

NATO and Private Military Contractors

*Different approaches, and challenges to
internal cohesion and solidarity*

Christian Kjelstrup



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Christian Kjelstrup

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Abstract

Different policy standards among NATO-members are only sparsely communicated in the broader research literature focusing on the alliance. Both in terms of the purely empirical aspect concerning how many and what kind, and to what extent different policy standards can have an impact on NATO's role in international relations. The objective of this thesis is to uncover some of these circumstances. Based on a comparative analysis of four NATO-members – the US, the UK, Germany and Norway – three diverging patterns in regard to use of private military contractors are exposed. The results are thereafter discussed in regard to the contemporary NATO-debate concerning NATO's role in international relations. If left unanswered, the different approaches towards the use of private military contractors have the potential of negatively influencing internal cohesion and solidarity.

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Any remaining mistakes are the sole responsibility of the author.

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1 Introduction

The end of the Cold War has re-introduced private military and security enterprises in international relations and security policy. The use of private military contractors is nothing new, but the contemporary dominant state-centred paradigm has displayed the use of private actors by sovereign states in international relations as rather controversial. During and until the end of the Cold War, private military contractors (PMC) were affiliated with clandestine and political dirty operations on the behalf of the superpowers. The end of the Cold War however, initiated a revival of the previous controversial private market for force. As a result, PMCs have to a very large extent been part of every major NATO-operation since the alliance intervention on the Balkans during the 1990ies.

Contemporary research (Avant, 2005:30-38; Mandel, 2001; Matlary & Østerud, 2005; Singer, 2001; Østerud, 2005) indicates three main reasons for the development of the private security industry within the contemporary security environment. The *first* reason was the end of the Cold-War itself, resulting in vast surpluses of standing military personnel. As a result, huge numbers of individuals with military training, uniquely suited to the requirements of the private military industry, were looking for a new occupation. At the same time, both security challenges, and the ability for states to intervene and respond to these challenges has changed. Old unresolved conflicts which had been held at bay by above pressure from the superpowers now surfaced back up to the contemporary conflict environment. However, many great powers were no longer automatically willing to intervene abroad to restore stability and peace because, many conflict regions, due to reduced ideology and imperial value, no longer represented a vital security threat to the national interests of the former hegemonies. Yet, the need for high quality military expertise was still acute.

Second, military operations today have become highly technologic and sophisticated, and therefore more reliant on civilian specialists. The revolution in military affairs demands intensive cooperation between militaries and the industries which are producing modern weapon systems. Because it is more cost intensive and time consuming to educate military personnel alone to operate modern weapon systems, private contractors have been implemented in the maintaining and operation of these systems (Østerud, 2005:91).

The *third* reason is the normative shift since the 1980ies towards increased marked liberalisation of the public sphere, based on the assumption that the private sector is both more efficient and more effective. The success of many privatisation programs have not only given privatising a legitimate label, but also further pushed the idea to privatise any function that can be handled outside government (Singer, 2001:198). Moreover, when it comes to financing a new military project Western governments often prefer private initiatives because the costs for the government will be spread more evenly over the duration of the contract. Although the cumulative costs in total often are higher, governments may eliminate obstacles in securing parliamentary control in the short run for projects with huge start-up costs in a particular fiscal year (Krahmann, 2005b:253).

1.1 Research problem

The growth of the private military industry (PMI) raises a concern which challenges the political state-centric paradigm at its very core. Critics have argued that the introduction of PMCs reduces the state's control over the use of force (Avant, 2005; Markusen, 2003). The core logic of this paradigm is the understanding that the state is the only legitimate actor over the control, sanctioning and use of force. This particular logic is in much of the political science theory one of the fundamental symbols of state sovereignty. Especially the Weberian school and political realism has fronted this line of thinking.¹ The state-centric paradigm has also been dominating the political discourse over the last 200 years. However, the often theoretical static assumptions about state sovereignty may be misleading in explaining the real world. Berndtsson (2009:36-41) argues that the relationship between the state and the use of violence, and the meaning of state sovereignty in this regard, has been, and continues to be variable in nature. Berndtsson's point of departure is Tilly's definition of a state;

“an organisation controlling the principals means of coercion within a given territory, which is differentiated from other organisations operating in the same territory, autonomous, centralized and formally coordinated” (Tilly (1975b; 1992) in Berndtsson, 2009: 37).

Full monopolies of control of the use of force have however never existed, and do not exist today except in the form of ideal-models which are subject to renegotiations. In regard to the privatisation of the use of force, Berndtsson, therefore argues that it is not appropriate to

¹ For more theoretical background see: Max Weber (1968). *The Theory of Social and Economic Organisation*.

portray the process privatisation the defence sector as purely as an erosion or end of the state-centric paradigm. Rather, privatisation of force is better understood in terms of state change. In his view, the state has not lost its function of being the sovereign, yet the regulative rules of sovereignty as an institution have changed and (in some states) accepted the recurrence of private contractors fulfilling coercive service functions on behalf of the state.²

The objective of this thesis is to apply these insights to the case of NATO. Different NATO-members have approached the use of PMCs in very different ways. NATO-members such as the US and the UK have to a wide extent relied on the provision of military functions from PMCs. Contrary, other NATO-members such as Germany have been very restrictive towards the privatisation of force. Thus, for the case of NATO, an alliance built on the principles of democracy and consensus, an inconsistency therefore occurs when alliance-members have accepted the recurrence of PMCs into their civil-military relations at a varying degree. The aim of this thesis' first research question is to address the empirical aspect of this inconsistency by asking:

Which different policy standards do NATO members have towards the use of PMCs?

The aim of this second research question is to set the results from the first research question into a broader perspective by asking:

How do different approaches towards the use of PMCs affect NATO's internal cohesion and solidarity?

Different policy standards among NATO-members are only sparsely communicated in the broader research literature focusing on the alliance. Both in terms of the purely empirical aspect concerning how many and what kind, and to what extent different policy standards can have an impact on NATO's role in international relations. The objective of this thesis is to uncover some of these circumstances.

² 'Accepted' is here seen in the light of a democratic regime. For the purpose of simplicity, this MA thesis assumes that it is up to a democratic elected government, and thereby implicit the will of the citizens, to loosen the principle of state sovereignty. The theoretical debate over the causal direction of whether political institutions are determining, ordering and modifying individual needs, or whether political institutions are best understood as the aggregated behaviour of groups and individuals is out of the scope of this study. See for example: James G. March and Johan P. Olsen (1984). *The New Institutionalism: Organizational Factors in Political Life*.

1.2 Research design

This section briefly presents the research design applied to solve this paper's research questions. Each of the introduced aspects will be further elaborated in their respective chapters. This thesis has the aim of conducting a comparative analysis based on a strategic selection of NATO-members. In order to capture the diversity among NATO-members when it comes to their use of PMCs, and also to secure representation of both sides with the internal NATO-debate regarding NATO's role in international relations, this Thesis has selected the following cases: the United States (US), the United Kingdom (UK), Germany (GER), and Norway (NOR). Given this research's point of departure, four cases are sufficient, because an inconsistency in principle already occurs if one member-diverges.

The data used are primary sources such as government instructions and directions found on under selected cases governmental homepages. These are further supplemented with secondary sources who have conducted research in the same field, using the same cases which are under study here. The focus will be on data providing governmental guidelines. Tracing each single contract requires recourses far beyond the scope of this Thesis. For instance, between 1994 and 2002 US-based PMCs received more than 3000 contracts from the US Department of Defence (DoD) (Abrahamsen & Williams, 2008:135). Moreover, engaged contracts are usually also withheld from public insight.

The purpose of this thesis is to explain and understand different policy standards with the help from the civil-military relations literature. Different policy standards can arguably be captured by the theoretical insights from the classical works of Huntington (1957) and Janowitz (1960). The civil-military relations literature is well suited because it is concerned with the problem of civilian control over the armed forces. PMCs represent a new dimension to the problem of civilian control. It is therefore fruitful to categorise NATO-members according to their understanding of the civil-military relationship because different policy standards in this regard leads to a questioning of the alliance legitimacy. The introduction of PMCs requires an institutional development of civil-military relations which will maximize security at least sacrifice of other social values and groups.

1.3 Definitions, assumptions, and delimitations

This section contains the underlying definitions, assumptions and delimitations which this thesis is subject to. In order to present a clear understanding of what type, and with what delimitations PMCs are understood in this thesis, this sections contains review of the often confusing terms private military contractor, private military industry, privatisation, and provision of services provided by private actors. This paper's analysis, discussion, and inferences are all to be understood in the light of the studies underlying assumptions if not stated otherwise.

Regarding the concept of PMCs, the literature is vast and detailed, yet inconsistent. A clear working definition and explanation of the term private military contractor is therefore needed. In order to search for diversity among NATO members policy towards the privatisation of military functions, I intend to apply the analysis at the industrial level of analysis, and not with a particular firm.

Mandel (2001:136-139) classifies private military industry in terms of purpose, scope, and form. The aim of his classification is to entangle the different patterns of security that are, according to Mandel, captured by the umbrella concept of privatised security. The issue of purpose has the aim of distinguishing between offensive and defensive reasons to privatise security. The motive of the recipient of security services is the key to splitting the two categories. If the motive of the recipient is to keep order, guard facilities, and maintaining the status quo, then the purpose is defensive. On the other hand, when a recipient of private security utilises the services provided to overthrow a sitting regime, then is the purpose clearly offensive.

The issue of scope captures the relationship of the security provider and the receiver. Privatised security may either be supplied by a firm in one state, to either government or non-government parties in another state. However, the provider and the recipient may also be within the same state. A further sub-classification within the issue of scope is whether privatised security is initiated as either top-down or bottom-up. A top-down initiation occurs when governments decide to privatise its internal or external military functions to private contractors. Contrary, bottom-up initiation occurs when individuals and weakly organised societal groups, such as militias, vigilantes, or neighbourhood groups, decide for themselves to initiate provisions of security services to themselves or others.

The issue of form reflects the kind of services PMCs provide. According to Mandel, the most crucial distinction is between combat support and military advisory. Due to its immediate strategic impact it is widely recognised that direct combat support should be distinguished from other military provisions. Combat support is by Mandel defined as direct military operational support in terms of personnel or weapon systems. Military advisory services refer to training, and strategy and tactical consulting.

