

“Combat Charities”: New Phenomenon of the 21st Century or the Longstanding Reality of the Warfare?

“Çatışma Hayırseverleri”: 21. Yüzyılın Yeni Olguları veya Savaşın Uzun Süreli Gerçekliği?

Teslim: 18 Kasım 2017

Onay: 27 Mart 2018

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Abstract

Combat charities are the non-profit organizations that aim to provide military (training and equipment) and non-lethal help (healthcare, social services, consulting in public, diplomatic and political relations) to local entities. These organizations operate with the motivation of charity, getting no salaries for their service and labeling their action as humanitarian. The purpose of this article is to deeply examine this new-emerging notion in the literature with its recent developments, historical context, legitimacy and legal background. Pavol Kosnác, who is the founding father of the term combat charity, claims that these organizations are completely new formations appeared in Iraq and Syria with the Arab Spring. This article, however, questions the Kosnác’s argument and offers a method of discussion which looks for parallel demonstrations of combat charities in the history. It states that the combat charities were always a part of warfare but grew in the 21st century with the effect of social media. This article also stands against the perspective of evaluating these organizations as humanitarian, unsophisticated beings. The combat charities are questionable actors containing great ethical and legal problems within themselves.

Keywords: *Combat Charities, Hybrid Warfare, Armed Conflict.*

Öz

“Çatışma Hayırseverleri”, lokal oluşumlara hiç bir çıkar amacı gütmeyen askeri (eğitim ve teçhizat) ve sivil (sağlık hizmeti, sosyal servisler, halka ilişkiler, politika ve diplomasiye danışmanlık) alanlarda destek sağlayan organizasyonlardır. Bu organizasyonlar amaçlarını insani yardım olarak belirlemişlerdir ve hizmetleri karşılığında hiç bir ücret beklemeden çalışmaktadırlar. Bu makalenin amacı da yeni ortaya çıkmış bir kavram olan “Çatışma Hayırseverleri”ni derinlemesine incelemek ve onların tarihsel gelişimini, meşruiyet alanlarını ve legal arkaplanını gözler önüne sermektir. Bu kavramı ortaya çıkartan Pavol Kosnác bahsedilen organizasyonları Arap Baharıyla birlikte Suriye ve Irak’ta ortaya çıkmış tamamen yeni oluşumlar olarak tanımlamaktadır. Fakat, bu makale, Kosnác’ın argümanını sorgulamakta ve karşılaştırmalı tarihsel bir tartışmayla bu organizasyonlara tarihten örnekler sunmaktadır. Çatışma Hayırseverleri’nin her zaman savaş alanının bir parçası olduğunu iddia etmekte ve/fakat 21. Yüzyılda sosyal medyanın etkisiyle büyüdüğünü söylemektedir. Ayrıca bu makale bahsedilen oluşumların zararsız, insani yardım organizasyonları olduklarını da reddetmektedir. “Çatışma Hayırseverleri” sorgulanabilir aktörlerdir ve içlerinde etik ve legal anlamda büyük problemler barındırmaktadırlar.

Anahtar Kelimeler: *Çatışma Hayırseverleri, Hibrit Savaş, Silahlı Çatışma.*

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Introduction

The year of 2014, marking the fall of Mosul in May, announcement of so-called caliphate by the Islamic State of Iraq and Syria (ISIS), or Da'esh, in June and the taking over of Raqqa in late August, seems to be remembered as the year presenting an unprecedented challenge for the international community. The rise of ISIS terrorism in 2014 with a territorial vision and taking an unheeded shape of controlling cities under the strategy of state-building and its unseen power projection was indicating a new era for security studies and international relations. The new era also brought new discussions. An agreement in the security community over the true nature of ISIS and the proper strategy to effectively degrade and destroy the organization could not be found.¹ The mistakes of past in Afghanistan and Iraq should not be repeated. In the Western public's eye, there was no Western soldier left to sacrifice for the ISIS terror in the Middle East. A conclusion must be found without intervention, without fueling the terrorist violence, without increasing the hatred and by protecting the civilians. There was not much time left and an urgent solution was needed.

The combat charities were one of these solutions. According to Pavol Kosnáč, who coined the term in his 2017 report titled *‘Combat charities or When Humanitarians Go to War: Influence of Non-state actors on Local Order of Partially Governed Spaces,’*² they are the units that consider themselves as humanitarian organizations conducting pro bono charity work in the area of security. What they do is to provide non-profit military training, political assistance, non-lethal tools and supplies for weaker armed groups or minorities resisting against the military onslaught of others (like the ISIS).³ “Some are driven by moral outrage and seek to prevent the atrocities the minority groups have suffered at the hands of the jihadists, while others are motivated by co-religionist solidarity.”⁴ However, in a broader sense, they can be defined as foreign civilians participating in the war without any financial request but just for helping locals. It is believed that the combat charities can significantly affect both local orders and international politics. The notion seems like an understudied field and Pavol Kosnáč presents it as the new phenomenon of the 21st century.

This paper examines the combat charities in four parts. In the first part, the article defines what the combat charity is by referring to Kosnáč's article. For this purpose, four main questions are answered; how do combat charities organize, how do they recruit and how do they serve, and lastly what are similari-

¹ Burak Kadercan. “What the ISIS Crisis Means for the Future of the Middle East.” In *Non-State Armed Actors in the Middle East*. Palgrave Macmillan, Cham, 2018, pp. 237.

² Pavol Kosnáč. “Combat charities or when humanitarians go to war: Influence of non-state actors on local order of partially governed spaces”, Local Orders Paper Series, Paper 6, Brookings, Washington, 2017, pp. 1.

³ Ibid.

