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International Law**

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Dogs of War or Jackals of Terror?

Foreign Fighters and Mercenaries in International Law

Simon Chesterman*

Abstract: The threat of “blowback” from foreign fighters, unaffiliated volunteers who join an insurgency in a distant land, has led states to explore a variety of normative mechanisms. Among these is the international legal regime applicable to mercenaries. This short article considers the evolution of mercenarism and the efforts to regulate it. Attempts to fit foreign fighters into that normative category are unlikely to succeed. In part this is due to the question of motivation, which is central to most definitions of mercenary and focuses on private gain. But it is also linked to the reasons for regulation in the first place: mercenaries are seen as threats in the states to which they travel, while foreign fighters are primarily deemed threats by the states to which they might return.

Foreign fighters, unaffiliated volunteers who join an insurgency in a distant land, are not new. Though much attention is paid to those joining Islamist insurgencies — notably in Afghanistan in the late 1980s, Bosnia and Chechnya in the 1990s, and most recently in Syria & Iraq — large numbers of foreign fighters were also found among the International Brigades of the Spanish Civil War in the 1930s and the Jewish volunteers in the Arab-Israeli war of 1948. The history of individuals choosing to leave their own state to fight in another stretches back far further.¹ Nevertheless, there is today a tendency to conflate foreign

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¹ See generally David Malet, *Foreign Fighters: Transnational Identity in Civic Conflicts* (Oxford: Oxford University Press, 2013).

fighters with both Islam and Islamist terrorism. This can be seen, for example, in the Security Council's use of the phrase "foreign *terrorist* fighters" when condemning the terrorist acts of Islamic State in Syria and in Iraq.²

The challenge of regulating those who travel abroad to participate in an insurgency outside of any official military organization has raised the question of whether they should be considered within the framework of mercenarism.³ Both foreign fighters and mercenaries participate in conflicts in states of which they are not citizens, so a comparison is understandable. Nevertheless, the analogy is flawed in two ways. The first is the motivation of the individuals participating in conflict: the definition of mercenary includes desire for private gain as a central element, whereas foreign fighters are generally unpaid and fight for ideological, religious, or other purposes.⁴ The second reason is that the two regulatory challenges are quite different: whereas mercenaries are seen as a threat to the states to which they travel, efforts to regulate foreign fighters tend to be driven by fears in the state to which they might return.

This article first describes the evolution of mercenarism as a phenomenon, before considering efforts to regulate it. Of particular interest is the intention underlying regulation, and how that compares with the contemporary attempts by various states to mitigate the risks posed by foreign fighters.

1 The Fall and Rise of Mercenarism

The International Convention Against the Recruitment, Use, Financing and Training of Mercenaries was opened for signature in December 1989 and came into force after its twenty-second ratification in September 2001.⁵ The intervening period, however, saw a sea

² SC Res 2170 (2014); SC Res 2178 (2014) (emphasis added).

³ See, eg, Report of the Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination, UN Doc A/70/330 (2015).

⁴ David Malet offers a typology of foreign fighter motivation based on the type of conflict and the connection of foreign fighters, producing the categories of *diasporans*, *liberationists*, *encroachers*, and *true believers*: Malet, *Foreign Fighters*, p. 43. See also Report of the Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination, paras. 25-26.

⁵ International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries (Convention on Mercenaries), 4 December 1989, in force 20 October 2001, available at <<http://www.un.org/documents/ga/res/44/a44r034.htm>>.

change in how soldiers for hire — reincarnated as “private military companies” (PMCs) or “private military and security companies” (PSMCs) — are viewed and used.⁶ Executive Outcomes turned around the orphaned conflict in Sierra Leone in the mid-1990s.⁷ Military Professional Resources Incorporated (MPRI) trained the Croatian military prior to Operation Storm, which defeated Serb forces and cleared the way for the Dayton negotiations.⁸ Even UN Secretary-General Kofi Annan has said that, when confronted with the need to separate fighters from refugees in the Rwandan refugee camps in Goma, he “considered the possibility of engaging a private firm”.⁹

