

Implications for NATO of a US Decision to Privatize Military Operations in Afghanistan: Extracting a Princely Sum

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Since 2017, Erik Prince, the founder of the Private Military and Security Company (PMSC) Blackwater, has advocated that the United States take a new approach towards its operations in Afghanistan. The proposal, as outlined in the *Wall Street Journal* (Prince, 2017a), the *New York Times* (Prince, 2017b), and elsewhere (Gallo, et al., 2017), indicates that approximately 5,000-6,000 contractors and 90 privately supplied aircraft would take over from departing military personnel. Only 2,000 US troops, focusing mostly on counterterrorism, would remain. Rather than rotating in and out as state military forces do, this private presence would be there for the long haul and at a substantially lower annual cost: US\$10 billion rather than the US\$45 billion spent currently.

Dynamics within the Trump Administration suggest that this proposal might have some traction. On the one hand, officials like Secretary of Defense James Mattis, Secretary of State Rex Tillerson, Chief of Staff John Kelly, and National Security Advisor H.R. McMaster were not supportive of Prince's proposal. For instance, Mattis (cited in Mitchell, 2018) warned that "[w]hen the Americans put their nation's credibility on the line, privatizing it is probably not a wise idea." On the other hand, all of these opponents are no longer serving. As for President Trump (cited in Woodward, 2018), considered frustrated with the lack of results and the costs of military engagement in Afghanistan, he has raised the idea in National Security Council deliberations: "Why can't we pay mercenaries to do the work for us?"

Placed in the context of President Trump's tendency to do things in a different or unorthodox manner, Prince's proposal has attracted attention from a variety of angles. For instance, military historian Adrian Lewis of the University of Kansas (cited in Nelson, 2017) notes the proposal's appeal due to the demands already faced by the US military elsewhere, the force's limited flexibility to expand, and the need to avoid the politically problematic reintroduction of the draft. Informing such a stance is US military thinking portraying the possibility of future "infinite war", meaning the "longtime competition against peer adversaries (Zenko, 2018)." Such demands may very well place stress on the *finite* capabilities of the US military, thus making privatized options more appealing. Alternatively, Seth Jones at the Center for Strategic and International Security (cited in Copp, 2018) assesses that, historically, privatization and positive outcomes are not synonymous: "When I've looked at successful counterinsurgency campaigns since World War II, I see almost no cases of governments

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essentially contracting out significant parts of a war effort.” Looking forward, George Washington University’s Stephen Biddle (cited in Nelson, 2017) frets that the plan’s “consequences are very unlikely to serve U.S. national interests.”

This article adds to these analyses by identifying the implications the Prince proposal holds for the North Atlantic Treaty Organization (NATO). In the immediate sense, this is no small issue because the proposal stresses that only US forces would remain in Afghanistan; all other NATO troops would be superfluous (Copp, 2018). Moreover, there are other questions in need of detailed consideration: What might be the effects on the long-term capabilities and coherency of the defence organization? How might this impact the stance taken by Russia, a state increasingly at odds with NATO and one that is more and more embracing privatized military options?

To answer these questions, the article has three parts. The first part captures the past PMSC usage of NATO member states in Afghanistan in order to underscore the difference between common expectations and the Prince proposal. The second part studies how an assertive private presence might affect intra-NATO dynamics. The third part enumerates the consequences for the international management of violence and the possible implications for the Russian position. Overall, the article argues that, in terms of privatized violence, the Prince proposal is a difference in kind rather than degree because of its offensive, rather than defensive, stance. While its adoption would not spell the end of the alliance, the US perspective might become more and more “NATO if necessary, but not necessarily NATO.” This would reflect longstanding US issues regarding quantitative personnel limitations, caveats, and war by committee. Furthermore, the successful uptake of the Prince proposal would pose challenges for NATO in terms of maintaining collective defence capabilities and for reacting to Russia’s own usage of firms.

Private Presence in Afghanistan

Earlier Reliance

Conceptually, PMSC efforts in Afghanistan and elsewhere have focused on the reactive and defensive use of violence. Specifically, the United States Joint Forces Command (2010) identifies four PMSC tasks:

- (1) Static security to protect military bases, housing areas, reconstruction work sites, etc.
- (2) Personal security and protection.
- (3) Convoy security.
- (4) Security for internment operations.