⁴ Ibid. pp.6.

ties and differences between combat charities, modern militaries and private military companies (PMCs). Then, the paper seeks to explore two combat charity organizations, Sons of Liberty International (SOLI) and Humanitarian Defense Abroad (HDA) referred by Pavol Kosnac. It is important to mention these organizations for making the notion of combat charity much more comprehensible in the eyes of the reader. The article examines SOLI's and HDA's formation, the choices they have in deciding which armed group to join and analyze their functioning in the field.

In the second part, the historical context granted by Pavol Kosnác that considers the combat charities as a new phenomenon will be criticized. It will be claimed that the existence of non-profit civilians in the battlefield is not a groundbreaking discovery and did not make its appearance neither in the Syrian Civil War nor with the Western engagements. If the Kosnác's understanding of combat charities is literally accepted, then what is the difference between the combat charities helping the PKK-affiliated⁵ Yekîneyên Parastina Gel (YPG) in the Northern Syria and Kurdish peshmerga groups in Northern Iraq, and left-oriented groups assisted to locals in Spanish and Congo civil wars and Palestine liberation movements back in the 20th century? Or what are the differences between these combat charity groups in Syria helping Yazidi and Assyrian militias nowadays, and the international Islamist groups provided their assistance back in the Bosnian Civil War, Chechen independence movement or ongoing Rohingya insurgency in Western Myanmar? The second part, in this sense, will defend a stance of evaluating the combat charities as an old phenomenon which was always a part of the hybrid warfare but grew in the 21st century with the social media that shrank the physical and virtual distances among people and conflicts around the world.

The third part will question the legitimacy of combat charities. According to which group they support, the combat charities may directly or indirectly go against state's interests. Thus, some states can perceive these combat charities as neither as humanitarian actors nor as freedom fighters, but as illegitimate terrorist organizations. In this discussion, especially the stance of the Turkish government against the ones who help YPG will be examined. It will be seen how easy the combat charities can become questionable actors and pass the other side of the line in the matter of legitimacy even in the fight against the ISIS. In this part, two questions will be asked and tried to be answered. First, are combat charities really serving to a long-term solution or are they actually creating much more complex power imbalances? Second, can we talk about a peaceful future with combat charities, which favors and contributes to the rise of armed mobilization?

⁵ Andrew Self, Jared Ferris. 'Death men tell no lies: Using Killed-in Action (KIA) Data to Expose the PKK's Regional Shell Game' *Defense Against Terrorism Review*, 2016:8, 9-35.

In the light of this discussion, the fourth and the last part will investigate the legal basis of the notion. It can be seen that the domestic and international laws do not have a definite stance for the combat charities. “The U.S. State Department Spokesperson Jennifer Psaki stated in October 2015 that she was unaware of a single specific law against combat charities.”⁶ However, Australia’s newly legislated foreign fighter laws⁷ had changed the discourse by making it possible for a state to imprison the ones coming after engaging in hostile activities overseas, regardless of which side they were fighting on. So, it can be claimed that there is an empty legal gap to fill and with the growing globalization of the warfare, other states will also take an action.

The concept of combat charities and examples of SOLI and HDA

In recent years, thousands of foreign fighters have travelled to the Middle East to join the war which has started against the Assad government as a part of a wider wave of 2011 Arab Spring and escalated to an armed conflict including zones both in Syria and Iraq. These foreign fighters have chosen to participate in the conflict on the side of the jihadi organizations like the ISIS and Nusra Front or the groups that resist the jihadists, such as Kurdish, Assyrian, and Yazidi militias. Combat charities are one of the mechanisms to become a part of the latter.

Combat charities are the non-profit organizations that aim to provide military training and equipment, and non-lethal help such as diplomatic and political assistance to local entities. These organizations operate with the motivation of charity, getting no salaries for their service and labeling their action as humanitarian. Their activities are fully funded by voluntary donations and thus they can be put in the category of Donor Organised NGO’s. They are officially registered with governments and have administrative and organizational centers in their home countries. Their members are meticulously selected in these centers from a great range of applicants, particularly from veteran soldiers. Yves Beigbeder classify the NGO’s according to their field of activity in three categories: the ones which provides aid and healthcare as “Service Providing”, the ones which provide solutions for development and reconstruction as “Empowering”; the ones which have a stance in economic, social, political or religious matter as “Case Defending”⁸. As it will be presented in the upcoming pages, the motivation behind combat charities could be evaluated as both and more than mentioned. In the field, they serve as small groups of trainers and offer assistance to local militias and people in the areas of military, healthcare, social services, diplomacy, politics and public relations.

⁶ Pavol Kosnáč. “Combat charities or when humanitarians go to war: Influence of non-state actors on local order of partially governed spaces”, Local Orders Paper Series, Paper 6, Brookings, Washington, 2017, pp. 7.

⁷ Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014: Revised Explanatory Memorandum 7, 47, Oct, 2014.

⁸ Beigbeder, Yves. *The Role and Status of Humanitarian Volunteers and Organizations: The Right and Duty to Humanitarian Assistance*, Marius Nijhoff Publishers, Dordrecht/Boston/London, 1991, 84.

Table 1. Comparison of Modern militaries, Private Military Companies and Combat Charities

	Motivation	Operational Usage	Recruitment	Service
Conventional Militaries	Serving for the interest of a state	Both Offensive & Defensive	Voluntary and/or Compulsory	Fight, defend and intervene in the name of its country, secure and control districts, local populations in its nation or in foreign countries
Private Military Companies (PMCs)	Profit	Both Offensive & Defensive	Voluntary and/or paid	Bodyguard people, force protection, control districts, logistic operations, train&equip other armed forces/non-state actors
Combat Charities	Moral/ Normative	Non-operational, support, train and equip	All Voluntary	Training, providing military expertise, and weaponry&equipments, political and diplomatic support and media consulting to local forces, organizing fund-raising/charity events

Pavol Kosnáč mentions two different combat charities in his article, which are the SOLI and HDA. The SOLI is the oldest and well established combat charity in the world and has connections in Syria, Iraq and Northern Africa. They are founded in 2014 by a young American Matthew VanDyke, who had joined the wars in Libya against Moammar Gadhafi and later in Syria against the ISIS. Their name is coming from an 18th century society of individuals who sought to rebel against the British during the American Revolutionary War. The group has a small administrative support staff in the U.S., but it is actually operating as a one man show, heavily dependent on the fundraising ability and media presence of Matthew VanDyke.

