

The Privatization of Peace: Private Military Firms, Conflict Resolution and the Future of NATO

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‘The future is in nationalising defence and privatising peace.’

(*Shimon Peres*, 2006)²

Introduction

In the last fifteen years the world has witnessed a significant increase in the use of Private Military Firms (PMFs), due largely to globalization and the end of the Cold War, for reasons that will be discussed further.³ Gradually, more peace and conflict studies researchers believe that it is important to take a deeper look at the role of PMFs in peacekeeping. Scholars, of *ripeness theory* within the field, indicate that third parties – like the North Atlantic Treaty Organization (NATO), the United Nations (UN) and recently PMFs forces – could contribute to conflict resolution, through their work in Peace Support Operation (PSO).⁴ To these researchers, PMFs might at least provide temporary stability, by creating power symmetry hence a conducive atmosphere for peace negotiation. However, other peace researchers contest enrolling PMFs as independent third parties due to their ambiguous, unaccountable and commercialized nature. They argue that it is not enough to have a short-term mitigation period (or *negative peace*), which PMFs might provide. Instead they insist that stability is only possible with eradicating root cause

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² Shimon Peres, *The Current Conflict in the Middle East*. (Council of Foreign Relations, 2006 [cited April 15, 2007]); available at: http://www.cfr.org/publication/11213/current_conflict_in_the_middle_east_rush_transcript_federal_news_service_inc.html?breadcrumb=%2Feducators%2Fmodules%3Fgroupby%3D1%26page%3D2.

³ Special thanks to Nico Segers for sharing his thoughts on the subject, and for instigating this article by introducing me to the documentary ‘Why We Fight’.

⁴ Daisy-Ivy Bode, “Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness” (Montreal University, 2007): 9.

of conflicts, which to them is the only way to create sustainable (*positive*) peace. Accordingly, the fact that PMFs contracts are generally short-term and for-profit makes them unreliable (in the long run) to play the role of trusted peacekeepers. They go even further to say that PMFs may do more damage than good, with the ethical and legal challenges they raise.

Evidently, this new and fast growing phenomenon of business-like warfare providers, becoming part of traditional military frameworks such as NATO, has caught academics and practitioners by surprise. It also has created a dichotomy between peace researchers on PMFs' role in resolving protracted intra-state conflicts. Thus, this paper seeks to amend a theoretical inertia, by evaluating PMFs effects on domestic peace and security; see under which conditions they can play a mediator or a stability provider; and evaluate their merits within or opposed to NATO. In doing so, the article tries to answer the following questions: What instigated the rise of PMFs, and what are they? What are the benefits and problems associated with them, and how can they be solved? What does their use as peace supporters entail and lead to? Can combat driven PMFs help resolve conflicts and restore peace in civil war torn countries, and if so under which conditions? What is the future on NATO with the rising use of PMFs? The first three parts of the paper concentrates on the post-Cold War rise of PMFs, their unique character, historical development, the ethical dilemmas they pose and the legality of their actions. The forth part explores ripeness theory, its conditions and how PMFs can fulfil the role of mediating third parties within PSO. The penultimate part focuses on the role of PMFs within NATO operating in Former Republic of Yugoslavia (FROY) – during the Bosnian and Kosovo Wars – and Afghanistan, from 2001 to the present, as case studies. We compare these two cases, of failed and fragile states, to examine under which conditions PMF mandates might lead to peace negotiations between competing factions. The final part looks at the level of cooperation versus competitiveness between NATO and PMFs, and tries to make prediction of their future interactions.

Causes of Proliferation

The end of the Cold War marked the beginning of a new world order and an end of regional strategic patronage of superpowers. Withdrawing support to client regimes created a power void that prompted developing countries – which previously relied on major powers for their security and stability – to look somewhere else to provide them with (at least) their military needs. In addition, the demise of communism meant the repudiation of supra-national ideologies; those that once in history clearly divided states while uniting societal groups. As Huntington posits “In the post-Cold War world ... global politics has become multipolar and multicivilizational ... the most important distinctions among people are not ideological, political or economic. They are cultural ... People define themselves in terms of ancestry, religion, language,

history, values and customs.”⁵ Consequently, the world has witnessed a dampening in inter-state (external, also called traditional) conflicts, accompanied by a boosting in intra-state (internal, also called new) conflicts and terrorist activities; due precisely to what Huntington wistfully called the ‘ideological vacuum.’ What is more, after the Cold War major powers – seeing no point in keeping a gigantic yet futile military base – embarked on a systematic programme of military downsizing, which created a surplus of ex-soldiers who were seeking other venues to utilize their skills.⁶