Singer (2001) provides a similar understanding of the issue of form, although slightly more graded. Singer divides the security industry into three forms; military provider firms, military consulting firms, and military support firms. The first form, military provider firms, focuses on the tactical environment. They often act as force multipliers with their employees distributed across a client's military force. In effect, private firms of the first type provide their services at the frontline, often engaging in actual fighting. The second form, military consulting firms provide training and advisory services based on strategic, operational and organisational analysis. The critical difference between the first and the second form of privatised security is their involvement in actual combat. Although military consulting firms provide a tactical advantage, it is their clients who bear the final battlefield risks. The third form, military support, provides supplementary services such as logistics, technical support and transportation. The combat services these contractors provide are critical to a client's combat operations, but they do not participate in the planning and execution of hostilities at the front line. These firms often look more like multi-national corporations who seek to maximize their established capabilities and further extend their range of services. Military provider and consulting firms on the other hand usually have the purpose and aim to target a specific market. (Singer, 2001:200-202)

The next debate has evolved around what labels are to be used to describe the private military industry, and how are actors in the industry to be defined.³ Mandel uses the label "privatisation of security" to describe the delegation of military functions, and "private

³ The labels "private", "military", "security", "company", and "contractor" have often been interchanged or used in different combinations, both by the academic literature and by the media. In some instances have the terms military and security reflected the nature of services that a private firm would offer. The PMI has over the last decade reduced its emphasis on the term military in order to present itself in a more civilised and less controversial manner. Many private firms use the label security in their public appearances, while they still provide services which are military in character. See: Molly Dunigan (2011). *Victory for Hire. Private Security Companies' Impact on Military Effectiveness*; Andrea Schneiker (2007). *Aus Söldnern werden Geschäftsleute: Die Marketingstrategien privater Militärfirmen*. For literature concerning PMC in relation to the classic mercenary, see: Peter W. Singer (2001). *Corporate Warriors. The Rise of the Privatized Military Industry and Its Ramifications for International Security*:192-193.

military company” to describe the hired non-state actor. These labels are precise in the sense that they highlight the process of privatisation, which is the delegation from public to private. In contrast, Singer deliberately uses the term “firm” rather than “company”. Singer argues that the term company only captures firms who provide tactical services. The term firm is intended to be broader and to capture the whole industry and not only portions of it. Moreover, the term firm is according to Singer better theoretically rooted, drawing from insights for economic theory. Therefore, based on his research, Singer uses the following definition for private military firms:

“Profit-driven organisations that trade in professional services intricately linked to warfare. They are corporate bodies that specialise in the provision of military skill – including tactical combat operations, strategic planning, intelligence gathering and analysis, operational support, troop training, and military technical assistance” (Singer, 2001:186).

A third alternative is provided by Krahmman (2005a:278) who uses the term “services”. Krahmman changes the focus from military companies or firms to military *services*. Private military services are by Krahmman defined as; “services directly related to the provision of national and international security which are offered by registered companies”. These services can take a variety of forms such as military combat, training, logistics and advice.

Although Singer is slightly more precise than Krahmman, they both emphasise three core aspects. *First*, they are corporate and registered actors, not just loosely organised vigilantes. *Second*, they provide a service uniquely suited to national and international military security, penetrating into the domain of the sovereign state when viewed through the lenses of the state centric paradigm. *Third*, the broad spectrum of services renders states the possibility to privatise almost any military function, although the weight of the services provided is in the less heavy armoured, and less voluminous in terms of material functions of the military establishment.

With the purpose of parsimony and in light of the contemporary debate in the literature, this thesis will use the term *private military contractor* (PMC). The emphasis on the labels private, military, and contractor, are chosen and justified by the following reasons. Private is to indicate that a non-state actor, either domestic or foreign, is responsible for the execution of a previously state managed military function. The term military is used to explicitly state the relation to a given military function. It is thereby easy to demarcate the service provided by a PMC to a public military establishment and avoid confusion towards private security as we

know it from shopping malls and airports. The term contractor emphasises the reflection of the principal-agent relationship that exists between the state and its military establishment. Moreover, the term contractor further represents the juridical contractually bounding that exists in such a relationship.

In order to derive a working definition for the purpose of this Thesis, I intend to proceed with Singer's definition as a fundament, combined with logic of Krahmenn's "services". Nevertheless, although I wish to apply Krahmenn's view that PMCs provide a service, I will stick to the label of contractor, and implicitly assume that a given contractor is providing a service according to form, scope and purpose as it is determined above. For the purpose of this thesis, a private military contractor is thus; *a corporate registered organisation which specialises in the provision of military functions which are inherently vital to the recipient's successful management of military security.*

Military functions and militaries ability to generate security is here understood in the light of a system. This thesis is not the right medium for a comprehensive review of the full system theory. For the present purpose it is sufficient with a presentation of the core logic in order to better understand the fulcrum of the discussion of this Thesis.

A system may be defined as complex of interacting elements. The single elements, the interaction among them, and the whole, are the three key aspects for analysing a system. This further implies that change in one element of the system initiates a change in one or several other elements of the system. A system is thus a whole that cannot be reduced to the sum of its elements by ignoring the interaction among them. The interrelated elements further define the boundaries of the system, and demarcate it from other systems of the same kind (Bailey, 2002:383).

The successful management of military security requires a military establishment where all the elements of the system, hereafter broadly termed military functions, such as air, sea, and land forces, work together. This in turn requires that the respective subordinate military functions of the military branches, such as planning, logistics, maintenance of weapon systems, and the offensive and defensive operations, also work with and not against each other. By privatising one or several military functions such as logistics or intelligence gathering, the state becomes reliant on non-state actors for the management of its military system. In fact, one of the key claims by Avant (2005), Markusen (2003) and Singer (2001) is

that the US for instance, is increasingly reliant on PMC to exercise conventional military force. The privatising of military functions in the US has escalated so far since the Cold War that “the US cannot go to war without contractors” (Avant, 2005:115).

The issue of form, the kind of services provided, is therefore demarcated to military services that provide an operational military function in the system of the recipient’s military establishment during a deployment in a theatre of conflict. The judicial literature speaks in this regard of *coercive* and *non-coercive services*. Coercive services are interrogation functions, intelligence gathering, arrest and detention, or other services which imply coerced subordination by the force addressees (Francioni, 2011:101). This thesis will use the term coercive services as defined here, whereas the term non-coercive services refer to logistic services etc. Both are equally important to the military *system*, and fall under the term *military functions* if not otherwise specified.

The term “private military industry” (PMI) refers to where private military contractors are hired from. In line with Mandel’s taxonomy, states may contract both domestic and foreign PMC, which therefore make the private military industry inherently international in character. Some of the work of other scholars referenced in this Thesis uses the term private security industry or security and military industry. In order to correctly cite their work, I will during this Thesis sometimes use their labels interchangeably with my own term PMI. The meaning of the term is however understood as defined here.

The term “privatisation” will be used to describe the process of delegating the execution of a military function to a private military contractor. Privatisation is preferred over the term “outsourcing”, because it distinctively highlights that a non-state actor is made responsible. Outsourcing for instance, may be misunderstood to also occur within the state to another agency or bureau. Drawing on Berndtsson (2009:7) once more, it is important to emphasize that privatisation is to be understood as a process of increasing reliance on PMCs for the conduction of military functions that have been or are being seen as tasks belonging to the public domain. Privatisation is thus not a complete erosion of state control or full dependence on PMCs.

1.4 Course of action

The thesis will proceed with presenting the theoretical and methodological concept in chapter 2. I will begin with laying the theoretical background concept based on Huntington and Janowitz. From the theoretical background I intend to derive a systematised concept of two theories, which in turn are to be incorporated with the chosen research method. With the theoretical and methodological concept in place follows the comparative analysis of the selected cases in chapter 3. The aim of the analysis is to solve the thesis' first research question. The findings of the empiric analysis are to be entangled and ordered to into systemised patterns, if such a theorizing is indeed possible with the found data.

In the second part of this thesis, are the results of the analysis to be discussed in the light of the contemporary NATO-debate. Before final conclusions are drawn, the findings and interferences in this MA project will first be discussed in regard to the methodological and theoretical limitations that this MA project's design is subject to.

2 Theoretical and methodological concept

This chapter presents the theoretical and methodological concepts which together make up the analytical instrument. The chapter will in the first four sections present the methodological approach for solving the first research question. The first section contains the theoretical background, which is drawn from two major contributions within the civil-military relations literature. The following section sets the two theoretical contributions in relation to each other, and further presents the logic underlying the operationalization of the theoretical concept. The third section incorporates the theoretical concept with the methodological approach in order to complete the analytical framework, before the fourth section presents the indicators for the classification of the cases under study. Finally, the fifth section presents the methodological approach regarding the thesis' second research question.

2.1 Theoretical background

The civil-military relations literature is both rich and interdisciplinary, including contributions from philosophy, history, political science, and sociology. However, within the state-centric paradigm two landmarks stand out, and much of the literature that has been written has been an implicit or explicit response to these works. The vast literature has greatly contributed to the study of civil-military relations, but it has not been able to challenge the theoretical paradigms of the landmark theories by Samuel Huntington (1957) and Morris Janowitz (1960) (Feaver, 1999:213).⁴ As many other scholars, both Huntington and Janowitz attempt to theorize the institutionalisation of a state's civil-military relations. Huntington writes in the field of political science whereas Janowitz works more interdisciplinary, drawing on insights from both political science and sociology, with most of the weight on the latter. They provide two different understandings of how the military should be integrated with the rest of society. It is important to emphasise that they both derive their theories from a democratic

⁴ For literature concerning the development of the civil-military literature, and its relations in regard to PMCs, see: Deborah Avant (1998). *Conflicting Indicators of "Crisis" in American Civil-Military Relations*; Robert Bates, Avnar Greif and Smita Singh (2002). *Organizing Violence*; Douglas L. Bland (2001). *Patterns in Liberal Democratic Civil-Military Relations*; James Burk (2002). *Theories of Democratic Civil-Military Relations*; Richard Kohn (1997). *How Democracies Control the Military*; Robert Mandel (2001). *The Privatization of Security*; Ann R. Markusen (2003). *The Case Against Privatizing National Security*; Rebecca L. Schiff (1995). *Civil-Military Relations Reconsidered: A Theory of Concordance*.

understanding, defending democratic civilian control over the military, yet they differ in their perception on what particular type of democracy. Military professionalism is the main independent (explanatory) variable in both contributions. Professionalism is by both theorists understood as trade or craft distinguished from the laymen, rather than professional in the sense of standing- or conscript armies. Due to their diverging normative understanding of what a democracy is, Huntington's and Janowitz' theories present two different ideal-models, based on military professionalism, theorising the institutionalisation of civil-military relations. Before I continue with the systematisation of the theoretical concept, I will first present the theories of Huntington and Janowitz respectively.

2.1.1 Huntington – autonomous integration.

According to Huntington, the fulcrum of civil-military relations is the balance between a state's functional and societal imperative. The functional imperative represents the outside threats to the state's security and survival. The societal imperative captures trends, values and norms dominant within society. The functional and societal spheres of society are distinctively separate, pulling the military establishment of the state in opposite directions. It may be impossible for the military to effectively maintain the state's security if it solely would reflect social values. Contrary, it may be impossible to contain the military within the norms and values of society if it purely were concerned with functional imperatives (Huntington, 1957:2).

Burk (2002:13), *inter alia*, criticizes Huntington's distinctively separation of the military and civilian sphere.⁵ Burk argues that in a world with nuclear weapons, there can be no clear distinction between the two. A nuclear war would be all encompassing, affecting all spheres of life. Burk is aiming his criticism solely at theory and not with empirical questions of the interpenetration of spheres. Burk emphasises that also Huntington recognised the interrelation of military and political affairs, yet Huntington thought it was desirable and also possible to maintain a functional separation of civic and military matters.

In regard to real world circumstances I would agree with Burk. However, I chose to align with Huntington specifically for this Thesis' analytical purposes for two reasons. First, it can be

⁵ For more theoretical discussions of Huntington and Janowitz see: Peter D. Feaver (1996). *The Civil-Military Problematic: Huntington, Janowitz, and the Question of Civilian Control*; Peter D. Feaver (1998). *Crisis as Shirking: An Agency Theory Explanation of the Souring of American Civil-Military Relations*; Peter D. Feaver (1999). *Civil-Military Relations*.

argued that today's wars are optional in the sense that they do not pose an existential risk to states in the NAR (Matlary, 2009). Many societies in the NAR have therefore become potentially alienated from warfare in foreign regions. Second, in the context of PMCs, the security environment is again to a great extent reduced to conventional forces. The purpose of the PMI is to supply niche military functions as an asset to public militaries, not to replace them. PMCs are hired to accomplish a given military function within specified limits under greater military operations which is directed by circumstances outside the scope of PMCs. Acknowledging these circumstances, it becomes appropriate to speak of separate spheres for analytical purposes.