The SOLI has specific selection criteria to determine which client group to assist. They look to target group's vulnerability and analyze the usefulness, sustainability and overall effect of their action. In this sense, last of their clients were Assyrian militias located in Nineveh plains of northern Iraq seeking to defend their villages against the ISIS. What the SOLI had done in the field was bolstering the capacity of Assyrian self-defense combatants by giving military training and providing military equipment to resist the ISIS and engage effectively in urban warfare. The aim was helping the Assyrian groups to preserve the remnants of their settlements, participate in coalition operations

against ISIS, reclaim their homes, and assist in the offensive against the ISIS in Mosul.”⁹

However, SOLI activities went far beyond the basic advisory and military training. SOLI also sought to generate media attention for Assyrians and advised them on which media interviews to accept. They have accompanied Assyrian delegations to meetings with the U.S. State Department officials and helped them draft letters to foreign dignitaries. They provided advice on how the Assyrians should interact with Kurdish groups or peshmerga units in the region. SOLI even organized two children’s events, an Easter egg hunt for an orphanage in Alqosh and a Christmas event for Assyrian internally-displaced children. So, it is obvious that SOLI cannot be reduced to the extent of military companies, but should be seen more as a fully-expertise manager.

Humanitarian Defense Abroad (HDA), on the other hand, is holding the primacy of being the first combat charity legally acknowledged by a sovereign country, USA. They are founded in 2015 by a veteran soldier called Lu Lobbello, who previously served as a Marine in Iraq. The organization got a U.S. legal status in the same year as a non-profit public charity. They declared their intentions to “organize and fund international volunteers who seek to intervene in human rights crises where genocide, arbitrary mass killings, and egregious human rights violations take place.”¹⁰ Their main goal is not to slaughter the enemy but rather to protect civilians from abuse.

In comparison with SOLI, it is less oriented toward direct combat training of local groups. Rather it focuses on facilitating particular skill sets and boosting the capabilities of local groups in intelligence gathering, communication capabilities and specialized technologies. Its volunteers are mostly the former members of U.S. Army and their expertise can range from sniper instructors to software specialists, drone operators, intelligence officers and even missile system operators. HDA built up its name in Iraq and channeled most of its power toward Kurdish units fighting the ISIS. Their clients have mostly been peshmerga units, but occasionally YPG has also received HDA assistance. Bearing in mind that the Kurdish forces do not lack manpower or light personal weaponry, they often lack military and civilian technical knowledge. Therefore, their needs exactly fit into the context of HDA and this makes them a proper client.

HDA invested a lot of energy into supplying high tech equipment to its clients. They provided rifle optics, satellite phones and decoders. They even deployed commercial drones to Kurdish local forces and taught them how to operate

⁹ Pavol Kosnáč. “Combat charities or when humanitarians go to war: Influence of non-state actors on local order of partially governed spaces”, Local Orders Paper Series, Paper 6, Brookings, Washington, 2017, pp. 10.

¹⁰ Humanitarian Defense Abroad, “About Us.” Accessed Nov 23, 2017. <http://www.humanitariananddefenseabroad.org/about-us/>.

the drones for aerial surveillance, target identification, and patrol security. They promised in 2016 to bring multiple software-defined radios (SDRs) and a motorized device that can drop small explosives from the drones. HDA also compound its technological supplements with cyber assistance. They showed their clients the ways to improve their operational security, to use crowd funding websites to bolster their funds and to combine field intelligence with the analysis of online social media platforms. As in the case of SOLI, HDA also provided diplomatic and public relations assistance. They taught its beneficiaries how to become visible in media and how to interact with American politicians to engage with U.S. legislative processes.

In short, local groups supported by the combat charities SOLI and HDA have benefited in at least two ways. First and most significantly, the group's fighting capacities are enhanced because of better equipment, training, intelligence-gathering capacities, and the presence of Western volunteers. Second, the authority and legitimacy of the commanders capable of attracting foreign volunteer's assistance are enhanced both among their superiors and subordinates.¹¹ They have increased the internal prestige of local commanders as well as their international influence. After the participation of combat charities, the hierarchies and balances of power have changed within the local forces on behalf of the ones who acquired combat charities. "As the emerging result of global trends, NGO concept is a mean of actors which designate these trends, also has the power to affect them as well." Hence, according to Kosnáč, combat charities alter not only local military balances of power but also local political balances of power.¹² If we keep our feet on the ground, at their current numbers and scale, they do not have the capacity to set the tone of large-scale conflicts, however, even in this extent, they had great effects on the local orders and on the outcomes of smaller conflicts.

Historical Context of Combat Charities: Are they really a new phenomenon?

There are two great efforts that can be mentioned in the literature to conceptualize the framework of warfare after the end of Cold War. The first of them is the depiction of William S. Lind, who brought the term; 'fourth generation warfare'. According to Lind, a radical change has happened in the warfare and the state has lost its monopoly for the first time after the Peace of Westphalia.¹³ With this radical change, state militaries found themselves fighting with non-state opponents all over the world. This led to the blurring of the lines between war and politics, combatants and civilians. The warfare returned to a decentralized form as in the pre-modern times to the conflict of cultures, not merely states. According to Lind, what has been the case today is the Christian

¹¹ Pavol Kosnáč. "Combat charities or when humanitarians go to war: Influence of non-state actors on local order of partially governed spaces", Local Orders Paper Series, Paper 6, Brookings, Washington, 2017, pp. 29.

¹² Kosnáč, 2017, pp. 2.