Simultaneously, the forces of globalization created an open market, which allowed the excess supply of weaponry and military personnel to feed the growing demands of modern warfare in unstable niches of the world.⁷ Indeed, the ‘permanency of Private Military Companies is bewildering. Following extensive research in 2002, the International Consortium of International Journalists (ICIJ) reported that at least 90 companies were operating in 110 states worldwide.’⁸ Suddenly, with the rise of PMFs, Max Weber’s state, ‘which claims the monopoly of the legitimate use of force within a given territory,’ ceased to exist; and what used to be considered a purely public good, suddenly became a private one.⁹ Hence, softening of states’ firm grip over security along with clients rising interest in efficiency, swiftly developed a competitive private military *modus operandi* compatible with post-Cold War needs.¹⁰

Paradoxically however, the same privatization which is compromising states’ powers, is giving them a new apparatus with which they can maximise their strategic interests. This explains why, despite PMFs negative effect on state’s autonomy, to states, they constitute the largest force second to United States (US) forces in Iraq. Added to that, since 1994 the US Defence Department has entered into about 3,016 contracts with US-based PMFs, which Pentagon records value at around \$300 billion. Intriguingly, more than 2,700 of those contracts were signed with two companies only. This phenomenon might indicate a trend of favouritism, which is facilitated by the existence of a clandestine ‘revolving door’ between Pentagon officials and PMFs shareholders, generally of ex-generals calibre.¹¹

⁵ Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1997): 21.

⁶ Jackson Nyamuya Maogoto, “Subcontracting Sovereignty: Commodification of Military Force and Fragmentation of State Authority,” *Brown Journal of World Affairs* 13, no. 1 (2006): 147.

⁷ Richard Lappin, “Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations” (K.U. Leuven, 2005): 19.

⁸ Ibid. Pg. 15.

⁹ Max Weber, *The Theory of Social and Economic Organization* (. New York: The Free Press, 1964): 154.

¹⁰ Maogoto, “Subcontracting Sovereignty: Commodification of Military Force and Fragmentation of State Authority,”: 148.

¹¹ Lappin, “Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations“: 36.

Character and Classification

Private Military Firms (a.k.a. Private Military Companies/Corporations/Industry, Private Security Provider or Military Service Providers) are the modern day incarnation of mercenaries (or corporate warriors), and are often confused with Defence Contractors. While the latter supply military hardware and technicians who operate them, PMFs provide personnel with specialized strategic and tactical skills of a combat nature. It is also crucial to distinguish present day PMFs, from mercenaries, who are as old as war itself. The latter are individual combats of unsavoury status, known in recent history as ‘soldiers of fortune’ who have taken advantage of ensuing conflicts mostly in post-colonial Africa. Although, like their successors of PMFs personnel, who fight for private gain or monetary compensation; these *Rambo*-type fighters do not adhere to any code of ethics or international laws.¹² On the contrary, Singer defines PMFs as ‘business organisations that trade in professional services intricately linked to warfare. They are corporate bodies that specialise in the provision of military skills, including combat operations, strategic planning, intelligence, risk assessment, operational support, training, and technical skills.’¹³

Undoubtedly, there are vast variations of services within this industry and in the way they market their expertise. However, there are as well overarching, unifying features. First, PMFs are employed normally to aid states with low military capabilities, facing immediate and high threats. Second, they are firmly entrenched in present international relations, mainly operating with international authorities and within international laws. Third, PMFs, especially those of broader Multinational Corporation type, use internationally accepted and legally financed institutions to secure their commercial arrangements. Finally, they claim to be transparent and to only work with globally recognized government.¹⁴

However, to understand this industry properly, it is wise to use Singer’s categorization. PMFs are ‘broken down into three broad categories: 1) military *provider* firms, 2) military *consultant* firms, and 3) military *support* firms. Each category of services is linked to a specific physical location in the battle space.’ Simply put, the more you pay the closer you can get these firms to the battlefield. Thus, according to Singer’s ‘Tip-of-the-Spear’ typology, military *provider* firms, which are distinctively positioned in the ‘tactical battlefield’, are considered to be the very tip of the spear.¹⁵

Singer’s classification accurately recognizes the dual nature of the private military industry: military and economic. This is a crucial taxonomy, because

¹² P. W. Singer, “Outsourcing War,” *Foreign Affairs* 84, no. 2 (2005): 122.

¹³ P. W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (New York: Cornell University Press, 2003). Pg. 8.

