canada). He was a visiting professor at the University of Sydney, Australia (2011), and at the University of Coimbra, Portugal (2014). He served as Deputy Secretary of the Brazilian International Relations Association (2013–2015) and as an ENADE reviewing professor (2015). He currently teaches at the undergraduate level and in the Graduate Program in International Relations at the Pontifical Catholic University of Minas Gerais (PUC Minas). His research focuses on terrorism, discourse analysis, state fragility, Private Military Companies, and post-positivist theories of International Relations.

Empresas Militares Privadas, Necropoder e Estados Frágeis

Resumo: As empresas militares privadas (EMPs) ganharam destaque no cenário internacional desde o fim da Guerra Fria. Oferecendo uma ampla gama de serviços, essas empresas passaram a ser contratadas por atores estatais e privados para atuar em conflitos internacionais. O uso dessas empresas, no entanto, tem suscitado suspeitas quanto à legitimidade de suas ações, especialmente quando fornecem agentes para envolvimento direto em conflitos que ocorrem em Estados frágeis. Isso porque esses grupos têm promovido massacres contra populações civis desarmadas, que deixam de constituir danos colaterais e passam a ser alvo. Alvo de um necropoder exercido pelas EMPs no contexto do que Achille Mbembe denominou guerras contemporâneas, nas quais a guerra não é travada apenas por Estados e seus exércitos regulares, mas em que a coerção se torna um produto de mercado, e o serviço militar pode ser comprado e vendido. O objetivo deste artigo, portanto, é analisar as ações das EMPs em situações de conflito em Estados frágeis como um exercício de necropoder, no qual tecnologias de destruição são utilizadas e decisões soberanas sobre a vida e a morte são tomadas. Para tanto, a metodologia empregada consiste em uma análise conceitual e teórica, aplicando os conceitos de Foucault, Agamben e Mbembe às ações das EMPs em Estados frágeis.

Palavras-chave: Estados frágeis; empresas militares privadas; necropoder; massacre; guerras contemporâneas.

Received on 2 October 2024 and approved for publication on 23 September 2025.

Editor-in-Chief Responsible

Roberto Vilchez Yamato



<https://creativecommons.org/licenses/by/4.0/>