Returning to Huntington, the challenge in civil-military relations is consequently to reconcile a military strong enough to protect the state, with a military subordinate enough to do only what civilians authorise them to do. Huntington presents two answers for civilian control over the military. Subjective civilian control, where one maximizes civilian power, and objective civilian control, where one maximizes military professionalism. Subjective civilian control maximises the power of civilian groups in relation to the military. However, the pluralistic composition of society makes it often impossible for groups within society to unite as a whole with respect to the military. As a result, maximising civilian power usually means maximising the power of one particular group within society such as particular governmental institutions, a particular social class, or particular constitutional forms (Huntington, 1957:80-81).

Objective civilian control on the other hand seeks to maximise military professionalism, and is thus directly opposed to subjective control. The purpose of objective civilian control is to cut the link between certain groups of society and the military by militarising the military, and thereby making the military a tool of state as a whole. Whereas subjective civilian control presupposes the involvement of the military in political affairs, objective civilian control opposes this involvement because it decreases civilian control for the society as a whole when the military becomes webbed into institutional, class and constitutional politics. Thus, the essence of objective civilian control is the recognition of autonomous military professionalism. Professionalism in the sense of objective civilian control leaves the military politically neutral. Military power is limited to the degree that it does not favour any civilian group within society. It represents a standard which every individual of society can recognise and relate to (Huntington, 1957:83-84).

By giving the military autonomous freedom one must eventually rely on its degree of professionalism. Military professionalism is consequently a constant standard shaped by the craft's functional imperative:

“The continuing objective performance of the professional function gives rise to a continuing professional [...] “mind”. The military mind in this sense, consist of the values, attitudes, and perspectives which inhere in the performance of the professional military function and which are deductible from the nature of that function.”(Huntington, 1957:61)

The professional standard is to be understood as an abstract Weberian ideal-type by which it is possible to judge its degree of professionalism. Three characteristics inhere to the military profession – the professional soldier's relationship towards society, national security policy, and finally the state itself (Huntington, 1957:62).

Regarding the military's relationship towards society, Huntington presents the military man as the man of Hobbes. Through centuries of accumulated experience has the military mind evolved as pessimistic about human nature. The military profession has been constantly confronted with irrationality, bellicosity and evil. It therefore recognises the importance of order and hierarchy. Only the collective can win over the egocentric individual. Second, the military profession is responsible for the security of the state. The military profession recognises the primacy of the state both because the purpose of the state cannot be its own destruction, and the military's dependence on the state itself. Without the existence of a state, there is no desirability to maintain a military profession. War and destruction is therefore to be avoided. In maintaining the security of the state, the military is therefore rather defensive than offensive. Third, the relation of the military profession towards the state is based upon a strict division of labour. There are two guiding principles in this relationship - the proper subordination of the autonomous military profession to policy defined by objective civilian control, and the responsibility of the military expert. These responsibilities of the latter are threefold. The first is the representative function. The military profession is the advocate and representative for military security within the greater state structure. Second is the role of the advisor. The military profession is responsible to give purely functional advice to the civilian leadership, when the latter asks for the military's opinion in order to make a decision between different policy alternatives. The third responsibility is the military's executive function. The military profession is responsible to implement the state policies, even if these policies run counter to the military's expert advice (Huntington, 1957:62-72).

In sum, the Huntingtonian institutionalisation of the civil-military relationship is understood as an autonomous integration, relying on the military professionalism's sense of commitment and obligation towards the state. It is autonomous in the sense that it is not shaped by political or societal trends. The military profession is purely shaped by the functional imperative representing the nature of war and threats to the state, and not by politics. The military further subordinates itself politically to the state in exchange for professional autonomy to matters concerning the functional aspect of state security and the use of force.

2.1.2 Janowitz – controlled integration.

Janowitz' (1960) work is the second theoretical fundament in the field of civil-military relations. Like Huntington, Janowitz focuses on the professionalism of the officer corps, yet he does not distinguish strictly between a military and a civilian sphere. Janowitz rather acknowledges the contemporary developments of his time. Modern military developments have dramatically changed the managerial requirements which must be met in order to successfully implement the use of force. Technological developments within modern weapon systems have had the consequence of civilising the military. It is no longer only about man against man in brute combat, but very much about maintenance and operation of complex systems which are far from the physical battlefield yet highly necessary in modern warfare. Weapons of mass destruction pose an equally risk to both military personnel and civilians.

However, despite these developments, Janowitz argues for the continuity of the military's distinctive characteristics. These include willingness and readiness to act. Despite modern weapons systems, no military commander can rely on victory solely based on one initial first strike. Warfare is repeatable in nature, involving the subsequent exchange of force between two antagonists. Military personnel must therefore display a willingness and preparation to carry on the struggles as soldiers. Traditional characteristic of heroism deeply embedded in the military profession play a central role here. The willingness to face danger cannot be supplanted by a rational approach to arms innovation. The increased importance of deterrence in international relations due weapons of mass destruction is a political strategy. Nevertheless, an effective deterrence is dependent on a well maintained military establishment prepared to act out the formulated deterrence (Janowitz, 1960:31-36).

Opposing demands of traditional military heroism and modern management of weapon systems as a result of merging civilian and military spheres confront the military profession

with a dilemma. Janowitz therefore argues that the contemporary world requires a new ideal-type of military role and with it a new military self-conception which Janowitz defines as the constabulary concept. Under this new concept, the distinction between peacetime and war in military organisation becomes no longer feasible. The military is under the constabulary concept continuously prepared to act, only implementing the least required amount of force that is necessary to achieve its objectives (Janowitz, 1960:417-419).

The maintenance of the military self-esteem under the new constabulary concept requires that the civilian leadership is constantly aware of contemporary conditions of employment in the military. Modern rationality and technological innovation weaken the military's traditional authority. Since (military) honour may be defined as a traditional value, the transformation of modern militaries promotes the growth of critical attitudes towards the purposes of the military profession. There is therefore the need for clear guidance and rationale of purpose from the state leadership. Society at whole also has a responsibility in this regard. The civilian population must not only recognise its dependence on the military establishment but also the meaningfulness of the professional military career. This can at times be hard for a democratic society because honour, as the highest perceived value in the military, is generally seen as inappropriate in a democratic society. The concept of military honour finds itself therefore often under constant pressure from the contemporary values and norms of society. Consequently, the military profession itself must also undergo changes from within in order to meet the technical specialisations which have transformed the military, and its relation to the rest of society. The military profession must develop a commitment to the democratic system and an understanding of how it works. It must further be sensitive to the political and social consequences of military action. The military profession's perception of itself must therefore respond to changes in social values, norms and trends in society at large (Janowitz, 1960:216-225; 235; 439).

In effect, Janowitz' understanding of professionalism is more integrated compared to Huntington's autonomous model. Just like Huntington, Janowitz also emphasises and defends civilian control over the military establishment, and neutrality in politics (Janowitz, 1960:233). Professionalism under the constabulary concept however requires the converging of societal and military values. In contrast to Huntington, military professionalism in the sense of Janowitz is not granted the same degree of autonomy. It is however to be compensated with sufficient prestige and respect from society. As a result, the military

establishment will be prepared for combat with an awareness of where its limits in brutality lie when implementing force. In sum, military professionalism must be integrated with society, which further implies that it is dynamic in nature so that it can respond to changes in values and norms. The Janowitzian ideal is therefore compared to Huntington understood as a more controlled form of the institutionalisation of the civil-military relationship due to the integration of the functional and societal imperative.

2.2 Systemising the theoretical concept

In order to systemise the theoretical background, Huntington and Janowitz are in the proceeding understood as one dimension, which each theoretical understanding occupying one end. The Huntington-Janowitz dimension thus represents to what degree a state's civil-military relationship is either institutionalised closer to the Huntingtonian ideal or the Janowitzian ideal. From this we may understand different perceptions towards the use of PMCs. Huntington can be understood, based on his reliance on an autonomous military professionalism, as an approach towards integrating PMCs within a state's greater military system, delegating the management of PMCs to levels subordinate the political leadership. Janowitz on the other hand represents an understanding that PMCs should not be integrated without concern to the societal aspect. Because of the converging civilian and military sphere, the use of PMCs must be institutionalised under civilian control to such an extent that a commitment to democratic values is not violated.

Each particular form of understanding the institutionalisation of the privatisation of military functions is in essence a reflection of power distributions among the actors involved within the military system. It is therefore a question of control over the system. In order to interpret the four cases under study as either Huntingtonian or Janowitzian, we must be able to say something about the ideal-models control over the military system and contracted agents. For this, I will use Avant's (2005) theory of effective control which is an overall measure of political, functional, and social control. Avant is chosen because her effective control is an overall measure of three indicators. The advantage of using Avant's approach is that it can be connected to the basic themes in our two ideal-models. Both acknowledge political control, meaning the subjection of the armed services to political leadership, but whereas Huntington is mostly concerned with functional control, is Janowitz primarily concerned with social

control. Applying Avant's three-dimensional approach allows for a nuanced categorisation of the cases under study, because all aspects of both theories are included.

Avant (2005) has focused her research explicit on the consequences of privatising military responsibilities to PMCs. To Avant, the problem of civilian control can be captured in her concept of effective control. The points of departure for Avant's research are the contradicting arguments from pessimists and optimist in the debate over the use of PMCs. Pessimists claim that the privatising of security functions threatens to undermine democratic processes. The legitimate use of force becomes a private rather than a public good. As a result, real security issues become ignored on behalf of the PMC's profit motive. Optimists on the other hand argue that privatising military tasks provides governments with the most of advanced information technology and sophisticated weapon systems. PMCs willing to intervene in conflicts which constitute only minor, or no concern to governments, may become a viable option with little political risk. Avant's findings of studying the empery indicate that both camps could be right. However, pessimists and optimist focus on different forms of control, thus also arguing for different outcomes. Some arguments are concerned with political control, that is, who gets to decide on the deployment of arms and services? Other arguments are worried about functional control – what kinds of capabilities are present in arms and services? The last category is concerned with social control – to what degree is the use of force integrated with international norms and standards?

Instead of separating the different propositions, Avant incorporates them in one measure of effective control. The key question is how privatisation affects how these three indicators fit together. Effective control is therefore enhanced if the three indicators converge, and mutually reinforce each other. Contrary, effective control is assumed to decrease when the indicators diverge, creating a pull in different directions (Avant, 2005). Avant arrived at her concept of effective control by including different aspects of control. In this study, I reverse and decompose Avant's logic in order to again be able to extract distinctive characteristics from each case in order to determine a Huntingtonian or Janowitzian institutionalisation.

High effective control, i.e. when the three indicators converge, thus represents a situation closer to the Janowitzian understanding. Contrary, low effective control, a situation of divergence among the three indicators represents the Huntingtonian ideal. For the purposes of this study this means that effective control measures to what degree an accepted state change has occurred. Avant's effective control is here understood as a dimension with the

Huntingtonian and Janowitzian ideal occupying each end. Please note that Huntington is not to be understood as state failure or as disrespect of social norms or international humanitarian law, but rather as a relative more autonomous institutionalisation of PMCs compared to Janowitz.

The aim of this study is not to exactly pinpoint the cases, but rather to determine which end of the Huntington-Janowitz dimension that best reflects reality. I will return to this point in the following section where I incorporate the theoretical systematised concept and the methodological approach.