¹⁴ Steven Brayton, “Outsourcing War: Mercenaries and the Privatization of Peacekeeping,” *Journal of International Affairs* 55, no. 2 (2002): 306.

¹⁵ Bode, “Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness”: 23.

it excludes a political aspect from PMFs' character. Indeed, the lack of political resolve defines the stark contrast to the military and political nature that NATO boasts (a point that will be discussed further in the final section of this work).

Benefits, Challenges and Solutions

It is beyond the scope of this paper to analyse all the benefits and problems associated with PMFs. Thus, this author offers a broad overview of the most pressing arguments, while focusing the attention on the role of PMFs in Peace Support Operations (PSO) within international bodies such as NATO.

PSO is a relatively new concept which can be defined as: '[M]ultifunctional operations in which impartial military activities are designed to create a secure environment and to facilitate the efforts of the civilian elements of the mission to create a self sustaining peace.' Moreover, owing to their multidimensional nature, PSOs 'may include peacekeeping *and* peace enforcement, as well as other functions such as conflict prevention, peacemaking, peacebuilding and humanitarian operations. As Lappin aptly notes 'the emphasis on peace *support* rather than *peacekeeping* makes [PSO] a more appropriate expression'; especially, since we can not predict the durability and degree of the ensuing peace.¹⁶

In order to render these PSO effective, massive support was necessary. However, an apt UN reform which is required before it can provide that help, seems implausible and may prove more costly. Whereas, an extensive regional involvement in PSO – cementing a 'Godfather' influence – or, worse, whimsical US unilateral policing, appear to be objectionable resolutions. Add to that, there is a lack of other viable alternatives, and a persisting need for personnel with PSO skills to solve the ever pressing demands of new wars. Thus, all the aforementioned issues led to the resurrection of PMFs, as a conspicuous mean to bridge the strategy-capability gap tarnishing PSO.

It has been argued that using PMFs is more cost-effective than pooling together national forces. Asserting that PMFs management – glutted with experienced high ranking ex-generals of Western armed forces, and propelled by competition – manifests itself into unity of command, standardised weaponry, speed of deployment, relative success of operations and efficiency; all qualities that enhances competence and reduces ancillary spending. Unfortunately, shortage of transparency in government and PMFs financial records leaves the public relying on their discretion and hearsay. Pentagon advisors, for instance, claim that \$6 billion can be saved annually by using PMFs; while Singer posits that a UN-PSO would costs 96% more than a PMFs run one. However, it is not stated clearly how they can do that.¹⁷

¹⁶ Lappin, "Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations": 9.

¹⁷ Ibid.: 20.

Nonetheless, there is a flood of debates that cautions against PMFs use, mostly regarding to their ethical and legal implications. Ethical objections highlight the fact that peace is becoming a commodity only the rich can afford to buy. Meantime, states are becoming more distant from the probably fatal actions of their citizens abroad. In addition, authorities start to reward a new profession that prospers on human miseries. While the bottom line, the underlying *raison d'être* for PMFs is to make money, which by definition, sits in stark paradox to any ethical dedication; pledging loyalties not to counties, ideologies or moral causes, but solely to the “almighty” dollar.¹⁸

PMFs legal ambiguity, their lack of accountability, questionable loyalties, and undetermined legitimacy raises another set of concerns. Initially, the Geneva Convention (GCIII) legislation, in 1949, offered captured mercenaries prisoner of war (POW) status, so long as they fought as part of a legally defined armed force. This ‘ascribed special protection, including immunity from prosecution for normal acts of war.’ However, with rising negativity towards their activities in Africa, in 1977, Protocol-I was added to the GCIII. This protocol not only defined mercenaries (see Article 47), but also removed their POW status. Thus, upon capture they would be tried as ‘unlawful’ combatants. Later, however, with the rise of using *supply* contractors within international forces in conflict zones an amendment was added in 1993 to the GCIII-Protocol-I. This amendment entitles private supply contractors to a POW status upon capture, on the condition that they have been issued a valid identity card from the armed forces which they accompany. However, if these contractors engage in combat and happen to match *all* the criteria that define mercenaries, they lose their POW status upon capture. Nevertheless, it is very difficult to prove that a combatant matches *all* conditions of Article 47, especially when questions about motives create a loophole that can not withstand lawyers’ acumen.¹⁹

Another pressing issue arises because most PMFs contracted staff are not subject to fixed international military codes of conducts, which allocates accountability and punishes desertion or immoral behaviours. Private contractors are often *legally* responsible merely to the states that they are operating in, although they boast of following a voluntary code of conduct. However, such client states (like Iraq and Afghanistan) are unlikely to provide adequate liability and reinforcement. Indeed, until January 2007, private contractors, from US based companies, were exempt from the disciplinary structures of national militaries, such as the Uniform Code of Military Justice (UCMJ), unless they were part of a war declared formally by US Congress. However,

¹⁸ Kateri Carmola, “It’s All Contracts Now: Private Military Firms and a Clash of Legal Culture,” *Brown Journal of World Affairs* 13, no. 1 (2006): 168.