¹³ William S. Lind. "Understanding fourth generation war." *Military Review* 84, no. 5, 2004, pp. 13.

West found itself facing with its oldest and most steadfast opponent, Islam.¹⁴ Therefore, today’s context for Lind is the wide variety of Islamic non-state actors directed at West and Westerners.

The second understanding, on the other hand, defines today’s structure with the term of “hybrid warfare”. Frank Hoffman defined the hybrid warfare in his 2007 work as a fusion of war forms that blurs regular and irregular warfare. Hoffman underlined that it would incorporate “a full range of different modes of warfare including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder.”¹⁵ NATO, for the same term, used the expression of “wide range of overt and covert military, paramilitary and civilian measures employed in a highly integrated design.”¹⁶ The key word, in this sense, to define the contemporary war is the ‘multi-modality’ in the acts of warfare.

The main problem in both of these understandings is their past exclusionist and deficient way of presenting. What they allege is something new, but what they offer in their definitions is actually old. It is obvious that the non-state actors did not come into being after the Cold War. They were always there and showed up many times in the history. State militaries fought with these actors numerous times in different places. They played roles in the nation-state formations, in civil wars and post-colonialist structures. The Bolshevik Revolution in 1917, which led to the establishment of the Soviet Union, was even an uprising conducted by a non-state actor. In some occasions, these actors were used by other major powers to change the local orders as in the cases of today’s Middle East and Ukraine. The British intelligence agent Thomas Edward Lawrence revolutionized the Arab tribes against the Ottoman Empire during the First World War and these tribes played a great role in the defeat of Ottoman Empire. Most of these non-state actors in the history, incorporated different modes of warfare, irregular tactics and formations, terrorist acts, and criminal violence pursuant to their nature and capabilities.

The literature, in this sense, is an ocean and it could be an interesting research topic for the ones who want to trace back the history. However, this is not a war history article and these examples are just given to show the reader that there is an empty gap in the literature for defining what is actually new in the existing warfare. What is being claimed is that the multimodality and hybrid warfare are ascending in today’s conflicts, but this does not make them new. They have already existed. What makes today’s warfare different is the social media and internet, which made possible for all humanity to watch, to learn and to be a part of the warfare. All the other new features are actually the products of this difference.

¹⁴ Lind, 2004, pp.14.

¹⁵ Frank Hoffman. *Conflict in the 21st Century: The Rise of Hybrid Wars*, Potomac Institute for Policy Studies, Virginia, 2007, pp. 7-8.

¹⁶ NATO 2014 Wales Summit Declaration. Accessed in Nov 26, 2017.

This paper claims that Pavol Kosnáč's understanding of combat charities also suffers from the same logic. He shows the combat charities as the new phenomenon of the 21st century, although his expressions have nothing new. He defines the combat charities as the «entities that seek to provide military and political assistance to weaker armed groups or minorities resisting the military onslaught of others, such as of the Islamic State (ISIS) in the Middle East and North Africa.»¹⁷ However, the states such as Russia, United States, Qatar, Iran, Turkey, Saudi Arabia, United Kingdom and France have also sent their assistance to these groups in Syria and used different kind of entities for the same purpose. Thousands of foreign fighters, on the other hand, went to Syria and Iraq for helping and becoming a part of these local militias. Then where is the difference of combat charities?

The difference according to Kosnáč stands with the four characteristics that combat charities are built on. They are non-profit, independent, civilian and non-state organizations. They have no state connection or support like national militaries and they serve as free agents. Combat charities just temporarily help but do not steadily belong to any local group. For Kosnáč, the gathering of these constituents are extremely special in the warfare and make the combat charities a new-born phenomenon.

However, despite the suggested special features of combat charities, this article defends that even these characteristics are not enough to distinguish combat charities from its historical counterparts. It is known that many civilians in the history had participated in the civil wars outside of their country without any profit, but just for ideational and normative causes. Some of them were operated as free agent groups as in the case of combat charities because of the reasons being fellow countryman or sharing the same ideological backgrounds.

For instance, in Spanish Civil War, between 1936 and 1939, about 32,000 men and women fought in the International Brigades, according to their home countries such as the American Lincoln Battalion, the Canadian Mackenzie-Papineau Battalion, the Balkan Dimitrov Battalion, Franco-Belgian Sixth February Battalion etc. to provide their own kind of military assistance to National Confederation of Labour (CNT-FAI), Popular Front and General Union of Workers (UGT) in the sides of Republican forces.¹⁸ In the Palestinian liberation movement starting from 1948, groups such as THKO, TİP,

THKP-C and TIKKO from Turkey¹⁹, RAF/Baader Meinhof from Germany, the Action Directe from France, Quebec Liberation Front from Canada, the

¹⁷ Pavol Kosnáč. "Combat charities or when humanitarians go to war: Influence of non-state actors on local order of partially governed spaces", Local Orders Paper Series, Paper 6, Brookings, Washington, 2017, pp. 1.

¹⁸ Hugh Thomas. *The Spanish Civil War*, Penguin (Revised 4th edition), London, 2003, pp. 941-945.

¹⁹ Anti-Terrorism (Amendment) Act, No. 13 of 2013, § 3(a), The Gazette of Pakistan Extraordinary, Mar 19, 2013. Accessed in Dec 3, 2017.