2.3 Incorporating the systematised concept with the methodological approach

The methodological approach in this paper draws on Charles Ragin's (1987; 2000) qualitative comparative analysis (QCA). QCA was developed by Ragin in order to bridge the gap between contradicting principles of complexity and generalisation. Quantitative studies are not sufficiently paying attention to context. In order to arrive at valid inferences, a researcher may be required to observe a case's different attributions together as a whole, and not just single parts of it. QCA is specifically chosen for this study because it enables the researcher to study several attributions of a case simultaneously, compared to other comparative methods, by Ragin (1987) labelled as variable oriented research, where one only focuses on one or two aspects of the case under study. QCA can be used to study diversity or causality.

When using QCA, cases are viewed as configurations, and not as single cases which only represent one phenomenon when they are compared with each other. The key to understanding a case as a configuration is to see each single case as a combination of all the relevant attributes that it may possess. That way, one is able to make sure that a case better reflects its context. The next step is to find cases that are reflected in the dependent variable (Ragin, 2000:66).

In this paper, each case is viewed as a configuration of political, functional, and societal control. Each indicator may either be coded dichotomously as high or low.⁶ QCA may also be

⁶ QCA labels dichotomies as 'crisp-sets' Charles C. Ragin (2000). *Fuzzy-Set Social Science*.

used with a graded scale for the coding of indicators.⁷ The logic is for both methods the same (Ragin, 2000:91). I have however chosen to proceed with dichotomous coding because the primary aim within this thesis is to search for diversity, not to assess to which exact degree NATO-members privatise some of their military functions. The methodological implications following this choice will be commented further below.

Table 1 (next page) summarises and presents the logic of the systemised theoretical concept and the methodological approach. With the three indicators and the dichotomous coding, a total number of eight (2³) configurations is possible.

Table 1. Visualising the incorporation of the systemised theoretical concept and QCA.

	Configuration	Political	Func. Control	Soc. Control	Y
 Janowitz Huntington	1	High	High	High	n/a
	2	High	High	Low	n/a
	3	High	Low	High	n/a
	4	High	Low	Low	n/a
	5	Low	High	High	n/a
	6	Low	High	Low	n/a
	7	Low	Low	High	n/a
	8	Low	Low	Low	n/a

These eight configurations represent what is theoretically possible. In this thesis there are only four cases, which implies that the outcome of the analysis only will be reflected by a maximum of four configurations. The arrow on the left side of table 1 represents the Huntington-Janowitz dimension. The closer a case is represented to configuration 1, the closer to the Janowitzian understanding. Contrary, a case closer to configuration 8 represents a Huntingtonian understanding.

Due to the theoretical concept, there is also the possibility for interaction among indicators. Interaction among indicators occurs when the score on one independent indicator is dependent on the score of another independent indicator (Skog, 2009:300). For some of the configurations to occur, a state must have privatised military functions in the first place. It

⁷ QCA labels a graded scale as 'fuzzy-sets' *ibid*.

makes no sense of speaking of reduced functional and social control as a result of privatising military functions to PMCs, when PMCs are not hired to perform these tasks. Political control is therefore a crucial factor in this regard, because for the case of democracies, the first step towards increased (or decreased) privatisation is a political question.

Before we move to the next step and analyse all cases within the study in order to categorise the selected cases, we need to review the operationalization and specify the indicators in order to establish a decision-trail for the coding procedure.

2.4 Indicators for the classification of cases

Based on the systematised theoretical concept and the methodological design, this section completes the analytical instrument by further developing the tree indicators. Avant's underlying logic is further supported and elaborated with the contributions from Krahmman (2005b) for the political and functional indicator, and Francioni & Ronzitti (2011) for the social indicator.

2.4.1 Political control

Political control, who gets to decide on the employment of arms and services, is basically a question of power-relations between the actors involved in the decision-making process (Avant, 2005:42). Viewed from the state-centric paradigm, even moderate changes in the political control over force that result in a redistribution of power count as losses in control. Hence, political control over force varies by whether it reinforces or redistributes power among individuals, organisations, and institutions. In order to be able to indentify such a redistribution, I will rely on guidance by the theoretical approach by Krahmman (2005b).

Krahmann (2005b) places the growing private security industry within the theoretical concept of the governance school, and argues that the outsourcing of military functions is only part of a greater emerging system of a new security policy in the post Cold War era. Krahmman argues that there has occurred a transformation of the North American and European security policy from the state-centred and bipolar structure of the Cold War, which she defines as government, towards a complex system of functionally different networks which include both public and private actors, by Krahmman defined as security governance.

Governance, in contrast to government, may be understood in terms of self-organising and inter-organised networks. Theorists of this school argue that contemporary governments lack the knowledge, information and competence required to solve complex political problems. The governance of political challenges should therefore be conceived more broadly as the negotiated interaction of both public and private actors, and not by state governments alone. This setting creates a network of interdependence and interaction among members of the network because boundaries between public and private become blurred, and processes of negotiation require a constant exchange of resources and shared purposes. These networks are self-regulating and often not accountable to the state because of their autonomy from the state. Governments may still steer public policies in a given direction, but in reality will policy outcomes depend on the interaction among the actors within the network over whom governments have little or no control (Pollack, 2005:37-38).

The concept of governance explains the transformation of transatlantic security policy from the state-centred bias and bipolar structure of the Cold-War towards the more complex system of security governance which involves both public and private actors. Under the concept of security governance have the states of the transatlantic community continued to uphold substantial and sophisticated armed forces while at the same time privatised some of their security functions to private companies. The concepts of government and governance are to be understood as two ideal-models, and most contemporary security policy is arguably taken place between the two ends of the continuum (Krahmann, 2005b:250).

Returning to the Huntington-Janowitz dimension, if a case represents a strong degree of government, it is understood as Janowitzian, whereas if a case represents a strong degree of governance it is understood as Huntingtonian. Government resembles a Janowitzian understanding because the state is not subject to a redistribution of power at the political level, leaving the impression that it is concerned with keeping all military functions closely integrated. Contrary, a situation of governance reduces the immediate role of the government in policy-making, therefore to a larger degree relying on an autonomous integration of all the actors involved in the governance network. Nevertheless, because all cases under study are democracies, it is out of the question that the political leadership has the overall lead and responsibility of implementing force. Therefore, a case representing a high degree of governance or government is therefore rather interpreted as to what extent subordinate levels can initiate and influence policy. A case would thus be coded as 'low' if subordinate levels to

the political leadership may initiate an increase of privatisation⁸ or strongly influence the policy process by partly or wholly formulating contract specifications in. Contrary, political control would be coded as 'high' if the political leadership has full control over the process of privatisation, with strong revoking mechanisms at hand, delegating only minor parts of the military system to the PMI.

2.4.2 Functional control

Functional control, what kinds of capabilities are present in the armed services, is a measure on the military's ability to deploy coercion effectively to defend the state's interests. Functional control therefore varies according to how effective the military agent is at generating military security (Avant, 2005:41). Returning to Krahmman, one of the main explanations for the shift towards security governance, Krahmman argues, is the replacement of interstate war by military, political, social and economic threats, such as terrorism, proliferation of civil conflicts, which challenge the ability of sovereign nation-states to ensure their security. As a consequence, states in the NAR increasingly recognise the resources and expertise of non-state actors. By progressively including non-state actors such as international organisations, and PMCs, a resource fragmentation occurs. Under the concept of security governance, functional specialisation and difference is encouraged. Consequently, functional resources also become fragmented due to the diversity of skills and capabilities developed by the different actors involved in the governance network. Under the government category, military resources were centralised in states and NATO. With the shift towards the governance category, military resources are now in addition to states and NATO fragmented among both public and private actors, such as NGOs (including PMCs), UN, NATO, EU, and OSCE (Krahmann, 2005b:250-251).

Therefore, if a NATO-member is heavily dependent on PMCs as a consequence of privatisation, then functional control is to be interpreted as low, and further understood as Huntingtonian. It is a Huntingtonian understanding because *governance* arguably resembles the autonomous logic found in Huntington, although on a larger scale. Whereas Huntington leaves the functional matter in the domain of the state's military with trust in its professionalism, are states whose security policy reflects a high degree of *governance* equally reliant on the professionalism of the agents in the network. Contrary, functional control is to

⁸ The first step of privatisation is under democratic rule in the hands of the government.

be interpreted as high when NATO-members effectively can generate military functions without the assistance from PMCs. High functional control arguable represents a situation closer to the Janowitzian understanding.

2.4.3 Social control

Social control is a measure to what extent a military's use of force reflects the values and trends of its society, and whether the use of force is embedded within international humanitarian standards and the laws of war (Avant, 2005:41).

There are arguably two aspects of social control, one implicit and one explicit. Regardless of explicit laws regulating the use of force, there is also an implicit aspect inherently in mankind that constrains human beings from unmoral behaviour, expressed through processes of civilisation and cultural norms, which in turn are providing the fundament for the explicit formulation of laws concerned with the matter.

Regarding the adaptability of existing international human rights to the conduct of PMCs Francioni (2011) emphasises that ideological biases should be avoided. International human rights have the purpose of both to protect and constrain PMCs. They provide legal restraints in order to prevent abuses of power when PMCs are empowered to execute coercive services such as arrest and detention of prisoners of war, or persons subject to criminal prosecution, interrogation functions, intelligence gathering for governmental purposes, or otherwise participate in hostilities through the delegation of combat responsibilities. Contrary, human rights perform protective functions for PMC employees themselves when they operate under circumstances that put their life and freedom in situations of danger.

In order to achieve a high degree of social control, both the implicit and explicit aspect has to be sustained. Concerning the latter,⁹ Hoppe (2011) reviews the obligations of the hiring state

⁹ I will in the following rely on the sources from Francesco Francioni and Natalino Ronzitti (2011). *War by Contract. Human Rights, Humanitarian Law, and Private Contractors.*, edited book which is the result of an EU research project focusing on the regulation of the private military industry. The research was conducted by eleven European universities under the lead of the European University Institute in Florence, and was launched in 2008 under the title "Regulating the Privatisation of War: The role of the European Union in assuring compliance with international humanitarian law and human rights (PRIV-WAR). The project has undertaken a systematic, comprehensive analysis of the role of international law in preventing abuses by private military contractors, in protecting them in situations of armed conflict, and finally in providing a system of accountability of states and private actors in the event of harm caused by private military contractors. Their edited book has its main focus on the role of international human rights law (HRL), and international humanitarian law (IHL) in the governance of the private military industry.

with respect to violation of human rights a result of PMC misconduct. According to Hoppe are states obligated to prevent, legislate, investigate, prosecute and punish abuses of force by PMCs. Although different approaches have been developed by the judicial and quasi-judicial bodies, the final conclusion among them is clear: hiring states must take all feasible precautions to avoid that those PMCs who provide coercive services on their behalf violate the right of life of the individuals they encounter, or expose the individual to torture or other inhumane degrading treatment. For instance, the International Covenant on Civil and Political Rights (ICCPR) states that “every human being has the inherent right to life of which he or she shall not be arbitrarily deprived”. The ICCPR states further that “no one shall be subjected to torture or to cruel, inhumane, or degrading treatment or punishment” (Hoppe, 2011:112).

The American Convention on Human Rights (ACHR) follows the ICCPR in a similar vein. Under the ACHR are obligations to prevent violations of human rights violated when a state fails to prevent such violations. The Inter-American Court of Human Rights (IACtHR), and also the European Court of Human Rights (ECtHR) have especially emphasised the situations for individuals in custody by obligating states’ parties to secure the rights of individuals under jurisdiction and custody. Where violations already have occurred or have been alleged, the IACtHR and the ECtHR further obligate hiring states the duty to provide the necessary structure to investigate the reporting of such allegations, and thereafter follow up and process the same allegations through the system of justice (Hoppe, 2011).