¹⁹ *Third Convention Relative to the Treatment of Prisoners of War* (International Humanitarian Law-Treaties and Documents, 1949 [cited April 15, 2007]); available at: <http://www.icrc.org/ihl.nsf/CONVPRES?OpenView>.

owing to repeated scandals of their misconducts in Iraq, the text of UCMJ had been amended to allow for the prosecution of private military contractors, who are deployed in a declared war or ‘contingency operation.’²⁰

The surge of ‘new wars’ (internal wars) is far from abating. And while there is a stronger need for PSO, there are few national competent donating hands; so, creating a more pressing demand for alternatives and keeping PMFs around. Obviously, it is neither wise to maintain PMFs *status quo* of ‘self regulation,’ nor to prohibit their use altogether. Also, considering the fact that legal quandaries – associated with PMFs – are not necessarily inherent in their design, solution designed to mitigate these legal issues could be sought instead. Actually, regulations can be tackled either at the national or the international level. Although, national regulations are easier to enforce and subsidize, they might drive PMFs to become more covert or to relocate away from these states’ jurisdictions. In comparison, stricter international regulations are harder to set up and finance. Nonetheless, they allow for the creation of observatory bodies with – greater credential and sanctioning mechanism – to ensure that mandates are fulfilled, without breaching any international laws or violating human rights.²¹

Ripeness Theory

1) *Logic and conditions:*

In 1998, Kofi Annan (then head of UN peacekeeping Operations) fittingly estimated that ‘the world may not be ready to privatise peace.’ Conversely, years later (as UN Secretary General), Annan divulges in regards to peace support operations: ‘In the face of mass murder... [PMFs are] an option that cannot be relinquished.’²² This shift in attitude towards PMFs appeared in political and academic rhetoric alike.

Scholars of conflict resolution theory concede that military force can be the ‘decisive factor in ending prolonged conflict.’ Some go as far as saying that a clear military victory is more likely to reduce the chance of continued violence than a negotiated settlement. However, they also agree that this solution is compromised by the fact that it may result in an increased chance of genocide.²³

This brings us to the heart of the matter. In an internal conflict, PMFs, participating in PSO that are supported by international bodies (like NATO),

²⁰ Brayton, “Outsourcing War: Mercenaries and the Privatization of Peacekeeping,” 326.

²¹ James Larry Taulbee, “The Privatization of Security: Modern Conflict, Globalization and Weak States,” *Civil Wars* 5, no. 2 (2002): 17.

²² Quoted in: Lappin, “Peace at What Price? The Uncertain Costs of Privatised Peace Support Operations “: 15, 6.

²³ Luc Reyckler, *Democratic Peacebuilding: The Devil Is in the Transition*, Leuven: Leuven University Press (Leuven: Leuven University Press, 1999).

can prompt peace negotiations. This is because, in intra-states' wars – where one group is weaker materially than the other – PMFs could tilt military scales against the stronger party (generally the aggressor) in favour of the weaker one; thus creating military symmetry between the two groups.²⁴ In order to enter into negotiations, fighting parties must believe (objectively or subjectively) that they have reached at least one of the following points, which are hence considered conditions for negotiations: 1) a mutually hurting stalemate, 2) a looming catastrophe, and 3) a deadlock where there is no other way out. Hence, what PMFs in PSO do by eliminating military asymmetry, is create a situation where unilateral victory is impossible and intractability is unfavoured. Indeed, this PMF's artificially induced symmetry facilitates the realization of the aforementioned negotiation conditions.²⁵

What is 'imperative to acknowledge about ripeness though is that it is not tautological, in other words, its existence is not similar to its effects.' You may have ripeness (caused by PMFs) but it is up to the parties to take advantage of this ripeness and transform it into a successful negotiated resolution (which is a political process that cannot be fulfilled by PMFs, who are solely tactical and strategic agents of change). In brief, 'PMFs can induce ripeness by paving the way for the conditions, and it is precisely this ripeness which prepares the fertile terrain for political negotiations to take place.' But the implementation of political negotiations is the mandate of diplomatic and political actors, not of tactical ones. Zartman concedes that 'there are many instances of ripeness that have not been grasped and there are many instances of a lack of ripeness that have been grasped but failed to ever produce peace. This is because ripeness is a necessary but not sufficient element for temporary or permanent peace.'²⁶