Red Brigades from Italy, Irish Republican Army from Ireland, the Japanese Red Army from Japan and the Tupamaros from Uruguay provided military and political assistance to different local groups like Democratic Front for the Liberation of Palestine (DFLP), Fatah and Popular Front for the Liberation of Palestine (PFLP) in different times without breaking away from their actual groups.²⁰ Che Guevara, the most prominent figure of left and 12 other Cuban expeditionary went to Congo in 1965 for offering their knowledge and experience as a guerrilla to the People’s Movement for the Liberation of Angola (PMLA) in the Congo Civil War. On the other hand, a jihadist figure Emir Khattab, who fought in Saudi Arabia against the USSR, provided his assistance to different guerilla groups with his own fighters in Tajikistan Civil War between 1992 to 1995, and Chechen Liberation Movement between 1995 to 2002.²¹ Abdelkader Mokhtari was another notable jihadist fighter who went to Bosnia in 1995 with his own group and gave his assistance to 3rd Corps and 7th Muslim Brigade during the Bosnian Civil War.²² The organizations, Aqa Mul Mujahideen from Pakistan²³ and Islamic Defenders Front from Indonesia²⁴ are now giving training and their military assistance to the Arakan Rohingya Salvation Army in ongoing insurgency in Western Myanmar. These examples can be reproduced and elaborated, but it should be enough to understand that the combat charities are not new-born entities. There are many examples in the history where civilians participated in the civil wars and provided military and political assistance, non-lethal tools and supplies to local forces. If you click the part “Our History” in the website of HDA (<http://hda-usa.org/our-history>) you can see that even they are not considering themselves as new-born entities. They are giving a timetable for “Legacy of Intervention” and starting their history of corresponding from the Spanish Civil War and continuing with examples from Second World War and Rhodesian Bush War.

After these examples, what Kosnac holds in his hands to separate his concept combat charities from its historical counterparts is his last but the most challenging bullet; the notion of ‘humanitarian’. Humanitarian means the one who actively engages in promoting human welfare and social reforms without any prejudice with human suffering on the areas of gender, sexual orientation, religious or national divisions. No one has ever seen in the history an organization that fights ‘without any profit or without any ideological, religious, sexual or national motivation’. If Kosnac could be able to demonstrate that those organizations selected their enemies and clients only for humanitarian reasons with a non-ideological, supra-national, non-religious and non-sexual manner, then

²⁰ Said K. Aburish. *From Defender to Dictator*, Bloomsbury Publishing, New York, 1998, pp. 101–102

²¹ Muhammad al’Ubaydi. Khattab (1969-2002). Military Academy West Point NY Combating Terrorism Center, 2015, pp 9-24.

²² Evan Kohlmann. *Al Qaida’s Jihad in Europe*, Berg publishers, 2014, pp. 62, 186.

²³ Shishir Gupta. *Pakistan is fuelling unrest in Myanmar’s backyard*, Hindustan Times, Oct 13, 2017.

²⁴ Amanda Hodge and Rayda Nivell. *Indonesian Islamists recruiting volunteers for Rohingya jihad*, The Australian, September 5, 2017.

he would really come with a completely new phenomenon.

In this sense, neither SOLI nor HDA has any proof that they are actually humanitarian organizations. First of all, these organizations consist of veteran U.S. soldiers²⁵ and actually served in Syria to U.S. interests. Claiming that these organizations will also be a part of an anti-American resistance if U.S. becomes an oppressor or a human rights violator would be looking to them through rose-tinted glasses. As Van Dyke, the founder of SOLI, admits their generous supporters are most often Americans, and more often than not, American Christians.²⁶ It is hard to claim that they would serve to a client who has an Islamic essence, such as Rohingya Muslims in Western Myanmar. It is seen that the SOLI and HDA have helped almost all the formations against ISIS including Assyrians, Yazidis, Peshmerga forces and YPG, but not the Free Syrian Army. Their neutrality is debatable. It is not clearly possible to state that they are non-ideological, non-religious and international organizations.

In sum, nothing can be found as new with the combat charities in the logic that Kosnac presents. There are lots of examples in the history of civilians participated in the wars without any profit. The reasons were national, ideational or religious. The combat charities can neither be considered as humanitarian nor as neutral companies because there is no evidence that they are unbiased when they are choosing their clients. What makes these organizations different than their historical counterparts is not what all Kosnac has mentioned, but something different. It is their structure. They are acting like public multinational corporations. They have websites and social media platforms where you can donate, find information, ask questions or send an application form. They have nothing secret about their formations because they are indirectly supported by their state. Van Dyke accepted that the State Department has encouraged Iraqi Christians to continue working with SOLI, and for SOLI to continue training them.²⁷ The ones who went to Palestine for fighting on the sides of Popular Front for the Liberation of Palestine (PFLP) or the ones who joined the resistance against Franco in Spain or the mujahedeen fought against Russia had no such chances for public support. They were mostly considered even in their own countries as terrorist. Even if they were not, it was obvious that letting them to open bureaus or companies would lead their government to a highly diplomatic crisis. The same scenario is also valid in today's case of Muslim rebels in Myanmar. Which government would dare to take China on?

What is trying to be said is what makes the combat charities special is not their actions but actually their enemy and the founding of internet and social media.

²⁵ Pavol Kosnáč. "Combat charities or when humanitarians go to war: Influence of non-state actors on local order of partially governed spaces", Local Orders Paper Series, Paper 6, Brookings, Washington, 2017, pp. 10, 20.

²⁶ Rebecca Drage. *Sons of Liberty International: A Possible Solution to the Problem of Military Contractors*, St Andrews Foreign Affairs Review, Nov 17, 2015.

²⁷ Drage. Nov 17, 2015.

ISIS is the common enemy of all humanity. It is seen as a terrorist organization by all countries and even presumed as the reflection of the devil on earth. People watched them burning men alive or beheading people on the street. Against that kind of organization, with the help of social media, in a state like the USA, where individual armament is nothing different than buying a car, it is easy to operate such organizations. However, the real challenge is if these organizations could help to other victims oppressed by non-ISIS, non-Muslim or US-allied elements in the future as their essentiality of defining themselves as humanitarians? For now, the answer seems no.