Some states found the new acceptability of PMCs useful. In the occupation of Iraq following the 2003 war, for example, the second largest contingent of armed personnel after the United States came not from Britain but was made up of contractors — men and women serving in Iraq, arguably as modern mercenaries. The Convention on Mercenaries remains in force with 34 parties, but only one state has signed or ratified it in the past six years.¹⁰

The rise of PMCs marks the intersection of two distinct trends that are frequently overlooked or conflated. The first is the fact that mercenarism is an old and, for much of human history, quite legitimate activity; current tolerance of it might be better understood not as an aberration but reversion to the norm. The second trend is connected with changing understandings of the state and the powers over which it should properly hold a monopoly.

Today it is “common sense” that the control, sanctioning, and use of violence should be limited to states. But it was not always so. The Pope, for example, is still protected by a private Swiss regiment first hired in 1502. Echoes of the acceptability of mercenarism also

⁶ See generally Simon Chesterman and Chia Lehnardt (eds.), *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (Oxford: Oxford University Press, 2007). Some text in this section draws on material first written for that volume and Simon Chesterman, “Leashing the Dogs of War: The Rise and Regulation of Private Military Companies”, *Carnegie Reporter*, vol. 5(1) (2008), p. 36.

⁷ David Shearer, *Private Armies and Military Intervention, Adelphi Paper 316* (Oxford: Oxford University Press, 1998). Cf. Sarah Percy, “Morality and Regulation”, in Chesterman and Lehnardt (eds.), *From Mercenaries to Market*, pp. 16-17 (arguing that the benefits were temporary).

⁸ Kevin A. O’Brien, “What Should and What Should Not Be Regulated?”, in Chesterman and Lehnardt (eds.), *From Mercenaries to Market*, p. 38.

⁹ Kofi A. Annan, *We the Peoples: A UN for the 21st Century* (New York: Routledge, 2016), p. 201.

¹⁰ UN Treaty Collection, International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, status available at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-6&chapter=18&lang=en.

live on in our language. The term “freelance”, for example, now means a casual worker, but historically it referred literally to a free agent in possession of a lance.¹¹

Indeed, the more interesting question might be not why mercenarism is on the rise now, but why it dipped in popularity over the past two centuries, from around the time of the French Revolution. Many assume that the normative prohibition stems from a moral opprobrium at the idea of fighting for money — indeed the motivation for private gain remains central to the modern definition.¹² Yet this reflects revisionism comparable to the way in which the law of armed conflict is often assumed to have emerged out of a desire to protect civilians. (Its nineteenth century origins are more properly linked to the desire to protect the standing armies of *states*.¹³)

In fact, the popularity of or disdain for mercenaries has depended on the shifting importance of military skill and military numbers, with a major influence being emergent technology. The introduction of the musket two centuries ago vastly reduced the time it took to train an effective soldier, with the result that quantity soon mattered more than quality. In such circumstances, national conscription offered a more efficient means of raising a large army. Such military and economic shifts were then reinforced by politics and culture, with the result that mercenaries “went out of style” in the nineteenth century.¹⁴ Reliance on mercenaries soon came to be seen not only as inefficient but suspect: a country whose men would not fight for it lacked patriots; those individuals who would fight for reasons other than love of country lacked morals.¹⁵

Mercenaries never really went out of business, however. They continued to be important in low-technology wars where the quality of troops and their weapons still mattered. This explains both their ongoing significance in Africa through the twentieth century — frequently in attempting to overthrow weak governments — and efforts by those

¹¹ See generally Sarah Percy, *Mercenaries: The History of a Norm in International Relations* (Oxford: Oxford University Press, 2007).

¹² Aaron Ettinger, “The Mercenary Moniker: Condemnations, Contradictions and the Politics of Definition”, *Security Dialogue*, vol. 45(2) (2014), p. 174 at 175.

¹³ See Karma Nabulsi, *Traditions of War: Occupation, Resistance and the Law* (Oxford: Oxford University Press, 1999).