In an ideational way, such task limitations allow the United States and its NATO allies that employ PMSCs to assert that they do not use mercenaries and that, *ipso facto*, offensive operations are only for their militaries. According to one industry observer (cited in Randol, 2009), “[i]n the Geneva Conventions there is no difference between

offensive and defensive combat, which is pretty interesting. The way it's sort of come down and been sorted out by the international community is it really does make that differentiation [between mercenaries and PMSCs]." Hence, the United States Federal Acquisition Regulation (cited in United States Senate, 2008) makes this assertion: "Private security contractors are not mercenaries and are not authorized to engage in offensive operations." As an example from another NATO member state, the Canadian military makes a similar assertion: "[T]he Canadian Forces does not use any private security contractors to conduct offensive operations (cited in Mayeda, 2007)."

Since the start of the international intervention in Afghanistan, PMSCs have had many defensive responsibilities. In the Canadian case again, two firms, Hart Security and Blue Hackle Security, respectively provided security for the Joint Coordination Centre in Kandahar and the Strategic Advisory Team in Kabul. The PMSC Tundra Group guarded the Canadian military's forward operating bases (FOBs). Other firms provided similar services for the FOBs of other NATO member states. As well, PMSCs protected most of NATO's mobile logistical efforts in Afghanistan, including the important delivery of fuel. In fact, NATO's collective usage of PMSCs was so vital that member states successfully lobbied for a postponement of Afghan President Hamid Karzai's Decree Number 62, the 2010 plan to phase out firms in his country. In this vein, and also in 2010, NATO's Supreme Headquarters Allied Powers Europe (cited in van Duren, 2010) emphasized the importance of the PMSC presence for the operations of NATO member states in Afghanistan: "[C]ontractors play a critical role in supporting the ISAF [International Security Assistance Force] coalition, not merely through the provision of goods and services, or their potential contribution to the Afghan economy; but also as *coalition partners* (italics added)."

In regards to the personnel make-up of these coalition partners, it was predominantly "Afghan" at the height of the international intervention. As the United States was the largest employer of PMSCs amongst NATO member states, the "local" composition of its hired firms is telling. Statistics from 2011 indicate that the US Department of Defense engaged 18,971 armed contractors, 17,989 of them being Afghan nationals (Schwartz, 2011). Operationally, utilizing Afghan employees focussed on two desires: the local familiarization of NATO forces and the reduced possibility that Afghan males might join the insurgency. Economically, the US and other NATO member states remunerated local employees at much lower rates compared to developed world contractors. This hiring was also in keeping with NATO's "Afghan First Policy" launched by NATO Secretary General Anders Fogh Rasmussen in April 2010. For Rasmussen (cited in van Duren, 2010), local procurement was "the most important way for NATO to support the development of the Afghan private sector and the local economy in a sustainable manner."

This public-private, foreigner-domestic relationship permitted a division of tasks that directly supported the activities of NATO member states and in turn affected security

dynamics in Afghanistan. As one Canadian military spokesperson (cited in Moore, 2010) expressed, PMSC employment specifically allowed “Canadian Forces personnel... to focus their efforts on the tasks that deliver the greatest value to the mission.” This sentiment was in line with broader US considerations about privatization writ-large: “Without contractor support, the U.S. would currently be unable to arm and field an effective fighting force (Schwartz & Ginsberg, 2013).”²

The Prince Proposal

In contrast with the above, the Prince proposal sees the offensive use of violence as part of the contractors’ repertoire. Contractors are to be embedded mentors working at the army company/battalion level. They are to live, train, patrol, and, yes, fight alongside Afghan National Army personnel. These activities would be iterative with contractors hired for three-year stints. As for the aircraft, they could launch offensive attacks under the approval of the Afghan government.

This approach sides more with the legal distinctions regarding mercenarism rather than with contemporary normative characteristics. Certainly, under the proposal, the United States is to remunerate the contractors who would be subject to the US Uniform Code of Military Justice (UCMJ).³ However, in the international legal context, by having the contractors responsive to the Afghan chain of command and by having them wear Afghan uniforms, Prince (cited in May, 2017) strives to avoid the mercenary label: “The way the United Nations defines mercenaries, by being attached to the Afghan army, they would not be mercenaries.” In this vein, the Additional Protocol I of the Geneva Conventions (International Committee of the Red Cross, 1977) indicates that a mercenary is “not a member of the armed forces of a Party to the conflict.” As for the aircraft, Prince (cited in Gallo, et al., 2017) presents a similar integration: they “would be badged as Afghan aircraft, with Afghan call signs, with an Afghan on board, and Afghans making the weapons release decisions.” Yet normatively, one cannot ignore the offensive/defensive split. As analyst Robert Young Pelton (2006) puts it, if PMSC personnel “were assigned the offensive duties of a regular soldier, that fine line between contractor and mercenary would be breached.”

