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## CHINESE MERCENARIES ON THE INTERNATIONAL ARENA: ILLUSION OR REALITY

**Key words:** mercenary, a citizen of China, armed conflict, international security, illegal activity, criminal liability, etc.

**Introduction.** A private military company also called a private military and security company or security and defense services company is one that provides security and defense services to governments, international organizations, NGOs, or private companies [6].

These entities began to be established between the end of the 20th century and the beginning of the 21st century; before, the phenomena of private fighters were similar to the mercenary figure, sometimes acting on their own, often in the pay of national sovereigns, such as *Italian condottiere*, Swiss mercenaries, and *lansquenets*, phenomena widespread during the Middle Ages. The most famous cases relate to the use in various conflicts since the end of the 20th century, such as the Yugoslav wars, the war in Afghanistan and the war in Iraq, the Syrian civil war, and the war in eastern Ukraine. Since the beginning of the 21st century, the US has progressively increased its use of these entities; in 2003 it was estimated that the turnover of private military companies exceeded 100 billion dollars annually.

Legally, the status of personnel employed in these enterprises, following the Geneva Conventions, is different from that of military personnel who regularly serve in the armed forces, being subject to neither the obligations nor the rights provided for regular militias. Contractors may also not act under the laws of war and international humanitarian law and, if captured, are not necessarily recognized as prisoners of war. Personnel employed by such entities that use offensive force in a conflict zone could be considered „illegitimate combatants” regarding the Geneva Conventions [7] and [3].

**Materials used and methods applied.** In the process of developing the scientific article, we were guided by several various scientific research methods that made it possible to properly investigate the respective subject,

among which we can list: the analysis method, the synthesis method, the deduction method, the systemic method, the historical method, as well as the comparative method.

The theoretical-legal basis of the scientific approach includes the defining material from the Internet that directly or indirectly addresses the essence and content of the subject under research, in the online environment.

**The results were obtained based on the scientific analyzes carried out.** Under the terms of art. 47 of Additional Protocol No. 1 of June 10, 1977, to the Geneva Conventions of August 12, 1949, regarding the protection of victims of international armed conflicts, the concept of „mercenary” means any person [1]:

a) who is specially recruited in the country or abroad to fight in an armed conflict;

b) who takes part in the hostilities;

c) who takes part in hostilities, especially intending to obtain a personal advantage and who is effectively promised, by a party to the conflict or on its behalf, a higher remuneration than that promised or paid to combatants having a similar rank and position in the forces armies of this party;

d) who is neither a national of a party to the conflict nor a resident of the territory controlled by a party to the conflict;

e) who is not a member of the armed forces of a party to the conflict;

f) who was not sent by a state, other than a party to the conflict, on an official mission as a member of the armed forces of that state.

At the same time, a mercenary does not have the right to the status of combatant or prisoner of war.

Additional Protocol I also establishes that, in case of doubt, a presumption of combatant status for persons who take part in hostilities and fall into the hands of the opposing party and who claim the status of prisoners of war, with a competent tribunal to determine their actual status. Illegal combatants (spies, saboteurs, mercenaries) and those who have committed war crimes do not enjoy the status of prisoners of war after a competent court has pronounced a sentence against them [2].

The missions of the private military and security companies (CMSP) are dependent on the nature of the interests of those who employ them. CMSP works for a fee, on a contract basis, and that is why they are called contractors. They fall into the categories of *security contractors* or *private military contractors*. When they participate in combat operations, they are considered to be mercenaries. Beneficiaries can be governments, private companies, international organizations, etc. The purposes of using these companies differ from country to country, depending on the contractors and the interests of the employers.

The largest number of CMSPs ensures the physical security of private and state companies, which work in low or medium-risk environments, within the national territory. Some states use such companies to ensure the physical protection of some state security institutions. For example, the Pentagon has its physical security provided by private companies. In other countries, such a solution is unthinkable. These private companies have varying levels of professionalism, from weak to average.