¹⁴ Deborah Avant, “From Mercenary to Citizen Armies: Explaining Change in the Practice of War”, *International Organization*, vol. 54 (2000), p. 41.

¹⁵ See generally Deborah Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005); Percy, *Mercenaries*.

governments through the Organization of African Unity and the UN to prohibit mercenarism completely.¹⁶

But it was the end of the Cold War that saw a major expansion in mercenary activity. The 1990s saw a proliferation of small-scale conflicts and a demand for skilled military services matched by a sudden supply of trained soldiers. State militaries by the end of that decade employed roughly seven million fewer soldiers than they did in 1989; some units that were retired, such as the South African 32nd Recon Battalion and the Soviet *Alpha* unit, kept the outline of their structure and simply reconstituted themselves as corporations.¹⁷

That expansion was linked to the larger trend affecting attitudes towards mercenaries, which was a transformation in the Western idea of the state, accompanied by a willingness to outsource traditionally governmental functions to private actors.¹⁸ In the 1991 Gulf War, for example, U.S. forces employed one contractor for every fifty active-duty personnel. By the 1999 Kosovo conflict, this number had risen to one in ten. In the course of the 2003 Iraq war, estimates of the proportion of contractors ranged from one in five to being equal to or in excess of U.S. military personnel.

This thumbnail sketch of the history of mercenarism is of interest primarily because it helps explain how efforts at regulation have changed also. The 1977 First Additional Protocol to the Geneva Conventions defines a mercenary as a person who:

- (a) is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) does, in fact, take a direct part in the hostilities;
- (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;

¹⁶ Convention of the OAU for the Elimination of Mercenarism in Africa, done at Libreville, 3 July 1977, in force 22 April 1985, available at <<http://www.icrc.org/ihl.nsf/FULL/485?OpenDocument>>; Convention on Mercenaries; Angela McIntyre and Taya Weiss, "Weak Governments in Search of Strength: Africa's Experience of Mercenaries and Private Military Companies", in Chesterman and Lehnardt (eds.), *From Mercenaries to Market*.

¹⁷ See generally P.W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, NY: Cornell University Press, 2003).

¹⁸ See generally Simon Chesterman and Angelina Fisher (eds.), *Private Security, Public Order: The Outsourcing of Public Services and Its Limits* (Oxford: Oxford University Press, 2009).

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

(e) is not a member of the armed forces of a Party to the conflict; and

(f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.¹⁹

The 1989 Convention draws on that definition and expands it beyond merely fighting in an armed conflict to include undermining a state's constitutional order or territorial integrity, provided that the other elements are satisfied.²⁰

Motivation "essentially by the desire for private gain" is key to the definition — though, as we have seen, the opprobrium is of fairly recent vintage. Today it is also called into question by the professionalization of armies, which tend not to rely on conscription and liberally draw on contractors themselves.²¹

This may be contrasted with attempts to define the modern phenomenon of foreign fighters. Though not a term of art and lacking any legal purchase, a reasonable definition is that offered by Thomas Hegghammer, who offers a four-pronged definition of a foreign fighter as someone who:

(1) has joined, and operates within the confines of, an insurgency;

(2) lacks citizenship of the conflict state or kinship links to its warring factions;

(3) lacks affiliation to an official military organization; and

(4) is unpaid.²²

Much of the commentary focuses on the lack of a financial motive on the part of a foreign fighter. Yet, as we shall see, another reason for distinguishing between these two categories

¹⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), 8 June 1977, available at <<http://www.icrc.org/ihl>>, art. 47(2).

²⁰ Convention on Mercenaries, art. 1(2).

²¹ Malet, *Foreign Fighters*, pp. 38-40.

²² Thomas Hegghammer, "The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad", *International Security*, vol. 35(3) (2010), p. 53 at 57-58.

of irregular combatants is the motivation for states seeking to regulate their activities in the first place.