The coherence among international human rights law (HRL) and international humanitarian law (IHL), the courts of both sides of the Atlantic, and that all NATO-members have signed international conventions such as the Geneva Conventions (GCs), leads to the inference that the societies of the four cases under study all are concerned with social control. It is therefore logically to assume that the legal framework of a hiring state, privatising a military function, thus also requires that PMCs meet the standards of national and international conventions. The social control indicator is therefore to be coded as high if the case under study has explicitly and effectively constrained and embedded the use of PMCs, and the conduct by PMCs in national legislation, or if use of PMCs is excluded, the empty in other ways indicates a high implicit concern for social control. The exclusion of PMCs is arguably a strong indirect statement in this regard. Contrary, social control is to be coded as low if national legislation does not explicitly or effectively constrain the conduct or use of PMCs, or

if the use of PMCs in other ways contradicts with domestic and international values and norms.

To summarise, the cases in this study are to be analysed along the Huntington-Janowitz dimension with each understanding at either end. Three indicators, each coded as dichotomies determine in sum whether the case under study is closer to the Huntingtonian or Janowitzian understanding. Before we can begin with the analysis of the four cases under study, the methodological approach applied to answer the second research question needs to be introduced. With the analytical instrument in place, I will then proceed with analysing the four cases under study.

2.5 Comments to research question 2

So far the chapter has presented the methodological approach for solving the first research question. The objective of the second research question is to determine whether the empiric results from the analysis may affect NATO cohesion and solidarity. In order to be able to discuss the study's findings in a broader perspective, the fulcrum of the discussion of the second research question will bandwagon with previous research of NATO.

More specifically, the thesis will attempt to re-discuss parts of the internal NATO-debate concerning NATO's internal cohesion and solidarity, but now extending the parameters of the debate to also include the use of PMCs as an available option. Most of the contemporary debate has been based on the assumption that NATO-members have only national military troops available. 'Only national military troops' is here understood in terms of that national contributions and burden-carrying are not entirely substituted by PMCs. For example, will some of the inferences change when including the possibility that PMCs could act as a substitute or burden-sharing valve for members who suffer from a lack of political will due domestic circumstances?

The contemporary NATO-debate will be understood in the light of the research from Noetzel and Schreer (2009a) who have written several excellent articles on the topic. Their attempt to present NATO as a multi-tier system, with three diverging tiers, each representing a different perception on NATO's future role in international relations is both accurate and nuanced. Their research is chosen to be the guideline for the discussion in this thesis because it effectively visualises the different perceptions among NATO-members regarding NATO's

military and political role. It thereby facilitates a pattern-matching between political perceptions towards NATO, and political perceptions towards the use of PMCs. The objective is to determine whether different approaches towards the institutionalisation of PMCs further enhances or reduces the cleavage among NATO-members.

3 Privatisation patterns

This chapter analyses the four cases under study. The following sections will present the case of the US, the UK, Germany and Norway respectively. Each case is unique due to empirical realities. Two of the cases are actively using PMCs to perform coercive services, whereas two cases use PMCs only for non-coercive services. The analysis is therefore approaching each case slightly differently in order to extract data which reflect a case's institutionalization of its civil-military relationship. The cases are analyzed relative to each other and not against an exogenously given standard. A case assigned the value 'high', is thus to be interpreted as high relative to the other cases under study. Caution is further advised in regard to the methodological design. Due to the dichotomous coding the research design does not capture differences within the 'high' or 'low' category. Two cases which both are assigned a high on one of the indicators could have been described more accurately and nuanced if there also was a 'medium' value which contrasted the two. Comments in this regard will be presented in this chapter's concluding section.

3.1 USA

This section applies the thesis' analytical tool to the case of the US. The analysis will systematically proceed through the indicators of political, functional and social control. The US represents in many ways the extreme case when it comes to the privatisation of military functions. The US has, compared to other NATO-members, introduced PMCs to supplement and support its military to the largest extent. The US and US PMCs are also overrepresented in the media due to many controversies that have followed in the wake of PMCs under contract with the US, with the Abu Grahیب scandal in 2004 and the Blackwater shooting in Bagdad in 2007, killing 14, as the most famous of the many incidents that have been reported. But also in Afghanistan has the use of PMCs hired by the US reached the news headlines.

The analysis will be based on primary sources from the US Department of Defence (DoD) and reports to the issue formulated by different parliamentary or governmental scrutiny services such as the Congressional Research Service (CRS) or Government Accountability Office (GAO). The focus here is on PMCs which are hired to perform a military function. Because this thesis is primarily concerned with PMC supplementing or even substituting public military forces, this thesis does not distinguish on whether other departments than the

DoD, such as the US State Department are hiring PMCs. Rather the analysis is applied to all cases where PMCs are hired to perform military functions for their clients which otherwise would have been performed by US soldiers. These criteria do also apply to the other three cases under study.

Political control, to what extent subordinate levels to the political leadership are authorised to engage the hiring of and further management of contracted PMCs is the first indicator. As with the other cases, it is out of the question that the political leadership has the full responsibility over the implementation of force to a given contingency mission. For the case of the US, subordinate levels have however been delegated significant hiring and management competencies, indicating a Huntingtonian institutionalisation of PMCs.

According to the DoD Instruction for “Private Security Contractors Operating in Contingency Operations”, which establishes policy, assigns responsibilities, and provides procedures for the regulation of the selection, accountability, training, equipping, and the conduct of PMCs under contract with the US, the responsibility of the entire contracting process, from hiring, management and termination is at the department level institutionalised among six agencies (U.S Department of Defence, 2009:5-6). The US Armed Forces joint doctrine for the integration of operational contract support further delegates responsibility among 12 different Service commanders and the staffs related to operational contract support (U.S Joint Chiefs of Staff, 2008:xi-xii). However, many of these agencies are only responsible for contractual and administrative oversight. The operational responsibility concerning the integration of PMCs with the military lies mainly with the Geographic Combatant Commanders in whose area of responsibility a contingency operation is occurring. Geographic Combatant Commanders shall in accordance with current doctrine and regulation:

“Provide guidance and procedures, as necessary and consistent with the principles established [...] for the selection, training accountability, and equipping of such PSC personnel and the conduct of PSCs and PSC personnel within their area of responsibility. Individual training and qualification standards set by the geographic Combatant Commander, shall meet, at a minimum, one of the Military Departments’ established standards [...]” (U.S Department of Defence, 2009).

Regional Combatant Commanders are also delegated the responsibility to issue permissions for PMC personnel to carry weapons, and under what circumstances a weapon may be discharged. In sum, these responsibilities are arguable very close to the responsibilities in

regard to the military. The point is that the use and integration of PMCs is to a large extent embedded at levels subordinate to the US political leadership. Military commands and commanders are given the necessary competences to include PMC into the larger military system in order to achieve its designated ends. The current doctrine therefore reflects a Huntingtonian understanding relying on autonomous military professionalism. In US General David Patraeus' words, stated at a memorandum to commanders, PMC personnel, soldiers and civilians in Afghanistan in 2010: "contracting has to be a commander's business" (CRS Report for Congress, 2011b:19).

Regarding the *functional* indicator, the US can both be said to be the weakest and strongest case relative to the other three. On the one hand, the US is the least dependent on PMCs for generating security given its enormous public military, which as of today is second to none. However, such an argument requires a more nuanced understanding. Although the US may possess the strongest firepower, both in conventional and nuclear weapons, it has nevertheless privatised huge parts of its logistical military functions, thereby arguably reducing its overall firepower because it cannot implement its full strength and size without the inclusion of PMCs. Also when it comes to coercive services does the US increasingly rely on PMCs. According to US government officials, both the DoD and Department of State would be unable to execute their mission in Iraq and Afghanistan without the support of PMCs (Avant, 2005:115; CRS Report for Congress, 2011a:5).¹⁰

The following numbers can aid in illustrating these arguments. Under the US Central Command area of responsibility, which covers the operations in Afghanistan and Iraq, the US has approximately 176,000 PMC personnel under contract, compared to its approximately 209,000 uniformed personnel. For the specific case of Afghanistan, as of December 2010, there were 70,599 PMC personnel compared to approximately 96,900 US troops (CRS Report for Congress, 2011b:9). Of the 70,599 PMC personnel, as of December 2010, 18,919 PMC personnel were providing coercive services (CRS Report for Congress, 2011a:5). These numbers are to a large extent under-communicated by the media, therefore giving a false impression of on actual US effort. Moreover, from June 2009 to October 2010, 319 PMC personnel have been killed in action compared to 626 US troops killed over the same time

¹⁰ This thesis assesses NATO-members institutionalisation of PMCs. Data drawn from a non NATO-operations are therefore perceived as still valid, because the institutionalisation of PMCs is assumed to be a political process independent of whether a mission is conducted in the name of NATO or not. These criteria apply to all four cases.

period. Adjusting for the difference in the number of PMC personnel compared to US military troops, a PMC employee is 2.75 times more likely to be killed in action compared to uniformed personnel (CRS Report for Congress, 2011a:9).

US functional control is therefore remarkably reduced given the heavy reliance on PMCs. First, because PMC personnel make up approximately 45 percent¹¹ of the total force that the US has deployed under the Central Command, and 42 percent¹² of the total force in Afghanistan. These numbers would have been substituted by US troops should the US provide the same effort without PMCs. Second, PMC personnel casualties are arguably reducing the number of killed US troops, consequently blurring the actual brutality of the war. Also, an increase in US troops to perform the work which is now in the hands of PMC is unlikely given the stark domestic opposition to increase US troops numbers abroad. The “surge” to Iraq, providing an additional 30,000 US troops in 2007, and the “surge” to Afghanistan in 2009, providing an additional 17,000 US troops, were both subject to fierce debate in the US Congress. For the case of Afghanistan, how will Washington be able to fill in the theoretical remaining spots, now occupied by 50,000 PMC personnel, required to reach the US total force contribution, PMCs included?

The heavy reliance and dependence on PMCs can therefore be interpreted as a Huntingtonian understanding because, as will be emphasised under social control, the US case gives the impression that PMCs are hired to fill in gaps that US forces cannot fill by simply integrating PMCs in accordance with the US military. Moreover, the heavy reliance on PMC further reduces the ability of US forces to generate security. Therefore, the US case is interpreted as low functional control.

Social control, to what extent the use of force is embedded in social norms and values, institutionalised by IHL and by IHR, is the third and final indicator. According the US Armed Forces doctrine for operational contract support, are all PMC personnel who are authorised to accompany the force and provide services in the coercive domain protected by law in accordance with IHL, IHR and GCs. They are according to US doctrine further defined as non-combatants, but eligible to prisoner of war status should they be detained by enemy forces. The US War Crimes Act of 1996, the Military Extraterritorial Jurisdiction Act of 2000, and the US Patriot Act of 2001, all further open for the prosecution of PMC personnel

¹¹ Author’s calculation: $17600 / (17600 + 209000) = 0.45$.

¹² Author’s calculation: $70599 / (70599 + 96900) = 0.42$

who have committed war crimes or violated IHL and IHR. The Federal Anti-Torture Statute and the Uniform Code of Military Justice also opens for the prosecution of PMC conduct, hence further embedding PMC's use of force into social values and norms (U.S Joint Chiefs of Staff, 2008:IV-5 - IV-6).