The Legitimacy of Combat Charities

It can be referred to three big groups existing in today's non-state armed mobilization in the Middle East. The first of them is Sunni-Salafi armed mobilization consisting of ISIS, Al Nusra, Free Syrian Army and Turkmens. The second is the Kurdish-Ethno Nationalist / Leftist-Secular armed mobilization with YPG in Syria, PKK in Turkey and PJAK in Iran. The last and the third group is the pan-Shia armed mobilization contains Al-Hashd Al-Sha'abi in Iraq, Hezbollah in Syria and in Lebanon.

The game being played between these proxies in the Middle East is actually a zero-sum game. Turkey is using elements from the first group, moderate Sunni-Salafi forces to abolish the second armed group, YPG and PKK. The USA, on the other hand, is using an element from the second group, YPG, in their fight against a force from the first group, the ISIS. Last, Iran and Syrian regime is using Shia forces, the third group, against the first group, Sunni-Salafi forces and maybe against YPG in the near future. It is exactly a vicious cycle and if it continues in this manner there would be no winner in the long run. What we need is an international effort aiming to diminish and eliminate all three in a synchronized fashion.

The combat charities are also not serving to this latter-mentioned long-term solution. They are rather being the part of this vicious cycle. They consider the primary underlying problem to be the lack of security due to the presence of ISIS and they plan all their actions accordingly. What they can't understand is that the Middle East was not secure also before the ISIS and it will be not either after the ISIS. The problem lies in the trend of armed mobilization and 'enculturation and normalization of lethal methods'. This geography has become the biggest arsenal of the world in the last decades and these existing weapons are the real threats to security. It is also seen in the case of ISIS that the weapons are not loyal to their owners and they can change sides. ISIS had captured thousands of heavy guns including tanks, artilleries, anti-tank weapons, anti-aircraft launchers, missiles and even war planes from Syrian and Iraqi stockpiles. They used them against the civilians and other militia forces.

The combat charities are also providing war equipment to the Middle East. They want to ensure that locals are equipped to defend themselves now and

in the future, but they actually have no control over the war materials they have granted to their customers. These local groups can easily sell them in the future or give rein to other militia forces or can even use them in their own military onslaught. Combat charities are penetrating into these warzones and boosting the armed capabilities of local groups without any authority over their future actions. They can't even predict in what purpose their equipment will be used. Such an understanding of resolution can bring results in the short run against ISIS, but will definitely fuel the conflicts in the long run.

Another problem with combat charities is their support to YPG in Syria. Although the PKK is listed as a terrorist organization both by the EU and US, YPG somehow is considered as the biggest Western ally against the ISIS. It is a fact that PKK, PJAK and YPG are the branches of the same entity and serving to the same purpose. There is transitivity of weapons, equipment, fighters, training, intelligence and knowledge between these three groups. In an interview with the Wall Street Journal, Kurdish fighter Zind Ruken expanded on the PKK-YPG relationship as such; "Sometimes I'm a PKK, sometimes I'm a PJAK, sometimes I'm a YPG. It does not really matter. They are all members of the PKK."²⁸ An unidentified PKK member, on the other hand, underscored the importance of Rojava, describing the war in northern Syria as a historic opportunity to implement the program of 'democratic self-administration', a system of governance based on imprisoned PKK leader Abdullah Öcalan's teachings.²⁹ YPG is using the face of Abdullah Öcalan almost everywhere; on their flags, uniforms, cars, checkpoints etc. The YPG's casualty data also confirms these linkages between the groups PKK and YPG. Kurds from Turkey constitute 49.24 percent of the YPG's self-reported casualties between January 2013 and January 2016, according to an Atlantic Council study.³⁰

The emergence of the Rojava and Efrin as a growing military training and logistical support base for the PKK has coincided with the Kurdish majority cantons of northern Syria becoming a new center of Kurdish national liberation efforts. The last attacks by the PKK in big cities of Turkey against the Turkish civilians have seen a growing operational connection to the Kurdish Rojava, with the attacks being planned and prepared in the Kurdish majority cantons in northern Syria. The perpetrators involved in the February 17 and March 13 Ankara attacks as well as the April 27 Bursa attacks received military training in camps in northern Syria for lengths of time spanning eight months to two years and participated in clashes in that area. For instance, Abdulkaki Somer, the perpetrator of the February 17 Ankara attack, moved to northern Syria in 2014 and joined the YPG for a year and a half. Cagla Demir, the female suicide bomber who carried out the March 13 Ankara attack, and Eser Cali, the female

²⁸ Matt Bradley and Joe Parkinson. *America's Marxist Allies Against ISIS*, Wall Street Journal, July 24, 2015.

²⁹ Matt Bradley and Joe Parkinson. July 24, 2015.

³⁰ Aaron Stein and Michelle Foley. "The YPG-PKK Connection," Atlantic Council, January 26, 2016. Accessed in Nov 27, 2017. <http://www.atlanticcouncil.org/blogs/menasource/the-ypg-pkk-connection>.

suicide bomber who carried out the April 27 Bursa attack, each spent more than eight months in Syria.³¹

What is trying to be mentioned here is that every weapon, equipment or training given to YPG militias in Syria could return to Turkish innocent civilians as terrorist attacks by PKK. Because of its linkage with PKK, YPG is considered as a terrorist organization by the Turkish state. In this sense, it can be said that the combat charities like HDA have actually helped to a terrorist organization for eradicating another. This case is also a great evidence for accusing combat charities of serving to this previously mentioned vicious cycle of violence. That is why this paper claims that even the combat charities are acting in a *de facto* legitimacy granted from the U.S., they are actually containing great ethical and legal problems within themselves. They are not serving to a solution in the long run but extending the borders of armed mobilization.

Legality of Combat Charities

Globalization and the growing traditional and social media allow for the substantial enlargement of personal networks and make conflicts around the world more visible, bringing distant, emotionally intense wars into the living rooms of the global public through TV as well as Twitter, Facebook, Instagram, and LiveLeak, and so on.³² This also favors the further growth of combat charities and foreign fighters by shrinking the physical and virtual distances among people and conflicts around the world. In this sense, it is followed that domestic and international laws were caught unprepared for this expansion and couldn't prevent the spread of foreign involvements in the existing warfare. There was an urgent need to take an action and most of the countries respond.