2 Muzzling Dogs, Spaying Jackals

Though the definition of mercenary may turn on the private gain sought by an individual, upholding moral standards is not the reason why states have sought to limit the protections given to mercenary combatants or prohibit such activities completely. At base the reasons for regulation are to control violence within appropriate political processes and social norms.

As Deborah Avant has argued, such efforts at control can be thought of in three discrete dimensions.²³ The first and most importantly is *political* control — the ends for which violence is deployed. This is evident in the twentieth century evolution of the prohibition on mercenarism as being linked to threats to self-determination through their involvement in overthrowing a government, or destabilising a state’s constitutional order or territorial integrity.

A second dimension of control is *functional* control of the capacities deployed by actors outside the direct control of the state. Quite apart from the desire to limit the purposes for which violence is deployed, there are ongoing debates about whether there are certain powers that should be limited to state actors alone. The United States has demonstrated a higher tolerance for outsourcing than most industrialised states, but at the limits of outsourcing there are ongoing debates over what functions of the state are “inherently governmental” and therefore not to be carried out by anyone other than public officials accountable to the people.²⁴

Thirdly, there is without question an aspect of *social* control — the desire to ensure that violence is governed by international values. In this context the motivation of mercenaries can become important as it raises not only moral questions (which, as we have seen, are historically contingent) but also questions of incentive: if the mercenary’s primary

²³ See Avant, *Market for Force*.

²⁴ See Simon Chesterman, ““We Can’t Spy... If We Can’t Buy!”: The Privatization of U.S. Intelligence Services and the Limits of Outsourcing “Inherently Governmental” Functions”, *European Journal of International Law*, vol. 19 (2008), p. 1055.

motivation to violence is profit, the presence of mercenaries in a conflict may undermine efforts to bring about peace if that would run counter to their narrow interests.

When we consider the phenomenon of foreign fighters, the purposes of regulation are very different. Much of the concern appears to turn not on what they go abroad to do, but what they might do on their return. Sometimes referred to as the “blowback” problem, this points to the possibility that these men and women — though they are mostly men — may develop skills, become further radicalised, and then return home to commit terrorist acts.²⁵

There is some foundation for this concern, based in particular on the experience of Afghanistan beginning in the 1980s. Afghanistan served as the training ground for groups such as al Qaeda, Abu Sayyaf, and Algeria’s Armed Islamic Group. The number of those who went abroad to fight and brought terrorism home is small but significant: between 1990 and 2010, Hegghamer estimates that one in nine foreign fighters returned to their home state to perpetrate an attack.²⁶ Note, however, that this dataset excludes the explosion of foreign fighters travelling to Iraq and Syria — estimated at over 12,000, around 20 percent of whom come from Europe.²⁷ Separately, the UN Security Council’s al Qaeda Sanctions Committee has estimated that there are 25,000 foreign fighters from 100 states involved with groups associated with al Qaeda.²⁸ It is unclear whether this growth in the absolute number of foreign fighters will see a linear increase in the number that actually commit terrorist acts upon returning home. Nevertheless, as a statistical predictor, participating in a conflict as a foreign fighter offers a stronger correlation than any other means of forecasting terrorism.²⁹

For this reason, states have tended to prosecute foreign fighters not as mercenaries, but as terrorists. Singapore, for example, announced in March that it had arrested four Singaporeans who had been planning to travel to Syria and Yemen. One of them had

²⁵ Foreign Fighters Under International Law (Geneva Academy of International Humanitarian Law and Human Rights, Academy Briefing No. 7, Geneva, October 2014), available at <<http://www.geneva-academy.ch>>, 12-14.

²⁶ Thomas Hegghamer, “Should I Stay or Should I Go? Explaining Variation in Western Jihadists’ Choice Between Domestic and Foreign Fighting”, *American Political Science Review*, vol. 107(1) (2013), p. 1 at 7.

²⁷ Richard Barrett, *Foreign Fighters in Syria* (Soufan Group, New York, 2014), available at <<http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf>>; Christophe Paulussen and Eva Entenmann, “Addressing Europe’s Foreign Fighter Issue: Legal Avenues at the International and National Level”, *Security and Human Rights*, vol. 25 (2014), p. 86 at 87.