In effect, legislative measurements to constrain the conduct of PMCs are explicit stated in US doctrine, leading towards the impression that the use of force is under social control as we defined it here. However, both part of the legislature and empirical evidence indicate concerns. First, the doctrine for operational contract support opens for the possibility for caveats through the 'Status of Forces Agreements'. These are international agreements between two or more governments that address various privileges and immunities of individual members of a deployed force, and can be used, although rarely, to define PMC personnel who accompany the force legal status' (U.S Joint Chiefs of Staff, 2008:IV-5). Moreover, the US also emphasises that only the prime contractor, that is a contract entered directly by the US with a PMC, has a direct legal responsibility. Any subcontractors the same PMC may engage have no legal relationship to the US (U.S Joint Chiefs of Staff, 2008:I-6). Although the legislation in regard to IHL, IHR and the US federal laws still applies, the US can again be interpreted as applying a Huntingtonian approach, relying on the autonomous military structure and professionalism. Support to this argument can further be found in numerous reports from the GAO and Congressional hearings. In January 2009, Secretary of Defence Robert Gates testified in a hearing to the US committee on Armed Services that PMC personnel were used:

“without any supervision or without any coherent strategy on how we were going to do it and without conscious decisions about what we will allow contractors to do and what we won't allow contractors to do [...] and those are the areas that I think especially we need to focus on first” (U.S Congress Hearing, 2009:44).

Moreover, the State Department has also been accused of taking democratic shortcuts. On several occasions has the State Department pushed for a “sizeable payment” and an “apology” rather than legal prosecution when PMC personnel under contract with the US have severely violated international conventions on human rights. Especially the case of Iraq indicates a modus operandi where the focus was to “put the matter behind us” rather than to insist upon accountability (Democratic Majority Staff, 2007:2; 9).

War crimes and other violations of IHL and IHR have apparently occurred to such an extent that several reports indicate that the use of PMCs has in many situations worked counter-productive towards US counter-insurgency strategy in Iraq and Afghanistan (CRS Report for Congress, 2011a; CRS Report for Congress, 2011b; Democratic Majority Staff, 2007). This again arguably also affects functional control negatively. In sum, although US federal law to a large extent is concerned with PMC conduct in regard to social norms and values, the data indicates a lack of sufficient institutionalisation of social control. The US is therefore assigned the value of 'low' for the indicator of social control.

The case of the US can in total be summed up by low political control, low functional control, and low social control. The US is therefore best interpreted by a Huntingtonian understanding.

3.2 United Kingdom

This section analyses the case of the UK. Whereas the US represents the extreme case overall, the UK represents the extreme case confined to the European context. UK PMCs have been leading in the development of the PMI, and London is by many observers seen as one of the main centres for the PMI as whole. Regarding contemporary military operations such as Iraq, the British government is relying on two UK PMCs for the protection of diplomatic and humanitarian personnel. UK PMC Aegis has also received one of the biggest contracts concerned with the rebuilding of Iraq, including the provision of coercive services such as intelligence gathering (Halvorsen, 2005). The following analysis is based primarily on peer reviewed secondary sources which have conducted similar analysis of the UK for other research projects. The secondary sources used have extensively covered UK official documents and the academic literature on the field.

The UK has since the Thatcher administration from the 1980s been the frontrunner of privatisation in Europe. Also succeeding Labour governments have continued and further progressively developed this trend. British governments have from the start aimed for a market-oriented approach with the purpose of extracting as much expertise from the private sector in producing military functions at the lowest possible price. Given the non-coercive services that were privatised at the start of this development, the exclusive reliance on contractual relationships has ever since been perceived as justified, unproblematic, and well

regulated (Halvorsen, 2005:358; Krahmman, 2005a:280). The general perception among policy-makers in the UK has to this regard been that governmental involvement in the PMI is to be understood as an interference which would hinder free market competition. Hence, PMCs are intended to be viewed as partners with an equal input on how services are provided. As a result, there are more than 40 different agencies under the British Ministry of Defence (MoD) which either have procurement or supply roles in order to achieve a highest possible degree of a simulated free market (Halvorsen, 2005).

Public Private Partnerships (PPP) were introduced in 1997 with the purpose of further modernisation of the British military. A core element of PPP is the Private Finance Initiative (PFI) program. Under PFI private capital is invited to bid on the procurement, construction, and maintenance, of British military facilities which the MoD then buys or rents from the PMC in return (Halvorsen, 2005:328). Under the PPP/PFI programme, the MoD has to a large extent relied on PMC for the training of crews for key military functions such as attack and medium sized transport helicopters, Hawk and Tornado fighter jets, strategic airlift, Astute-class submarines, and by 2016 the entire air tanker fleet (Air Tanker, 2011; Hartley & MacDonald, 2010:52; Krahmman, 2005a:280). This indicates a serious dependence on private expertise in order to train crews who are vital to the military systems ability to generate security. Also, the MoD may find it very hard to opt out of such contracts because with PPP /PFI expertise and ownership of military service facilities remain on the hands of the PMC in the case of contract termination. This further increases the dependence in the short term because the MoD may have a hard time finding substitutes for the PMCs currently on contract who have sufficient expertise and facilities available (Krahmann, 2005a:282). The UK is also subject to other inefficiencies and agency problems in relation to active contracts. A recent report from the National Audit Office (2010) concluded that the strategic air to air refuelling project has been five years delayed, putting an extra pressure on the current aging Royal Air Force fleet, and further hinders the MoD to achieve value for its money.

Regarding *political* and *functional control*, the UK is certainly leaning towards a low degree of control. The many subordinate MoD-agencies, and the otherwise broad integration of the PMI and the broader defence industry has subjected the MoD to a redistribution of influence to the policy process and a further loss of its monopoly when it comes to initiating policy. The underlying logic to this argument is that the more agents in a principal-agent relationship, the more incentive the agent has to progressively advocate and expand his role in order not to lose

their influence on the principal.¹³ In terms of its ability to generate security, the British military is arguably also highly dependent on PMCs. Not only for training, but also for the delivery of key military functions such as strategic air to air refuelling. In sum, the findings from the data indicate a Huntingtonian approach towards the institutionalisation of PMCs given the heavy reliance on contracts, and external expertise influencing both political and functional control.

Regarding *social control*, the data indicates ambiguous results. The Private Security Act from 2001 includes a number of regulations designed to constrain and regulate the PMI. These regulations apply however only within the UK. As soon as a British PMC operates outside UK jurisdiction, different foreign national law applies. The Act also fails to address services related to strategic training, military logistics and management (Krahmann, 2005a:287). The drafting of the British Green Paper “Private Military Companies: Options for Regulation”, and its discussion in the Ninth Report of the House of Commons Foreign Affairs Committee readdresses some of the problems not covered by previous legislation (Foreign Affairs Committee, 2002; Foreign and Commonwealth Office, 2002). The advocated approach in these reports is an increased national registration and licensing of PMC. However, as of 2005, these legislative proposals had not been ratified (Krahmann, 2005a:288).

Nevertheless, the UK has been very cautious in regard to the scope of services PMCs may perform. Although the MoD has had great trust in PMCs for the training of military personnel, it still relies fully on its own officers for the operation and command of strategic assets. For instance, although PMC Air Tanker will provide aircraft, material, and the services that follow, Royal Air Force pilots will command the air tankers on military missions (Air Tanker, 2011). The MoD is also aware of the juridical implications which are connected to the provision of coercive services by PMCs. Current doctrine therefore strictly demarcates PMC personnel’s area of operation to explicit defined ‘benign areas’. These benign areas are demarcated by a ‘benign edge’. All work beyond the benign edge is to be executed by UK military personnel. Such a theoretical delegation of work has however proven to be difficult in reality because of the ever blurring distinction between support services and coercive services provided by PMCs and military personnel. As a consequence of the ever more diminishing distinctions, the UK took steps to introduce its Sponsored Reserves concept,

¹³ For a review of the organisational literature relevant to this argument see: William A. Jr. Niskanen (2007). *Bureaucracy and Representative Government*.

which was already introduced in 1998. It is designed to enable PMC personnel to provide military functions to the UK military by enrolling them as voluntary Sponsored Reserves. While serving as Sponsored Reserves, PMC personnel are subject to the Service Discipline Acts and other Service regulations (Halvorsen, 2005:340-343).

Whereas the US has more actively introduced PMCs to provide coercive services to its contingency operations abroad, the UK has to a larger extent relied on PMCs for training at home. This indicates that the UK is concerned about violations by PMC acting on its behalf. Relatively to the US, the UK has also to a greater extent explicitly stated and broadened the scope of its policy regarding social integration of force. Therefore, although the UK scores a 'low' on political and functional control, it is assigned a 'high' on social control.

3.3 Germany

German policy is emphasising that privatisation is limited to services of non-strategic relevance and non-coercive services (Krahmann, 2005a:284). The current government has clearly stated that PMCs providing coercive services are not hired. For its current operation in Afghanistan, the Federal Ministry of Defence (FMoD) has hired PMCs exclusively for the provision of support services such as canteens and construction (Deutscher Bundestag, 2010:6-7). Because Germany does not use PMCs to provide coercive or other strategically relevant services, it neither does have specific regulation to this regard like for example the US has. The PMI is nevertheless increasingly entangled in German security policy, arms and weapon system procurement, and non-coercive support services. In order to analyse the case of Germany, this thesis will look at other junctures of public and private cooperation in order to extract data which can give an indication of German policy towards the PMI. In particular, Krahmann (2005a:278) identifies two mechanisms intervening in the governance of the PMI and the broader security policy which can be used as fruitful aides in the analysing process.

The first mechanism is governmental regulation which includes the legislative framework for the national provision of private military functions to the greater military system. The second mechanism is public-private partnership, including privatisation, joint ventures, and state shareholdings in the defence sector. Although indirect, these perspectives can be used to interpret Germany's political and functional control. The analysis relies on primary sources

such as parliamentary documents, and secondary sources which have done previous research on Germany's relationship to the PMI.

According to the Federal Ministry of Defence (FMoD) White Paper (Bundesministerium der Verteidigung, 2006:79), concerning the security policy for Germany and the future for the German Armed Forces, the intention of the German Armed Forces is to focus on its core functions, while functions which can be provided by the private sector at lower costs shall be privatised in cooperation with the German military.

Germany has institutionalised the options for public-private cooperation in the FMoD-agency Bundesamt für Wehrtechnik und Beschaffung (BWB) and in a private company, with full Government ownership, the Gesellschaft für Entwicklung, Beschaffung und Betrieb (GEBB). The latter is responsible for services and functions where it is not perceived as essential that they are provided by German Armed Forces personnel. The non-military car park for administrative purposes and the manufacturing of uniforms are the two primary services institutionalised at the GEBB (GEBB, 2010:7). All contracting for services more closely related to the military function itself are to be channelled centrally through the BWB. Central procurement means that the entire demand of the armed services is jointly determined and procured. The purpose is to create a competitive environment which benefits the German Armed Forces in terms of a lower price (Bundesamt für Wehrtechnik und Beschaffung, 2010).