2) Critique of ripeness theory:

Some authors believe that using PMFs (especially reputable ones) may induce wars and sustain conflicts, instead of fostering the opposite desired effect of ending them. In this case, a party may overestimate the strength of private contractors and believe its new forces can easily be successful through war. Consequently, states which hire PMFs may provoke wars which they believe they can win, or prolong conflicts hoping that their opponents will eventually loose.²⁷ In addition, political actors might not conceive of negotiations with an enemy as a possibility (as we will later see in the case of Afghanistan). Here,

²⁴ Bode, "Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness".

²⁵ William I. Zartman, *Elusive Peace: Negotiating an End to Civil Wars*. (Washington DC: Brookings Institution Press 1995): 6-8, 67-78.

²⁶ Quoted in: Bode, "Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness": 31.

²⁷ Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*: 234.

the unspoken single objective is to reverse the tide of war for a unilateral victory, which becomes a limiting factor that renders ripeness conditions, reached by PMFs efforts, futile. What is also pressing to note is that even if PMFs do manage to bring both sides to the negotiation table, there are no guarantees that such meetings will resolve the conflict.

Assuming however, that negotiations concluded with reaching a peace agreement; this is by no mean a warranty of long term peace consolidation. Here, we must decide which peace is of interest to us, a positive or a negative one. Whereas the latter is simply an immediate cessation of physical violence; the former is sustainable peace that addresses root causes of problems and generally is longer in duration and deeper in effect.²⁸ Consequently, if one seeks long-term resolve then PMFs may not be the best solution since, as Spicer states, ‘they are not in the business of addressing such long-term issues, rather the main aim of PMF activity is to create a situation where negotiations can start and diplomacy can work.’²⁹

Regardless of these critiques ‘Military companies may in fact offer new possibilities for building peace that, while not universally applicable, can hasten the end to internal wars and limit the loss of lives.’³⁰ Ideally, it is better to have sustainable peace than a short-term and shaky one. But since, in a lethal conflict, politicians’ priority is (ostensibly) to protect life immediately; it is left to intellectuals to analyse the root causes of conflict and to come up with viable proposals for sustainable peace, after the main objective (of ending life loss) has been achieved.

The Peace Road from FROY to Afghanistan

1) NATO and PMFs in FROY:

PMFs forces were involved with NATO-PSO during the Bosnian War, in 1995, and the Kosovo War, in 1999. These companies and their respective forces are not chosen by NATO command *per say*, but they are contracted with and financed directly by national governments who are supporting and/or contributing to NATO forces.³¹

Briefly, the conflict commenced in the aftermath of the Soviet demise in the early 1990s. The militarily stronger Serbian (Orthodox Christian) army, under the rule of President Slobodan Milosevic, declared war and began a policy of ethnic cleansing against militarily weaker Bosnians (Muslim) and Croats

²⁸ Reychler, *Democratic Peacebuilding: The Devil Is in the Transition*, Leuven: Leuven University Press.

²⁹ Tim Spicer, *An Unorthodox Soldier: Peace and War and the Sandline Affair* (Edinburgh: Mainstream Publishing, 1999): 20.

³⁰ David Shaerer, “Outsourcing War,” *Foreign Policy*, no. 112 (1998): 79-80.

³¹ Christopher Pang, NATO ex-intern, meeting with author, Brussels, 2007.

(Catholic) forces. The conflict was initially waged between Bosnian-Croats on the one hand and Serbs on the other. It then transformed into Bosnians vs. Serbs and Croats vs. Serbs and Bosnians vs. Croats. The resulting tragedy may be numbered in many thousands of casualties, and the war dragged on from 1991 until 1994, when NATO-led coalition forces finally intervened and led a PSO under US command.³²

During this ordeal, three (US based) companies are known to have participated alongside NATO forces: DynCorp, Brown & Root Services (BRS) and Military Professional Resources Incorporated (MPRI).³³ MPRI was paid for by the US and Saudi Arabia, who mostly funded MPRI training of Bosnian army (as a Muslim fellow nation). MPRI equipped and trained the Army of the Federation of Bosnia and Herzegovina (the Muslim-Croat army); while DynCorp was known to fly helicopters over the region for international peacekeepers, and BRS to supply US forces with food and fuel.³⁴