Other companies, mostly belonging to the USA and Russia, participate, integrated or not, with the regular military forces, in missions outside the national territory. These various missions include the training of foreign military forces, the protection of dignitaries, the protection of convoys, the carrying out of prisoner releases, the carrying out of kidnappings, and assassinations, the clandestine gathering of information for their missions as well as those of other beneficiaries, the protection of military or industrial objectives in hostile environments, even participating, in small groups, in high-intensity military operations. These involve the use of highly professional forces, usually made up of former members of special forces or intelligence structures. When participating in offensive combat operations, contractors, according to the Geneva Convention, are outside the law. They cannot be taken prisoner even in case of capture and, depending on the law of the state against which they acted, they can be executed or exchanged for prisoners of the opposing camp. They have the status of spies and are treated as such following the mentioned Convention. That is why the governments that, indirectly, contracted their mission, never admit that they use mercenaries.

With a large number of investments outside the national territory, China could not rely, for reasons of information protection or physical security of the objectives, only on the participation of private companies belonging to other states, quite rarely friends of China. Investments under the *Belt and Road Initiative* (BRI) program require a large number of missions to ensure the security of objectives and personnel. This huge project started in 2013, bears the signature of Chinese President Xi Jinping, and is China's biggest investment of all time. *Belt*, includes road and rail transport corridors as well as energy supply from and to the European Union. *Road* refers to sea transport and implicitly the construction of ports in Asia, Africa, the Middle East, and Europe. Chinese investments from this project are carried out in 65 countries of the world, among which there are also some in a state of political and, hence, economic and financial instability. In these countries, it is difficult to draw a line between political and commercial factors.

Ensuring the security of a large and varied number of objectives also requires a wide diversity of means and methods for ensuring the physical security of the infrastructure and personnel, as well as a high level of

professionalism. At the beginning of the project, China was not fully concerned with its provision, with security information and political and economic forecasts of the states included in the project. After several stage failures due to political risks and criminal violence, the issue of ensuring physical security, personnel, IT, and security systems as well as gathering information from local and regional environments was seriously raised.

During the first missions to combat the violence of local criminal gangs, the companies participating in the investments turned to the People's Liberation Army of China. The Chinese military intervened in the release of Chinese workers from Libya and Yemen, and the Chinese People's Police in several minor incidents. Acting in support of some private companies, they were on the periphery of the law.

Considering the fact that in China the differences between commercial and political aspects are not as well highlighted as in a democracy and in the case of CMSP their delimitation from the Chinese army is quite confusing. This explains the November 2015 killing of three Chinese officials by local terrorists in Bamako, Mali, as well as the beheading of two Chinese teachers in 2017 by ISIS forces in Quetta, Pakistan, where Beijing did not want to engage the Chinese army.

The Chinese government has begun to encourage the private sector in hiring CMSP-type companies. Currently, there are over 5,000 such companies in China with over 3 million employees. Less than 20 such companies are able, however, to act outside the national territory. According to Chinese law, these companies are not allowed to possess lethal weapons, hence the impossibility of intervening in high-risk operations. This is the reason why they act mainly on the national territory, for the physical security of objectives and people. In this way, their activity is, rather, guarding than security.

CMSPs are supported politically and, above all, financially by the large private companies that contract both their missions and the training process. To train the employees of these companies as well as to expand their missions at the beginning of 2019, with the advice of Erik Prince, former founder of the well-known private military company Blackwater, the company Frontier Services Group was established in China. It is currently building a \$500,000 training center where approximately 8,000 fighters will be trained per year [5].

Erik Prince, the legendary patron and founder of Black water, the world's most powerful private army until 2009, is currently at the helm of Frontier Services Group (FSG), his Hong Kong-based enterprise in charge of logistics in Africa for numerous multinationals Chinese. Logistics insurance is the facade, but behind the scenes, it is about the defense of China's investments in African countries, the Chinese economic octopus being frightened by the rise of terrorism, which threatens its interests.

The terrorist risk is explicitly evoked by Beijing, which declares itself concerned for the security of the two million expatriates in Africa. In reality, terrorism poses a risk to Chinese economic interests in Africa. China's Ministry of State Security, Guoanbu, recently issued an alarm after identifying a series of threats on the mainland. After the kidnapping in May 2014 by the extremist group Boko Haram of 10 Chinese who were working on the construction site of a hydroelectric dam in Nigeria, alert statements of this type followed one another. Dozens of Chinese have been kidnapped or killed in recent years and just last week a Chinese was kidnapped in Mozambique. In Beijing, the issue of military involvement in Africa is becoming more and more open and the debate is wreaking havoc at the top of power, says academic Anthony Ross, from the Center for Chinese Studies at the University of Stellenbosch in South Africa. The problem would be to protect Chinese economic interests without renouncing to distinguish themselves from the Americans and Europeans on the strategy „see that we are peaceful, we only do business!“.