Germany planned to introduce market principles to the German Armed Forces as early as 1994, but has however been very careful in regard to thereafter following developments. The German government has during the process of privatisation aimed at full or partial ownership of those PMCs which are providing services to its armed forces. The Framework Agreement "Innovation, Investment and Efficiency", introduced in 1999, assigns the German Armed Forces with ownership of military assets, while PMCs may take over associated services such as management, operation and training. As of 2005, two projects have been implemented with success. The first is the training of Eurofighter pilots and ground crew. However, unlike the case of the UK, which uses the same PMC to train their pilots, the German Air Force only hired PMC personnel to train the first rounds of pilots designated for the new fighter jet. Subsequent classes of pilots were to be trained by the pilots who successfully completed the first training rounds. The second successful project was the military's land-warfare special training facility. Yet also here was the advanced training under strict rule of the German

military, whereas support functions were privatised. In effect, the FMoD has been very aware of becoming dependent on a single PMC providing a crucial service. Rather, it has maintained full or partial ownership to ensure functional control in order to be able to generate security. The public-private partnership enables the German Armed Forces to exert immediate control over PMCs and the services they provide. The aim is to not only to prevent long term dependence on a single contractor but also to ensure that continued cooperation is based on the satisfaction of the FMoD (Krahmann, 2005a:282-285).

In effect, the *political* and *functional* indicators for the case of Germany can be best explained with the Janowitzian understanding which emphasises an integrated understanding of civil-military relations. It becomes clear that as of today, the German political leadership is very aware of becoming trapped in agency-problems related to PMCs. Germany is therefore interpreted as high on political and functional control.

Because the FMoD abstains from the use of PMCs, it consequently also has less challenges regarding *social control*. Germany is arguably one of the most sensitive states in the world when it comes to the embedment of force into social values and norms, given its historic legacy. Nevertheless, Germany is not unaffected of the growth of the PMI, and the German national assembly is very concerned about the wider developments of the PMI. For instance, German PMCs which educate security personnel for airports etc. have arranged contacts to US PMCs who then have employed Germans for service in Iraq and Afghanistan. As a result, several Germans, often with former employment in the German Armed Forces, have been killed or wounded while under contract for US PMCs (Deutscher Bundestag, 2010).

Although we cannot directly measure Germany's institutionalisation of social control towards the use of PMCs because the FMoD does not use PMCs for coercive services, one can still induct inferences of Germany's relationship to social control by analysing perceptions among members of parliament. German members of parliament have on several occasions raised questions regarding both national and international legislation in regard to the PMI (see for example: Deutscher Bundestag, 2008; 2010; 2011). This indicates that even though Germany has not been privatising coercive military functions, its public, represented by its national parliament, is widely concerned with the matter. Especially the legal status of PMCs and the right to use force by their employees is under focus by members of parliament. Also, the avoidance of using PMCs is arguably a strong indirect statement in regard to state control over all forms of the use of force. As a result, Germany is assigned 'high' on social control,

thereby scoring 'high' on all indicators relative to the US and the UK. Germany's institutionalisation of PMCs is therefore categorised as Janowitzian. The next section presents the case of Norway, before the final section summarises the analysis.

3.4 Norway

Norway is the fourth and final case under study in this analysis. As with Germany, Norway has so far been careful with the privatisation of coercive services and military functions. The analysis will therefore also here rely on governmental regulations and public private partnerships as aides in order to extract data that can be interpreted by the analytical tool. The analysis is based on primary sources such as parliamentary documents, and secondary sources who have dealt with the Norwegian case during research projects focusing on public private partnership for the Norwegian defence sector. The analysis will proceed subsequently through the three analytical indicators.

Public private partnership (OPP [Offentlig Privat Partnerskap]) is the Norwegian equivalent to the UK's PPP. There is however a huge difference. Whereas the case of the UK was strongly influenced and motivated by ideology, the Norwegian case is according to official policy better understood as one of many means of the ongoing modernisation process that the Norwegian military is currently subject to (Stortinget, 2006-2007a).

OPP consists of three parts. The first is 'privatising' where whole or parts of the Norwegian military's functions are privatised to one of several external suppliers in the form of PMCs, with the obligation that privatised military functions are provided in return. The second form is partnering, a form of contracting with a reciprocal pledge between the Norwegian Ministry of Defence (NMoD) and the contract partner to supply and demand each other's services. In the case of partnering, the NMoD is most often responsible for the entire financing of the project, yet financing may also be partly provided by the private sector. This is however the exception. The third form is public private cooperation (OPS [Offentlig Privat Samarbeid]). OPS is a form of cooperation between the NMoD and the PMI where in contrast to partnering, private financing is carrying the main burdens of the project. The NMoD is in return obligated to buy or rent the provided service or facility. The NMoD is however very cautious about becoming dependent on the private sector. The use of OPS will only be considered if the PMI can provide a given service to a lower price than the NMoD can on its

own. Hence, alternative financing is not a justified motive by itself (Forsvarsdepartementet, 2005:9).

Norway has approached OPP with one step at a time. Norwegian official policy states that; “during the further modernisation of the Norwegian military, it is the intention of the government to prioritise internal efficiency before privatising becomes an option” (Author's translation, Stortinget, 2007-2008:141). Even military functions such operational logistic support, which for instance is privatised widely by the UK, are preferred to be produced within the military establishment (Stortinget, 2007-2008:141). The NMoD is also strongly influencing contract designs. Every new contract is subject to strict evaluations regarding important factors such as cost, contract duration and specifications of the product that is to be delivered (Forsvarsdepartementet, 2005). Although there have been some implications and concerns during the NMoD evaluation phases, and also with the delivery of two major projects (Nasjonal sikkerhetsmyndighet, 2005; Olsen, 2008), two academic studies (Bjone, 2008; Frydenlund, 2007), and official parliamentary scrutiny (Stortinget, 2006-2007b:10) conclude that for the OPP in general, operational requirements have been met, and that the NMoD has maintained leadership and control over its projects.

The political leadership in Norway also recognises the importance of the Norwegian military establishment within the rest of the Norwegian society and industry. The overreaching strategy by NMoD is therefore to integrate the two. Both in order to develop defence related businesses and industries within Norway, and to ensure the military's access to necessary competence, services and material (Stortinget, 2006-2007a).

Therefore, regarding *political control*, the NMoD is clearly in the driving seat. It both has the initiative, and sets the terms and conditions. Compared to the UK, for instance, government leadership is not perceived as an interference with free market principles. Representatives from the PMI are of course invited and encouraged to present their ideas in order to be able to exploit the comparative advantage in competences which can be found in the PMI, yet the initiative rests with the NMoD. Hence, Norway is coded ‘high’ on the political indicator.

When it comes to *functional control*, Norway is arguably equally restrictive, yet generalisations and conclusions should not be drawn too hastily. The data indicates a two-folded picture. Regarding the use of PMCs to provide coercive services, Norwegian policy strictly forbids such actions. The provision of coercive or combatant services as it is

formulated by the NMoD is the exclusive domain of the Norwegian military (Forsvarsdepartementet, 2005:4). Yet, when it comes the *training* of coercive services, PMCs have been hired. Moreover, interviews with NMoD officials indicate a contradicting attitude to the views of the political leadership. It seems that the internal establishment at the NMoD values many of the competences which can be found in the PMI, advocating a high degree of quality. These contradictions are arguably first and foremost a result of unclear internal working definitions of what is to be viewed as the Norwegian military's core competencies, rather than disloyalty (Olsen, 2008:28-29).

A second reason to the NMoD relative greater acceptance may be of purely pragmatic reasons. The Norwegian military, and especially the Army, is experiencing a gap between provided funds and political ambitions. As a result, many former competences have been eroded with the result that the military is looking to the PMI for training expertise. Over 30 PMCs have as of 2008 been providing military training to the Norwegian military so that it can meet its operational standards (Olsen, 2008:37-38). This clearly leads towards the indication that the Norwegian military indeed is dependent on PMCs in order to meet its functional training standards. However, the Norwegian case of dependence is a result of politically initiated military downsizing and not a political initiative for privatisation, as is the case in the UK and US.¹⁴ For the case of Norway, PMCs are actually increasing its ability to generate security because the military does not possess the sufficient resources to train its soldiers. Because Norwegian reliance is a resource problem, and not a result of politically motivated privatisation which is the focus in this thesis, and that official policy constrains the use of PMCs to only provide military training, Norway is still assigned a high on functional control.

Finally, when it comes to *social control*, the NMoD is also on this aspect very cautious regarding coercive services. Compared to the US, which for instance to a very large extent has used PMC for logistic transport protection, the aim of NMoD is to avoid any situations where civilians may become targeted by military warfare (Olsen, 2008:36). An incident regarding the Norwegian PMC Ronin, indicates that also the Norwegian public is very concerned and aware of the consequences in relation to the privatising of strategic military functions. Ronin was engaged by the military to provide coercive services training for military personnel who

¹⁴ For further information to the modernisation of the Norwegian Armed Forces see: Sverre Diesen (2011). *Fornyelse eller forvitring? Forsvaret mot 2020.*, Ragnvald H. Solstrand (2005). *Offentlig-Privat Partnerskap i det nye Forsvaret.*

were scheduled for deployment to Afghanistan. The public however was widely unaware of these arrangements, resulting in harsh public critique when the media uncovered the circumstances in the winter of 2008. In response, the NMoD immediately put the Ronin- , and all other similar contracts on a temporary hold (Olsen, 2008:28). This indicates that Norway, both its official leadership, and the public are concerned about social embedment of the use of force.

Norway is therefore assigned the value of high on social control. In sum, Norway scores a high on all three indicators, placing the case at the Janowitzian end. The next section summarizes the analysis for all four cases, and comments methodological delimitations that have influenced the coding of cases before an inference to the first research question is drawn.

3.5 Summary; answering research question 1

Returning to the QCA logic applied in the thesis, the four cases can be summed up in table 2. Given the research designs eight possible configurations, three of the configurations are reflected in the data by the four cases under study. Germany and Norway were coded as high on all three variables, represented by configuration number 1, thereby clearly falling towards the Janowitzian understanding. The US represents the complete opposite, represented by configuration 8 scoring low on all three indicators and hence falling towards the Huntingtonian understanding. The UK is represented by configuration 7. The results are summarized in table 2 on the next page.

Table 2. Presenting the results of the analysis.

	Configuratio	Political Control	Func. Control	Soc. Control	Y
Janowitz 	1	High	High	High	GER, NOR
	2	High	High	Low	n/a
	3	High	Low	High	n/a
	4	High	Low	Low	n/a
	5	Low	High	High	n/a
	6	Low	High	Low	n/a
	7	Low	Low	High	UK
Huntington	8	Low	Low	Low	US

The result of the analysis may be expressed with small and capital letters and Boolean algebra. With each indicator represented by its first letter, P, F, and S, small and capital letters represent the values ‘low’ and ‘high’ of the indicators respectively. The results from table 2 can therefore be expressed as: $Y = PFS + PFS + pfs + pfs$. Boolean addition “+” is understood as ‘or’, while Boolean multiplication “*” means ‘and’ ($PFS = P * F * S$) (Ragin, 2000:84). Because Germany and Norway are reflected by the same configuration, PFS, the results can be shortened to $Y = PFS + pfs + pfs$, representing Germany and Norway, the UK, and the US respectively.

Three comments need to be made in order to arrive at a valid inference. The *first* comment is in regard to the stark contrasting of the results, i.e. that all cases are represented at either end of the Huntington-Janowitz dimension, and none by the middle configurations such as 4 and 5. This clustering can be explained by interaction among indicators, due to the theoretical concept. In order to achieve consistency between the theoretical concept and its operationalization, each end of the Huntington-Janowitz dimension must necessarily be reflected by opposite values of the indicators. In effect, this leads to a theoretical pre-determination of the coding of cases, because the cases under study are analysed and weighted against the theoretical background, which in turn explains the clustering at either end. A crucial factor to this regard is the political indicator. The institutionalisation of a states civil-military relationship is in essence a political question. Therefore, if the political leadership is exchanged through elections, new normative understandings concerning the civil-military relationship may surface, and change the institutionalisation of force. From a theoretical perspective, if the political discourse changes from a Huntingtonian to a Janowitzian

understanding, would not only the political indicator switch from ‘low’ to ‘high’, but also the two other indicators would in principle inevitably have to change, in order to be consistent with the theoretical concept. The coding of cases is therefore very sensitive to time and character. If we would have applied the same research design to the same cases 20 years earlier or 10 years later we would most likely have coded them differently. The results of the analysis must therefore be seen against this backdrop.