²⁸ UN Doc S/2015/358 (2015), paras. 52-53.

²⁹ Craig Forcese and Ani Mamikon, “Neutrality Law, Anti-Terrorism, and Foreign Fighters: Legal Solutions to the Recruitment of Canadians to Foreign Insurgencies”, *UBC Law Review*, vol. 48(2) (2015), p. 305 at 316.

actually planned to fight *against* Islamic State in Syria, but all were arrested on the basis that “they have demonstrated a readiness to use violence to pursue their religious cause. As such, they are assessed to pose a security threat to Singapore.”³⁰ This echoes the concerns expressed at the international level, where the UN Security Council refers to “foreign *terrorist* fighters” and links the threat posed by such actors not only to their actions but in “providing or receiving terrorist training”.³¹

In such efforts, we can see that the regulation of foreign fighters differs from mercenaries in terms of jurisdiction, time, and the states seeking to control their behaviour.

First, with respect to jurisdiction, states often seek to regulate behaviour of foreign fighters who are their own nationals for conduct that might take place within their own territory.³² The Singapore example quoted above is illustrative: the threat posed was a security threat *to Singapore*.³³ It is not always a requirement that the direct threat to the home jurisdiction be proven directly, but it is typically explicit or implicit in the decision to prosecute.

The second aspect is related: foreign fighters tend to be seen as a threat not because of acts they have undertaken in the past but for acts that they might undertake in the future.³⁴ As indicated earlier, there is a correlation between serving as a foreign fighter and perpetrating terrorist acts at home, but the former does not necessarily lead to the latter. Criminal law does not generally punish acts that *might* take place, and so states have explored different means of regulation. In addition to “soft” measures intended to dissuade individuals from becoming foreign fighters in the first place,³⁵ this might include the criminalization of preparatory acts. Such was the basis for the first conviction under section 5(1) of Britain’s Terrorism Act 2006, with exchanges on social media in Britain used as the basis for proving Mashudur Choudhury’s intention to join a “terror training camp” in Syria.³⁶ Canada’s first

³⁰ LIM Yan Ling, “4 Singaporeans Arrested Under ISA for Involvement in Armed Violence Abroad”, *Straits Times* (Singapore), 16 March 2016.

³¹ SC Res 2178 (2014), para. 5.

³² Forcese and Mamikon, “Neutrality Law”.

³³ See *supra* note 30.

³⁴ Cf. Report of the Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination, paras. 17-18 (describing the impact of foreign fighters on the exercise of the right to self-determination).

³⁵ See, eg, Forcese and Mamikon, “Neutrality Law”, at 319.

³⁶ Sandra Laville, “First British Conviction for Syria-Related Terror Offence”, *Guardian* (London), 20 May 2014.

conviction led to a ten-year prison sentence for “attempting to participate in a terrorist activity”.³⁷ The United States has tended to rely on its existing laws prohibiting “material support” to foreign terrorist organizations.³⁸ Other states have relied on administrative measures, sometimes linked to neutrality laws prohibiting serving in foreign military services.³⁹ Germany has tended to rely on passport revocations,⁴⁰ while Dutch law allows for the stripping of Dutch citizenship from dual citizens.⁴¹ The former approach seeks to limit the ability to participate as foreign fighters, the latter to reduce the likelihood that skills acquired will be brought back “home”. Some states have suggested that they could strip foreign fighters of citizenship even if it rendered them stateless.⁴²

A different approach is to use executive powers to detain or otherwise restrict the liberties of would-be foreign fighters. Australia has extended its “control order” regime to this end;⁴³ Singapore relies on its Internal Security Act, which offers broad powers to detain without trial a person whom it is deemed necessary to prevent from acting “in any manner prejudicial to the security of Singapore”.⁴⁴

The third aspect in which regulation of foreign fighters tends to differ from regulation of mercenaries is the states that are primarily concerned. As we have seen, the phenomenon of mercenarism in the twentieth century was primarily an issue confined to developing countries. Indeed, insofar as PMCs reflect a modern incarnation of mercenaries they have tended to be embraced by the developed world, in particular the United States.⁴⁵ It is no surprise, therefore that major efforts to ban mercenaries were led by developing

³⁷ Forcese and Mamikon, “Neutrality Law”, at 324. Mohamed Hassan Hersi is appealing the conviction.