² Such was the scale and nature of the PMSC relationship in Afghanistan across NATO member states that development of the Afghan National Army, Afghan National Police, and other Afghan security sector actors was sometimes underplayed. In fact, compared to service in the army and police, PMSC employment often had the dual advantages of lower levels of risk due to the defensive nature of PMSC work and higher levels of remuneration. One can also see how this indirectly affected NATO member activities as withdrawal criteria often emphasized Afghan public security actors being quantitatively substantial and qualitatively proficient (Spearin 2014).

³ In this regard, the likelihood of offensive violence being employed is evident. Prince (cited in Copp 2018) indicates that personnel would wear body cameras to facilitate any UCMJ investigations: “Certainly we’ll put body cameras on guys because we’ll certainly have ‘shoot/no shoot’ events that come into question.”

Unlike the past NATO usage, Prince's contractors would not be "indigenous." As Prince (cited in Gallo, et al., 2017) describes it, "[t]his is not a local militia that's going to be raised." Instead, Prince envisions the contractor presence as consisting of 60 percent US military veterans with the balance being military veterans from other NATO member states. In particular, the contingent would have a strong pedigree in special operations forces (SOF):

I want the experience of the SAS [Special Air Service], SBS [Special Boat Service] and 42 Commando for example, being shared and cross-pollinated with former U.S. Special Forces, SEALs and Marines, and Canadian SOF and other European SOF backgrounds. I want there to be an environment of tactical innovation that comes from having very experienced individuals who can outthink and out innovate the current enemy (Prince cited in Christian, 2018).

These developed world contractors would be paid more than the Afghan PMSC employees of earlier years, thus reflecting their different experience, their skills, and the heightened level of risk associated with offensive violence.

Intra-NATO issues

One should note that the US adoption of the Prince proposal, and especially its success, would in no way signify the immediate end of NATO's utility. Examine this in terms of both military and security privatization and the attributes of a defence alliance. First, regarding privatization, the Prince proposal and the structure of PMSCs more generally do not reveal the robust and multilayered capabilities inherent in developed world militaries such as those of NATO member states. The hundreds of thousands of individuals under arms in NATO European countries alone hypothetically possess a qualitative and quantitative weight that allows them to handle a much wider array of operations compared to what private actors can perform. Second, regarding the alliance, intra-NATO cooperation brings with it many tangible and intangible qualities that are not easy to discard. NATO engagement allows for basing opportunities, advances interoperability that can reduce operational friction, avoids ad hocery, and promotes the easier and wide-ranging collection and dissemination of intelligence. Also from the US perspective, working alongside NATO allies contributes to the legitimacy of Washington's overseas endeavours for consumption by both domestic and international audiences (Brands & Feaver, 2017). Overall, for Hal Brands and Peter Feaver (2017), NATO's merits are obvious: "[T]he routines and institutionalization of formal alliances make it much easier to bring military power to bear at much lower transaction costs." These matters are valued in their own right and private actors are unlikely to be able to supply them or supplant their benefits in any speedy and abrupt way.

Nevertheless, such a robust engagement of contractors through the Prince proposal would chip away at the importance of NATO from the US perspective, meaning the approach might become more and more "NATO if necessary, but not necessarily NATO." Indeed, even at the height of the NATO intervention in Afghanistan, PMSC usage allowed for policy flexibility and

divergence. For example, the United States utilized the PMSC DynCorp to conduct drug eradication in Afghanistan. Drug eradication worried other NATO member states who feared of growing Afghan disaffection and repercussions against their forces. In fact, other NATO member states arranged a compromise so that they did not have to participate in or support these counternarcotic efforts (Spearin, 2017). The United States, nevertheless, went ahead with its plans using the private option.

What is more, PMSC usage in Afghanistan compensated for the sometimes-limited numbers of personnel offered by NATO member states. Elke Krahnmann (2016) asserts that over the years “NATO... [committed] too few resources to meet the minimum force requirements drawn up by its own military authorities.” As such, Eugenio Cusumano (2018) contends that PMSC employment in Afghanistan “was primarily a way to bridge the gap between the need for additional manpower and contributing countries’ unwillingness to deploy more military manpower on the ground.” Placing this PMSC usage in the bigger picture, in 2011, Secretary of Defense Robert Gates warned NATO member states of what the resulting long-term implications might be of their insufficient troop contributions:

The blunt reality is that there will be dwindling appetite and patience in the U.S. Congress – and in the American body politic writ large – to expend increasingly precious funds on behalf of nations that are apparently unwilling to devote the necessary resources or make the necessary changes to be serious and capable partners in their own defense (United States Department of Defense, 2011).