Since 2010, at least 50 countries from Germany to Uzbekistan have enacted laws and regulations to stop their citizens from joining extremist armed jihadist groups. On October 7, 2014, Teo Chee Hean, Singapore's Deputy Prime Minister, said in response to an oral parliamentary question on ISIS, "We have co-sponsored the United Nations Security Council resolution on foreign terrorist fighters that requires all nations to adopt laws that would make it a serious crime for their nationals too, among others, join extremist groups such as ISIS and Al-Qaeda affiliate Al-Nusra Front."³³ Starting from 2013, most of the European countries restricted the right of free movement and tightened border controls in order to stop jihadists returning to Europe after fighting in Syria or Iraq. These countries have also agreed to make it a criminal offence to travel

³¹ Metin Gurcan. *The Kurdistan Freedom Falcons: A Profile of the Arm's-Length Proxy of the Kurdistan Workers' Party*, CTC Sentinel, July, 2016.

³² Pavol Kosnáč. "Combat charities or when humanitarians go to war: Influence of non-state actors on local order of partially governed spaces", Local Orders Paper Series, Paper 6, Brookings, Washington, 2017, pp. 7.

³³ Oral Reply to Parliamentary Question on Islamic State in Iraq and the Levant (ISIL) by Mr. Teo Chee Hean, Deputy Prime Minister, Coordinating Minister for National Security and Minister for Home Affairs, Oct. 7, 2014.

abroad for terrorist purposes meaning that returning foreign fighters can be arrested. On March 5, 2013, the Senate of Pakistan passed the Anti-Terrorism Bill 2013, which amended the definition of “terrorism” under section 6 of the Act to include threats and acts of terrorism against a “foreign government or population or an international organization.”³⁴ On October 13, 2014, the New Zealand Prime Minister, John Key, announced that the Cabinet had approved terms of reference for a targeted review of security settings “to ensure that the capability, capacity and legislation to counter the evolving domestic threat posed by foreign terrorist fighters and other violent extremists are adequate to meet that threat.”³⁵ These examples are just the tip of the iceberg.

However, it should be mentioned that none of these above-stated changes had an impact on combat charities. For instance, in the case of USA, while fighting on the side of the declared enemies of the United States constitutes treason and providing material support to U.S.-designated terrorist groups results in stringent U.S. law enforcement and legal prosecution, joining other wars or militant groups are not prohibited.³⁶ Also, the Russian Anti-Terrorism Law, reformed in 2013, recognize the participation in an armed group abroad as a terrorist activity only when their aims are contrary to Russian interests.³⁷ Only three countries acted different than this approach and gave the signs that this interest based understanding might change in the future.

Australia, Albania and Namibia introduced new laws that include penalties up to life sentence, for those who participate in hostile activities overseas. These laws were drafted to apply equally to those on all sides of foreign conflicts. The Australian Parliament passed the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill on October 30, 2014, which amended a number of existing statutes in order to implement the government’s response “to the increased threat of terrorism posed by Australians engaging in, and returning from, conflicts in foreign states.” The most important provision in the legislation was the act which made «Entering or remaining in a declared area of a foreign country in which a terrorist organization is engaging in hostile activity» considered as a crime.³⁸ Prime Minister Tony Abbott has said that anyone who returns to Australia after becoming a foreign fighter will be arrested and charged.³⁹ Rodger Shanahan, an associate professor at the Australian National

³⁴ Anti-Terrorism (Amendment) Act, No. 13 of 2013, § 3(a), The Gazette of Pakistan Extraordinary, Mar 19, 2013.

³⁵ New Zealand Government, Annex 1: Foreign Terrorist Fighters: Targeted Review Capability, Capacity and Legislation, Terms of Reference, Oct. 2014.

³⁶ Pavol Kosnáč. 2017, pp. 7.

³⁷ Federal Law No. 302-FZ of Nov. 2, 2013. Accessed in Dec 3, 2017. http://base.garant.ru/70493356/#block_7

³⁸ Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014: Revised Explanatory Memorandum 7, 47, Oct, 2014.

³⁹ Daniel Hurst. Foreign fighters need ‘modern form of banishment’ says Tony Abbott in Magna Carta lecture, The Guardian, June 24, 2015.

University’s National Security College, said the law should apply to all returned foreign fighters - regardless of which side they fought on or whether they became disillusioned with the cause.” The punitive element needs to be done and seen to be done otherwise the Muslim community will point out the inconsistency of applying the law to one side and not another,” he said.⁴⁰ The new legislation, which produced “no-go zones”, gave its results immediately. The head of the Northern Territory branch of the Labor party, Matthew Gardiner, who left Australia with the intention of fighting with Kurdish forces against Islamic State in Syria, was questioned by police and an investigation was opened directly upon his return.⁴¹ The Labor Party cut ties with him and suspended his membership when the allegations broke.

On the other hand, in 2014 the Albanian legislature brought amendments to its national Penal Code aimed at criminalizing fighting in Syria or in other similar conflicts. According to the amendments, those Albanian citizens who participate in a military conflict abroad while not being a citizen or resident of the country where the conflict is taking place, and not being a member of a regular military force of this country, will be sentenced to more than ten years of imprisonment.⁴²

Also, the Namibian law, rearranged in 2012, expressly prohibited the participation of citizens or residents in any military activity abroad. The law states that anyone “within Namibia or elsewhere who offers to render any foreign military assistance . . . or any mercenary activities or related services to a foreign state, organ of a state, group of persons or other organization or person,” except when sanctioned or authorized by the government, commits an offense. The offense of offering to render military assistance is, on conviction, punishable by a fine of up to NAD 1 million (about US\$89,192) and/or a maximum of thirty years in prison.⁴³

Namibia is not the only country that prohibited the contract based military activities abroad. Kyrgyzstan⁴⁴ and Vietnam⁴⁵ also took actions against mercenaries and quasi-organizations and changed their laws accordingly. It even became clear in the U.S. that private security firms had an accountability problem, as contractors operated without an effective system of oversight and with

⁴⁰ Knott, Matthew. No charges for suspected foreign fighters Matthew Gardiner and George Khamis, *The Sydney Morning Herald*, May 20, 2015.