³⁸ 18 U.S.C. § 2339A, first enacted in 1994.

³⁹ Malet, *Foreign Fighters*, pp. 35-37.

⁴⁰ Paulussen and Entenmann, “Europe’s Foreign Fighter Issue”, at 107-108.

⁴¹ *Ibid.*, pp. 108-114.

⁴² *Foreign Fighters Under International Law*, 56.

⁴³ Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014 (Commonwealth of Australia).

⁴⁴ Internal Security Act, 1985 Revised Edition (Singapore), s. 8.

⁴⁵ Deborah Avant, “Pragmatic Networks and Transnational Governance of Private Military and Security Services”, *International Studies Quarterly*, vol. 60 (2016), p. 1.

countries;⁴⁶ of the 34 parties to the Convention on Mercenaries, only three are OECD member states (Belgium, Italy, and New Zealand).⁴⁷

Rightly or wrongly, foreign fighters are viewed by many Western states through the lens of terrorism, in particular Islamist terrorism. It is true that foreign fighters have been a feature of every significant conflict in the Islamic world since the 1980s.⁴⁸ Nevertheless, as we have also seen, there are prominent examples of foreign fighters participating in conflicts with no connection to Islam whatsoever.⁴⁹

3 Conclusion

Proving motivation in criminal law is notoriously difficult. The 1989 Convention on Mercenaries requires showing that an individual was “motivated to take part in the hostilities essentially by the desire for private gain”.⁵⁰ Geoffrey Best is said to have quipped that anyone convicted of an offence under the convention should be shot — as should his lawyer.

The question of motive is one key reason why foreign fighters and mercenaries should not be conflated as categories. But it is not the only reason. As this article has argued, a second reason is the purpose of regulating the relevant actors. Whereas mercenaries are seen as a threat to order in the states to which they travel, foreign fighters tend to be regarded through the terrorist lens as threats that they might pose upon returning home. This raises its own regulatory challenges, particularly if it means criminalizing behaviour that has not yet taken place. Various states have attempted such regulation through domestic legislation and practices intended to address the threat of terrorism.

At the international level, that domestic approach has been endorsed by the UN Security Council. In resolution 2170 (2014) it called upon member states to take “national measures

⁴⁶ See Ettinger, “Mercenary Moniker”, at 181-182.

⁴⁷ See *supra* note 10. Germany and Poland have signed but not ratified the Convention. Interestingly, only ten of the states parties are from Africa.

⁴⁸ Hegghammer, “Muslim Foreign Fighters”.

⁴⁹ See *supra* note 1 and accompanying text.

⁵⁰ Convention on Mercenaries, art. 1(b).

to suppress the flow of foreign terrorist fighters”.⁵¹ A month later, the Council adopted resolution 2178 (2014), which went further and decided that Member States must, consistent with international law, prevent the “recruiting, organizing, transporting or equipping of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts *or the providing or receiving of terrorist training*, and the financing of their travel and of their activities”.⁵²

The resolutions were noteworthy in part for the definition of foreign *terrorist* fighters, in which motivation is replaced by intent. In addition, it is striking that the conduct to be prevented includes not only travelling abroad to fight, but also travelling abroad in order to train. The 1989 Convention on Mercenaries similarly prohibits recruitment, use, financing, and training. Nevertheless, the Council’s emphasis on terrorism highlights the predominant concern of states with regard to foreign fighters: not the morality of individuals or the right to self-determination of peoples, but the amorphous and asymmetric threat posed by terrorism.

⁵¹ SC Res 2170 (2014), para. 8.

⁵² SC Res 2178 (2014), para. 5 (emphasis added).