PMFs were used to professionalise the Croatian and Bosnian army to be able to compete against the Serbian army. However, the balance of force that they facilitated was consistent with the US and European Union (EU) member-states objectives of reversing the tides of war, equilibrating both sides and bringing them to the negotiating table. In such instance, the ability of PMFs in the field to create equilibrium facilitated a peaceful outcome that would otherwise have been too tricky to attain.³⁵ Indeed, MPRI training led to two successful operations by Croatian and Bosnian armed forces successively, which recaptured Serb-held territory, ground they had been unable to regain in the preceding four years. This ultimately resulted in peace talks and eventually helped conclude the Yugoslav wars.³⁶

PMFs within NATO altered the military asymmetry, and balanced powers between conflicting parties. Thus, creating a ripe moment for negotiation and diplomacy that was wisely used; which led as a result to ceasefire, and the signing of the Dayton Peace Accords in late 1995. Although this Accord managed to maintain peace between Bosnians and Croats, it failed to sustain peace between Kosovo Albanians (Muslims) and Serbs in Kosovo. Therefore, after three years of its signature, another bloody conflict arisen between Albanians and Serbs in Kosovo. And once again contractors from PMFs alongside NATO forces managed to put an end to this horrifying second war, which also ended in bringing the two parties to the negotiation table, signing yet another peace agreement in 1999 which, luckily, is still effective.

³² James K Wither, "European Security and Private Military Companies: The Prospects for Privatized "Battlegroups"," *The Quarterly Journal* 66, no. 9 (2005): 115.

³³ *Ibid.*: 113.

³⁴ Virginia and Benedict Sheehy Newell, "Corporate Militaries and States: Actors Interactions, and Reactions," *Texas International Law Journal* 41, no. 67 (2006): 92-3.

³⁵ E. Schrader, "US Companies Hired to Train Foreign Armies," *Los Angeles Times*, April 14, 2002.

³⁶ Newell, "Corporate Militaries and States: Actors Interactions, and Reactions," 93.

In the FROY case, negotiations were sought because power symmetry was achieved and the three necessary conditions of negotiations, which subsist on symmetry, were realized. Both parties conceded that they are at a mutually hurting deadlock and that a unilateral victory, where the benefits of war would outweigh the cost of prolonging it, was unforeseen. Moreover, *all* competing parties (along with the US and the EU) agreed that negotiations were acceptable means to evade an approaching catastrophe that would result from a protracted war. Although peace agreement did not last long after first negotiation round, it did manage to end immediate human suffering, at least for a while. A second round of negotiations, also led to peace agreement. This accord is now being maintained by a continued involvement of, none other than, PMFs' 'stay behind' contractors. So, in this case PMFs proved successful because they met the realistic objectives set in advance for them. In addition, they were backed by the political will to foster negotiations through legitimate NATO body; while working on sustainable peace with the help of 'stay behind' companies.³⁷

2) NATO and PMFs in Afghanistan:

At this early stage of the research on PMFs and their role in peace and conflict resolution, further examination of their involvement in hotspots of the world remains pressing, yet unmapped territory. Research on PMFs' involvement in PSO (especially in Afghanistan) is still very much in its infancy; hence, this paper endeavours to broaden knowledge on the issue. However, this is not the only reason behind selecting Afghanistan case to compare to FROY case. In fact, it was chosen because both cases are related precisely to PSO working under NATO's legitimate umbrella. Also, both cases occurred within the last fifteen years during the post-Cold War era. Intriguingly though PMF involvement in Afghanistan produced opposite results to their participation in FROY, despite the similarity of power dynamics between the competing parties. This makes it an even more interesting case to look at, precisely if one wants to examine operability of ripeness conditions in a comparative way.

This being said, the novelty of the subject, unfortunately, makes it a harder case to analyse due to lack of sufficient information. Still, this contribution may lead the path to further and deeper investigation in so far as it opens new avenues for exploration. Nevertheless, due to data limitation, the author will use deductive reasoning to reach at a compelling argument. Thus, relying mostly on the author's intuitions and judgment of news reports is of the essence.

In the aftermath of the September 11th 2001 terrorist attacks on the US by al Qaeda which was hosted in Afghanistan by the Taliban (Afghani government at the time), a common belief – especially among US and EU officials

³⁷ James R. Davis, *Fortune's Warriors: Private Armies and the New World Order* (Toronto: Douglas and McIntyre, 2002): 138.