In sum, PMSCs served as a balm for US fretting over the unwillingness, or worse, the inability of other NATO member states to adequately contribute from Washington’s perspective. Today, the Prince proposal brings to the fore the “dwindling appetite.”

In a broader sense, a successful implementation of the Prince proposal would underscore two other problems the United States encountered vis-à-vis its NATO allies in Afghanistan. First, the willingness of the contractors to employ offensive violence would stand contrary to the risk aversion of many NATO member states evidenced through their assertion of national caveats. For instance, a 2007 study (De Nevers) found that only six NATO member states did *not* implement political restrictions on their forces. Furthermore, a 2012 study (Saideman & Auerswald) identified a divide between those NATO member states willing to bear the risks and the burdens of dangerous combat and those who were “rations-consumers.” The result was that through NATO member states dictating when, where, and how their troops were to be employed, ISAF as a “whole was somewhat less than the sum of its parts (Brands & Feaver, 2017).” General John Craddock (cited in Joyner, 2009), serving as the Supreme Allied Commander Europe, offered a similarly blunt assessment in 2009: Caveats “increase the risk to every service member deployed in Afghanistan and bring increased risk to mission success.” Given this track record, Prince (cited in Copp, 2018) indicates that personnel from non-US NATO member states would be welcome both for their expertise and because they would not come with political strings attached: They “would come as individuals not from a NATO unit, thus they would not

be hampered by the myriad of national restrictions on each NATO country.” Compared then to past alliance efforts, the inherent objective of the Prince proposal is to be a “force multiplier” rather than a “force de-multiplier.”

Second, despite the aforementioned political benefits of the alliance, the proposal’s implementation would remove the burden of Washington having to negotiate with its NATO partners in order to achieve military and political objectives. In some US policymaking circles, the desire to remove this requirement has existed since the Kosovo intervention in 1999 (Berdal & Ucko, 2009; Matlary, 2007; Farrell, 2005). Otherwise, as the US Government Accounting Office reflected in 2001, the status quo would entail continued compromise from the US military viewpoint:

[M]ilitary commanders of multinational operations should not expect to always apply decisive military force with a strict adherence to military doctrine. As a result, to balance the variety of interests and concerns that arise during multinational operations, these operations may not be conducted as effectively or efficiently as operations that more closely follow U.S. military doctrine, which may lead to higher costs.

In this vein, it is not surprising that after the attacks of 9/11, US Defense Secretary Donald Rumsfeld (Washington Post, 2001) dictated that the response would not be war by committee: “[T]he mission determines the coalition... the coalition must not determine the mission.” Nevertheless, more than a decade and a half latter, members of the alliance certainly still have considerable “say.” Looking at the present then, should the Prince proposal be successfully implemented, Washington might look to avoid war by committee elsewhere.

Responding to Russian Assertiveness

From an acute angle, a decline in opportunities for NATO member states to participate together in expeditionary activities (in Afghanistan and perhaps elsewhere) may actually weaken efforts to realize collective defence in Europe. Certainly, bolstering collective defence efforts has become more important to alliance members in recent years given renewed Russian assertiveness. However, David Yost (2010) stresses that NATO’s longstanding divide over the alliance’s direction, whether to emphasize expeditionary operations or Article 5 obligations, is overplayed. The former, in fact, allows for the enhancement of the latter because, with the expansion of NATO membership to 29 countries, grappling with the geographical challenge of “strategic distance” is increasingly vital for European NATO member states (Yost, 2010). Moving military personnel and their logistical sustainment in Europe are priority matters that can be well practiced in expeditionary operations elsewhere. Additionally, and similar to the Afghan case, it cannot be assumed that all states in the enlarged treaty area will be able to support the influx of other NATO member troops. Hence, the removal of non-US NATO troops in Afghanistan through the Prince proposal and the potential for the United States developing a

taste for such privatized arrangements elsewhere may very well detract ideationally and materially from NATO's collective defence efforts.