⁴¹ Helen Davidson. NT Labor president Matthew Gardiner allegedly gone to fight Isis in Syria, *The Guardian*, Jan 25, 2015.

⁴² Prison for Albanian Jihadists, *Gazeta Shekulli Blog*, Feb. 25, 2014. Accessed in Dec 4, 2017. <http://www.gazetashekulli.org/2014/02/25/prison-for-albanian-jihadists>

⁴³ Prevention and Combatting of Terrorism Activities Act No. 12 of 2012, §§ 20 & 47, *Government Gazette of the Republic of Namibia*, No. 5095, Dec. 14, 2012.

⁴⁴ Criminal Code of Kyrgyzstan arts. 375, 376, Law No. 69 of Oct. 1, 1997.

⁴⁵ Penal Code, No. 15/1999/QH10, Dec. 21, 1999. Accessed in Dec 3, 2017. http://moj.gov.vn/vbqp/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=610.

relative impunity. In April of 2015, a federal judge in Washington sentenced one Blackwater guard to life in prison and three others to 30 years in prison for their role in the Baghdad mass shooting that left 17 Iraqi civilians dead.⁴⁶

So, in this sense, it can be claimed that although the combat charities are still legal entities in most of the countries, the trend in the changing foreign fighter laws and the discriminating approach against the mercenaries all around the world will definitely have results on combat charities. As the legal lacuna is being filled, the combat charities would become more questionable actors. On the other hand, if they continue and extend their assistance to actors like YPG, they would definitely be seen as advocates of terror and considered as enemies by some states, like Turkey and Iran. Thus, the things would be much more challenging for the combat charities in the near future and their actions and inactions would determine their destiny in the ongoing and upcoming warfare.

Conclusion

This article has taken the Kosnáč's work as the cornerstone and sought to develop and criticize his ideas. For this purpose, it has been examined the historical context of combat charities. It has been argued that many civilians in the history had participated in the civil wars outside of their country without any profit and just for ideational and normative causes. The examples given have shown that some of these civilian fighters in the history were operated as free agent groups, same as combat charities, and sought to give their assistance to local groups in different fields. For this reason, it has been claimed that the combat charities are not such easy entities to be differentiated from their historical counterparts and to be identified as the "new phenomenon of the 21st century". What this article has alleged is that the difference of combat charities is not their functioning in the field as Kosnáč presents, but their public multinational corporation type of structure which is indirectly supported by states.

Regardless of their historical debate, another understudied part of combat charities was their position in policy assessments. This article has examined the notion in two dimensions; the legitimacy and the legality of combat charities. It has been observed, despite their self-identification as humanitarian, combat charities couldn't really become neutral as this notion's necessity. It has been seen that they favored some groups in the sense of choosing clients because of religious or ideological reasons. Therefore, this article offers that their legitimacy in the international arena is not coming from their humanitarian background, but from their enemy's pure evilness and cruelty. However, even in the fight against an actor like ISIS, it has been seen that the combat charities can easily pass the line of legitimacy and become a terrorist actor in the eyes of states, which are disadvantaged from combat charities' assistance to some particular armed groups.

⁴⁶ Rebecca Drage. Sons of Liberty International: A Possible Solution to the Problem of Military Contractors, *St Andrews Foreign Affairs Review*, Nov 17, 2015.

In this sense, the assistance of HDA to YPG in Syria has critically discussed and it has been underlined that this has made HDA responsible for the YPG associated terrorist attacks by PKK in Turkey. Handling the subject from this point, it has been argued that the combat charities are staying in the borders of becoming an illegitimate actor and their effect on the region would become more controversial especially after the ISIS. This paper has observed that most of the countries are taking stance against the foreign fighters and in some states these legal actions are also covering the ones who fought against the ISIS. Thus, it has been mentioned that the future of combat charities would probably become much more challenging than its past.

International relations is not a field that an organization can forever stay neutral. The power balances push every single actor to take sides and this reality is much more valid especially for armed forces. In this sense, combat charities are choosing sides and would also choose if they exist in the future. Bearing in mind the lifespan of non-state actors are short as butterflies, it can be claimed that also the combat charities would not be long-lasting. These organizations would possibly disappear or become illegitimate for most of the countries in the near future after the demolishing of ISIS. The only chance for them to live is the spread of ISIS to other countries or a new-born jihadist organization as brutal as ISIS. Even these come true, it would become much more difficult for them to find undisputed suffering groups like Assyrians in Syria.

At last, it should be made clear that this article sees the neutral temporal interventions a much more favorable solution than combat charities. A reinforced United Nations or another inter-state military organization which would build in the future will serve much more to a longstanding peace in the fight against non-state actors such as ISIS. Looking them in a broader sense, the combat charities are operating as fighter trainers and war equipment distributors. The history has seen many times that the one who captures the power (or weapon) becomes a tyrant. After the disappearance of ISIS, it would be seen that the other groups armed and trained by combat charities would also become cruel in their existing regions. Maybe they would not be harsh as ISIS, but they would definitely oppress some others with their brand new weapons and equipment gained from combat charities. Hence there should be an international effort to bring the end of armed mobilization and bring the all possible sides of culture, religion, sect and ethnicity in a table for a long-term peaceful solution. Otherwise, this beforehand mentioned vicious-cycle of conflict and violence would continue and people would proceed to die.

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