– started to mushroom, and that is, democracy instigates peace and eradicates terrorism. So, based on this premise, the obvious solution was to overthrow the ‘theocratic’ ‘Islamic fundamentalist,’ ‘terrorist harbouring’ Taliban regime and establish, in its place, a ‘democratic,’ ‘Islamic moderate,’ ‘responsible’ government that will foster liberal economics, peace and stability. Shortly after, Western powers launched aerial attacks on the Taliban under NATO, and with the extra helping hands from PMFs. At first, NATO-PMF forces managed to bring down the Taliban and replace them with US approved Afghan government. The Taliban, however – a strong and experienced guerrilla movement well sustained by bin Laden’s wealth – did not disappear. Indeed, it still poses a great threat to NATO’s ‘coalition of the willing,’ as well as to the new and weak Afghani government.³⁸

Similar to the case of the FROY, Afghanistan’s internal conflict wages between (stronger) Taliban militias and a weaker new Afghani government. Once again, PMFs were involved in NATO-PSO, and power symmetry was relatively achieved. Still, the expected negotiations that followed in the FROY case, did not take place here. In fact, negotiations did not occur because symmetry managed to consolidate only the first two necessary conditions of ripeness: mutually hurting stalemate and a sense of a looming catastrophe. This feeling of an approaching disaster, and the fear of the consequences of failure were clearly captured in General David Richards, head of NATO’s international security force in Afghanistan, stark warning ‘we are running out of time...[and the West] could not afford not to succeed.’³⁹

Despite reaching military symmetry and the fear of a harmful deadlock or an even worse catastrophe, actors in this conflict – such as the Afghani government, US, EU, and the Taliban – do not seem to consider the third necessary condition for ripeness, that is negotiations as a way out. In fact, during a conference attended in Brussels in 2007, organized by East West Institute’ entitled ‘Democracy and Terrorism’, the common view was that ‘negotiations with Taliban were not a viable option.’

The idea of the US conducting negotiations, even by proxy (through the Afghani government) with Taliban forces indirectly linked to the September 11th 2001 attacks, seems unconceivable. Negotiations, in this instance appear damaging to US prestige and public image, which makes no US official dare to suggest such an idea. This is especially true when US elections are close at hand as neither democrats nor republicans are willing to risk testing these murky grounds. On the other hand, the Taliban does not want to negotiate because they dream of a unilateral victory, and want to uphold their image as ‘ex-freedom fighters’ and ‘warriors of God.’

³⁸ Newell, “Corporate Militaries and States: Actors Interactions, and Reactions,”:109.

³⁹ Richard Norton-Taylor, *Afghanistan Close to Anarchy, Warns General* (The Guardian, 2006 [cited April 13, 2007]); available from <http://www.guardian.co.uk/afghanistan/story/0,,1826303,00.html>.

In this situation there is no real incentive to negotiate since each party still hopes to escalate the conflict until it reaches unilateral victory. As Zartman explains, ‘The goal is to conquer and annihilate the adversary in order to reap all the benefits of a unilateral victory. In other words, both strong now (due to symmetry) parties hope to win since the benefits of prolonging a war appear to outweigh the costs.’⁴⁰ So, whereas circumstances behind asymmetrical structures render conflicts intractable, since they are not conducive to negotiations, situations of symmetry favour flexibility but they are not sufficient. Hence, in the Afghan case, PMFs providing military symmetry proved futile because the last necessary condition of negotiation is not an acceptable solution by any of the major parties involved. Here, we can only hope to deploy more NATO-PSO (with any additional help from PMFs if possible) to alleviate the suffering of the people and to protect civilians who must live with the consequences of a complex world, where clashes of interest and ideas with normative inflexibilities do not allow a place for peace to materialize.

Evaluation of PMFs and NATO Roles

Some may contend that PMFs – due to their questionable ethics and profit based nature – should not be used for PSO altogether. But when there is a pressing need for their assistance, and compelling evidence that they can, if used under the legitimate umbrella of international forces, directly or indirectly induce peace negotiations then one must decide what is more important the means or the ends? And what is more ethical to leave those in need suffering or to help them in any way possible?

Still, we should not get carried away. By comparing the two aforementioned case studies, we realise indeed that PMFs working on PSO alongside NATO forces can indeed create a ripe moment for negotiations. However, PMFs role is restricted to their ability to induce military symmetry that cultivates the first two conditions of ripeness (mutually hurting stalemate and a notion of looming catastrophe). Therefore, on its own, symmetry does not spill over to create the last condition (considering negotiations as a way out). Using a military muscle to alter power asymmetry is thus necessary instrument in internal conflicts, but not sufficient to reach the negotiation table.