From a broader angle, the United States moving away from contracted violence working only defensively would have implications for NATO member states vis-à-vis Russia. To explain, the United States is presently the champion of a defensively focused international PMSC industry. The United States' consumer weight as the largest state employer of PMSCs makes this plain. The US regulations detailed above represent industry-setting activism. What is more, the United States has linked its procurement requirements with international regulatory endeavours that similarly frame the PMSC industry in a defensive manner. In 2012, the US Department of Defense contracted ASIS International and the American National Standards Institute to develop what is now known as the PSC.1 Standard. This standard builds upon both the Montreux Document⁴ and the associated International Code of Conduct for Private Security Service Providers, two longstanding international initiatives with a defensive hue.⁵ Not only do the US Departments of Defense and State require PSC.1 compliance in their hiring, so too do other states, including the United Kingdom (Avant, 2016; United States Department of Defense, n.d.). Together, these efforts largely set what the industry offers, to whom, and what is deemed acceptable. In short, the United States has "had a large impact on the market's ecology (Avant, 2005)."

Should the United States rely upon contracted violence in an offensive manner as inherent in the Prince proposal, it would give greater status and momentum to Russian efforts involving firms. To expand, Russian companies are one component – a non-military measure – in "New Generation Warfare" as described by the Chief of the Russian General Staff, General Valery Gerasimov. For Gerasimov (cited in Coalson, 2014), "[t]he very 'rules of war' have changed" such that...[t]he focus of applied methods of conflict has altered in the direction of the broad use of political, economic, informational, humanitarian, and other non-military measures." In this context, Moscow has increasingly turned to Russian companies like Wagner to do its bidding in Ukraine, Syria, and elsewhere through the application of privatized *offensive* violence

⁴ The document's full name is Montreux Document On pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict.

⁵ The Montreux Document (International Committee of the Red Cross 2008, p. 23) notes that personnel are to use "force and firearms only when necessary in self-defence or defence of third persons." The International Code of Conduct for Private Security Service Providers (Swiss Confederation 2010, p. 8) indicates that personnel are "not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life." PSC.1 (American National Standards Institute/ASIS International 2012, p. 24) limits training of personnel to the "[u]se of force against persons only in self-defense or defense of others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life."

(Spearin, 2018). If the United States was to rely upon offensive commercial violence through the Prince proposal, Russia, a non-signatory to international regulatory efforts, would be operating less and less against the normative grain.

Moreover, Russia's application of violence is performed in a deniable manner, meaning that Russian firms are a component of Moscow's hybrid approach that already perplexes NATO member states. Indeed, an authority no less than Russian President Vladimir Putin (cited in Sputnik International, 2012) recognizes that utilizing these firms is "a way of implementing national interests without the direct involvement of the state." As such, NATO member states, in their declaration linked to the North Atlantic Council's July 2018 Brussels Summit, appreciate that Russian manipulations of the peace/war binary allow Moscow greater freedom to pursue its objectives: "Our nations have come under increasing challenge from both state and non-state actors who use hybrid activities that aim to create ambiguity and blur the lines between peace, crisis, and conflict" (North Atlantic Treaty Organization, 2018). Strategically, the German government, through its 2016 Defence White Paper, makes plain the potential resulting strategic implications for NATO: "The distinguishing feature of hybrid warfare, namely a blurring of the lines between war and peace, presents particular challenges when it comes to invoking Article 5 of the North Atlantic Treaty." This neutering of Article 5 would occur because a threat is not as easily identifiable as would be a "traditional" one and, following that, mustering the political will amongst NATO member states to respond is problematic for fear of heightening tensions and risking more overt displays of aggression.

On this matter, there is both policy divergence and alarming similarity between the United States and Russia. On the one hand, there is certainty that the Prince proposal is not a deniable application of commercial violence. He has spelled out how contractors would interact with and be responsive to Afghan and US authorities. He has also made it plain how potential contractor transgressions might be handled by state actors and laws. On the other hand, allowing for the US usage of privatized violence to become more and more like the Russian approach due to the introduction of offensive tasks is worrying. This is because it suggests that firms could increasingly be part of proxy responses in the context of renewed great power rivalry. This, surely, will heighten NATO's perplexity, not only vis-à-vis Russia, but also in regards to its largest member state too.

Concluding Remarks

President Trump's penchant to upset apple carts should catalyze some concern amongst other NATO member states in regards to the aforesaid immediate and longer-term implications posed by a successful implementation of the Prince proposal. The fact that Erik Prince (cited in Ward, 2017) wrote his proposal "for an audience of one" should cause further consternation in alliance circles. Without a doubt, the proposal's offensive underpinnings suggest change as a matter of kind rather than degree. Norms regarding the usage of commercial violence would not disappear immediately, but given that norms are strongly influenced through practice over time, and especially by the practice of interested powerful actors such as the United States, they would

likely loosen, and dangerously so. In all likelihood, US activities would inform Russian adventurism to the potential detriment of NATO interests and the global management of violence alike.

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