Erik Prince claims to have turned the page on his military activities and declares: „I am on a mission for the Chinese economy in Africa“. The most famous American mercenary, who with Blackwater obtained contracts with the US government in Iraq and Afghanistan, now heads the Frontier Services Group, which works for important Chinese clients in Africa. Prince claims that they are activities different from the previous ones; FSG does not provide security services and has no armed personnel. But news from different places contradicts him. FSG's role is to ensure logistics and smooth operations for clients on the African continent. It ensures the transport of people and materials, evacuation in case of emergency, and the construction of infrastructures such as bridges or roads to allow the transport of raw materials from the extraction points to the main ports in Kenya or South Africa. In Africa, logistical issues are important. For example, in Congo the transport of cargo from the mines in Katanga is very difficult, borders have to be crossed, and the routes are dangerous. In Sudan, the smooth functioning of the oil industry is secured. FS Group has very important Chinese clients, especially in the field of gas and oil.

Chinese enterprises tend to import from China everything they can use in their operations in Africa, which means personnel, massive material, and even food. But for that, they do not have logistics enterprises in China. The material arrives directly in African ports and Prince's company brings it from the ship to the work sites. These are oil fields, pipelines, or raw material extraction sites. Chinese investments in Africa are very large and businesses want everything to work without risk.

The former CIA man states that today China and Africa are inseparable. China needs African raw materials and Africa needs Chinese investors.

Looked more closely, and the data says something more. FS Group is based in Hong Kong and the main shareholder is Citic, a Chinese public investment fund, which means that Prince is „closer” to the Chinese government.

The fight against terrorism is not just the prerogative of men in uniform. The Chinese secret services are also mobilized. Until now, Chinese spies mainly dealt with economic information and controlled relations between African countries and Taiwan. China's secret services have several agencies with well-defined roles. The most active in Africa is Guoanbu, run by the Ministry of State Security. Guoanbu already has six regional coordination centers on the African continent – in Egypt, Jordan, South Sudan, Nigeria, Angola, and South Africa. Less important agencies are located in Kenya and Mozambique. The base in Djibouti will have the main mission of coordinating the operations of secret service centers in Africa. This placement was not due to chance – the chosen countries are at the center of Chinese economic activities and host many Chinese expatriates and diplomats.

The large state oil groups are also implanted – China National Petroleum Corporation, China National Offshore Oil Corporation, Sinopec, or Petro-China. Ports and facilities of the shipping carrier Cosco are also closely watched by Guoanbu agents, as are telecommunications. ZTE and Huawei are very active in Africa, where they have obtained important contracts for telecom, fiber optic, and 3G networks. Beijing has the ability to mobilize all of its expatriates. Under the cover of the Ministry of Commerce and patriotic fronts that bring together Chinese students, volunteers, and NGOs, professional spies have set up a shadow army to obtain information on potential terrorist targets.

China has military cooperation with 11 countries on the continent – Algeria, Angola, Egypt, Ghana, Nigeria, South Africa, South Sudan, Tanzania, Uganda, Zambia, and Zimbabwe and its blue helmets are deployed in Côte d'Ivoire, in Darfour, DRC, Liberia, and Western Sahara. But two countries are particularly targeted – Mali, where 500 Chinese soldiers are on a UN mission, and South Sudan, where another 184 have arrived this month as part of a UNMISS mission. It is the first time Beijing has deployed a full infantry battalion outside its borders.

Will China stop being just an economic partner and engage in a political and military field? Officially no. However, news from the official New China News Agency stated that „China's precious aid to Africa has won the security bet... By supporting the economic emergence of the continent, China is making the most effective contribution to Africa against extremism that leads to terrorism, therefore to insecurity”. The Chinese authorities are content, for now, to send warships to some ports to protect container ships and oil tankers against pirates [4].

As we observed in the present scientific approach, the participation of Chinese mercenaries in armed conflicts is not an exception. This position is not the author's but was inferred from the media sources that made this data public. Thus, the participation of Chinese mercenaries in armed conflicts was mentioned by several journalists, as was possible to observe in the descriptions above.

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