To arrive at the last condition, we need first to have the political aspiration; a willingness and ability to negotiate. Political actors’ objectives – which are tackled by issuing PSO and using PMF – must then be pursued with the desire to produce and seize ripe moments of negotiations. Simultaneously, political players must possess a certain amount of discretion to notice even the narrowest window of opportunity, when negotiations are possible; and to be prudent enough not to let them pass by in vain.

⁴⁰ Quoted in: Bode, “Resolution of Civil Wars: The Private Military Industry, Asymmetric Warfare, and Ripeness”: 29.

This is why NATO – which is widely recognized as a legitimate military body (especially in the West), backed with political mandate – has greater influence on peace consolidation; and PMFs acting within NATO’s jurisdictions becomes a more effective military implement to use for conflict resolution. The politico-military scope of NATO versus the military-economic aspect of PMFs is, in fact, the defining difference between these two. What is important to realize, is that PMFs do not maintain a political agenda and thus cannot be used as a diplomatic platform for peace negotiations. While NATO, in contrast, is more capable of providing diplomacy along with its peace support operation forces. And since NATO is internationally recognized they are regarded as legitimate and trustworthy entities, who obey international laws and have respect for human rights.

In combination with the fact that, while PMFs boast ethics, they will always keep an eye on the financial profit. And knowing that it is crucial to restrict PMFs potential illegal activities; such as abuse of power and personnel, exploitation of resources, corruption, covert control and proxy influencing, it becomes clear that the continuation of PMFs within NATO is not only *needed*, but it remains a *desired* involvement from client states and the international community, who want to keep PMFs under check.⁴¹ In this case, PMFs would be established under the legal patronage of the current NATO command, thus providing a logical entry-point and basis for possible broadening of their peace support mandates.

This reaffirms the need for international organisations, like NATO, with the necessary function, citizen’s accountability and legitimacy, to work toward more fundamental and sensitive concerns such as conflict resolution and peace consolidation. Obviously, PMFs are manipulators which might bring about a settlement, but they are not legitimate enough mediators and peace settlements need both functions to materialize. So, while PMFs might be a more effective military tool, NATO still proves to be a better peace negotiator and consolidation tool. Therefore, in PSOs, where the underlying objective is to reach some sort of a peace settlement (long or short term), NATO remains the ultimate, not only military but also, political peace apparatus.

Conclusion and Prediction

The proliferation of PMFs over the past two decades has not gone unnoticed. Freed from Cold War security shackles, parties seeking effective PSO can currently hire and deploy PMFs, which could help establish a military balance between conflicting parties. This is important if we consider that creating power symmetry prepares for a ripe moment for peace negotiations, which in turn might lead to domestic and/or regional stability. However, field in-

⁴¹ Schrader, “US Companies Hired to Train Foreign Armies.”

vestigation tells a different story. One cannot refute the ability of PMFs, in some cases of internal unrests, to create virtual power symmetry, an important negotiation prerequisite. However, this does not necessitate that this ripe moment is desired by actors or will be seized by political players. Accordingly, by their virtue, PMFs are not a panacea, especially since they are plagued by problems that require more rigorous international regulation. Indeed, if we look at PMFs involvement in Former Yugoslavia and today's Afghanistan, we realize that they are becoming a necessary PSO instrument which can be used to as means for settlement negotiations. Still, we must not forget that they are not political or diplomatic agents and thus their presence in conflict zones does not automatically lead to settlements. Ultimately, it is up to the will of political actors to decide whether they consider negotiations as a viable alternative, or whether they prefer to drag the conflict on in the hope of unilateral victory.

Another objective of this article was to assess the future of NATO forces with the rise of PMFs contractors, who claim to do a better job at a fraction of the price. Put in other way, what is the choice of political actors going to be: PMFs within NATO or PMFs versus NATO? By far, it is clear that political actors determine how to use the ripe moment for negotiation. So, even if PMFs are more cost-effective and tactically more efficient than NATO, they hitherto do not provide the legitimate political leadership that accompanies NATO's mandate. That is because PMFs are only tactical and strategic agents, lacking political orientation. Whereas NATO acts not only as a strategic agent but also as a political platform, which works closely with key decision makers, who are in general the corner stones of peace negotiations. Therefore, in spite of the mounting demand for PMFs, NATO – due to its dual politico-military nature and legitimacy – will not be disposed of easily in the near future.

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