The *second* comment is in regard to the number of cases under study. Four cases cannot sufficiently represent all the 28 NATO-members. Especially East European NATO-members have the potential of representing an additional middle pattern, plausibly clustering around configuration 4, given the economic and social turmoil as a result of the “Washington Consensus” during the first decade of post Cold-War era, which left many East European states strong in terms of political control, yet weak on functional and social control. This comment will be further elaborated under the overall assessment of the research design during the discussion of the analysis’ results. As of now, it must be recognised that because of the limited number of cases under study, broad generalisations must be drawn with caution.

The *third* comment is in regard to the research designs lack of a more precisely grading scale. Adcock and Collier (2001:529) emphasise the importance of measurement validity in social research. Measurement validity is an assessment of how well the operationalization and coding of cases reflect the concept the researcher has under study. Measurement validity thus distinguishes itself from validity which is concerned with causal inference. Measurement validity is especially important for the research design in this MA thesis because the empirical study is primarily concerned with detecting diversity and not causal relationships / mechanisms. The relationship between a study’s background concept and its observations consists according to Adcock and Collier of four levels. The first is the background concept itself, which encompasses the contemporary contextual and current research background associated with the given concept. Second is the systematized level which captures the more systematised theoretical concept from which working assumptions are drawn. The third level involves the operationalization of the theoretical concept and any systematic scoring procedure. Finally, the fourth level consists of the scores for, or classifications of cases. Measurement validity thus involves the interaction among levels two to four, and is valid when the scores in level four, derived from level three, can meaningfully be interpreted in the

terms of the systematized concept, level two (Adcock & Collier, 2001:530-531). In essence, what can the particular methodological approach not capture?

The present design does not capture variations within high or low control on any of the three indicators. The results may therefore lead to false impressions because diversity among cases which score the same value on same the indicator is not reflected. For instance, both the UK and Germany score 'high' on social control, yet as this analysis has shown, high social control in the UK is not the same as high social control in Germany, nor compared to Norway. Yet compared to the US, it is arguably justified to assign the UK a high for social control. This methodological problem could have been solved by introducing a 'medium' value. However, three indicators with three values would have complicated the analytical design to such an extent that it would have interfered with this thesis aim of a parsimonious presentation of the diversity among those NATO-members under study.¹⁵ Nevertheless, in order to overcome these methodological considerations, the following comments to the results are required to present a valid description.

As already noted, the UK's high value of social control is best understood as 'medium' compared to the other three cases. Regarding political control, all members are democracies, placing the overall responsibility with the sitting government. The contrast between the US and the UK on one side, and Germany and Norway on the other is arguably justified as fair description, although the US is more extreme than the UK. Finally, functional control is the indicator which to the largest extent hides differences. The US scores a low because PMCs are to such a large extent providing the provision of coercive services to US operations. The UK is also assigned a low value, yet primarily because of its extensive reliance in the training of military functions. Germany and Norway are assigned a high on functional control. Yet Germany can be argued to focus even more on functional control given its policy so far to only rely on external expertise to train first generation crews for the new weapon systems, whereas Norway has used external expertise on an ongoing basis.

Based on the results from the analysis, this means that the use of PMCs among the cases under study is either institutionalized as Janowitzian, with 'high' political, functional and social control (Germany and Norway), or as Huntingtonian with 'low' political, functional and social control (the US). A third pattern is represented by the UK, with its 'low' political

¹⁵ Three indicators, with three values would have given $3^3 = 27$ configurations.

and functional control leading towards the Huntington end, yet not as extreme as the US when it comes to social control. In order to answer the thesis first research question, one can draw the inference, seen in the light of the civil-military relations literature, that three patterns of policy standards towards the use of PMCs are present among NATO-members. This means that there are in indeed differences among NATO-members when it comes to the institutionalization of PMCs.

The next chapter has the aim of setting the analysis' results in a broader perspective by introducing them into the current NATO-debate.

4 Implications for NATO's internal cohesion and solidarity

This chapter builds on the results of the analysis from the preceding chapter, and has the purpose of answering the second research question: How can different approaches among NATO-members toward the use of PMCs affect NATO's internal cohesion and solidarity?

The analysis has shown that NATO-members have different approaches towards the use of PMCs. As has been argued, it is in essence a question of control over the system of a state's civil-military relations. As already announced, this chapter will attempt to re-discuss parts of the internal NATO-debate, but now extending the parameters of the debate to also include the use of PMCs as an available option. The chapter will first present the diverging understandings regarding NATO's role in international relations among NATO-members. Thereafter follows an assessment of how the results of the analysis match up with the diverging patterns within NATO. The effect on internal cohesion and solidarity will be evaluated on behalf of the pattern-matching in the subsequent section. The fourth section reviews the methodological delimitations which this thesis' research design is subject to, and to what extent this may influence possible inferences. Finally, based on the discussion and methodological considerations, the fifth section will summarise the chapter and answer the second research question.

4.1 Multi-tier alliance - diverging understandings

When the existential threat from the Soviet Union disappeared, many scholars and observers of NATO predicted that the end of the alliance was inevitable. Nevertheless, through the development of new strategic concepts, incorporation of new members and a reorganisation of its military structure, the alliance proved its strongest critics wrong. To this regard, Hendrickson (2007) emphasises this particular point, arguing that the alliance has experienced many major disagreements, yet it has overcome them all by adapting and finding common ground.¹⁶ After the first decade of the new century, there appears however to again be a widening strategic rift among the allies. Different political standpoints in regard to Afghanistan, missile defence, the Georgian crisis of 2008, and enlargement exemplify the

¹⁶ Major crises have been the Suez Canal Crisis of 1956, French removal of NATO headquarters in 1966, and airstrikes against Libya in 1986, Ryan C. Hendrickson (2007). *The Miscalculation of NATO's Death*.

diverging interests among NATO-members. Consequently, a new debate on the future of the alliance has re-surfaced. The following discussion will understand the current NATO-debate in the light of the research from Noetzel and Schreer (2009a). Although their research visualises the NATO-debate in a parsimonious manner, their research is not an all-encompassing description of NATO.¹⁷ The following discussion must therefore be understood in the light of Noetzel and Schreer's understanding of NATO.

Noetzel and Schreer (2009a) argue that a process of disintegration within NATO has accelerated in recent years. The alliance has evolved from a two-tier into a multi-tier organisation. As a result of the increasing complexity of the tier-system, the alliance lacks a sufficient degree of coherence and is therefore limited and constrained when it comes to issues requiring the assertion of political will. The principal division in the multi-tier system concerns the role of military power in international relations and the role of military alliances. Collective defence and the principle of solidarity are no longer primary of many alliance-members concerns. There no longer exists a solid consensus and cohesion within the alliance about the hierarchy of the roles the alliance is meant to perform. Instead, NATO is being transformed into a multilateral security forum where NATO-members increasingly find it hard to agree on and execute strategy.

Multi-tier NATO is divided into three different tiers that are pulling the alliance in different directions. The *first* tier are the “reformers” who want NATO to take on a broader set of challenges that include the combating of weapons of mass destruction, providing energy security and the war against terror. In effect, the reformers want NATO to play a more prominent role in global security. The *US* is the core member of this tier. Other parties involved include the *UK*, the Netherlands, Canada and Denmark.

The *second* tier is the “status-quo” group. Members of the status-quo tier are very sceptical about a globalised alliance. Instead they advocate for a more forceful articulation of what they perceive as European interests within the alliance. Their aim is partly to strengthen the

¹⁷ For more generic literature regarding the NATO debate see: *ibid*; Paal S. Hilde and Helene F. Widerberg (2010). *NATOs nye strategiske konsept og Norge*; Karl - Heinz Kamp (2010). *NATO after Afghanistan*. For literature concerning NATO and Afghanistan see: Renée De Nevers (2007). *NATO's International Security Role in the Terrorist Era*; Timo Noetzel and Benjamin Schreer (2009b). *NATO's Vietnam? Afghanistan and the Future of the Atlantic Alliance*. For literature specifically concerning political consequences of enlargement see: Emanuel Adler (2008). *The Spread of Security Communities: Communities of Practise, Self-restraint, and NATO's Post-Cold War Transformation*. For generic theoretical approaches towards NATO see: Alexandra Gheciu (2005). *Security Institutions as Agents of Socialisation? NATO and the 'New Europe'*; Frank Schimmelfennig (1998). *NATO Enlargement: A Constructivist Explanation*.

European Security and Defence Policy (ESDP), secure continued American engagement in European security, and to avoid damaging their relationship towards other major powers such as Russia and China. Apart from France and *Germany*, NATO-members Spain, Italy and Belgium also belong to this tier.

The *third* tier members are the “neo-traditionalists”, arguing for a reset of NATO strategic priorities, refocusing on defence against conventional threats. They call for an increase in troops for territorial defence rather than to strengthen NATO expeditionary capabilities. This tier is centred on the Central European NATO-members such as Poland, the Baltic States and the Czech Republic. Yet Nordic member *Norway* can also be said to belong to this group because of its converging interests with territorial defence due tensions with Russia about the Arctic (Noetzel & Schreer, 2009a:215-216; Noetzel & Schreer, 2009b:250).

The starkest opposition is arguably between the reformist tier on the one side and the other two tiers on the other. Several studies have indicated that NATO will only remain relevant to the US if other members follow its reformist ambitions (Noetzel & Schreer, 2009a). Whereas the reformist group approaches a global role for NATO, the status-quo and the neo-traditionalist group advocate a NATO closer to European interests. The status quo tier with France and Germany in the lead, are pushing for the development of the EU’s ESDP, whereas states like non EU-member Norway are more sceptical to a competing military cooperation within Europe. The difference among the latter two seems to be to what extent the EU becomes involved in European security policy. We can therefore visualise the three tiers on a global-regional dimension, where the reformers occupy the global end, and the status-quo and the neo-traditional tier the other end, although with diverging perceptions within the regional side. Comparing the global-regional dimension to the result from this thesis’ analysis, the global-regional dimension is interestingly paralleled by the results found in this thesis. The next section will elaborate this observation.

4.2 PMCs and the global-regional dimension

The global-regional dimension is both paralleled in terms of the Huntington-Janowitz dimension, and to what extent NATO-members engage PMCs. The US and the UK both belong to the reformist tier, are close to the Huntington understanding compared to the other two cases under study, and the most actively employers of PMCs. Contrary, Germany and Norway, represented by the status-quo and the neo-traditional tier respectively, are compared to the US and the UK closer to the Janowitzian understanding, and the most restrictive users of PMCs.

Moreover, in order to reconnect with the theoretical concept of this thesis, it can be argued that the competing nature of the contrasting theories also matches the tiers' alignment on the global-regional dimension. From a theoretical perspective, Burk (2002) argues that Huntington and Janowitz arrive at different conclusions because each theory is based on a different understanding of democracy.¹⁸ Huntington departs from a liberal democratic understanding whereas Janowitz builds on a civic-republican understanding. Liberal democratic theory argues that the first priority of the state is to protect its citizens and their rights and liberties. Civic republican democratic theory on the other hand distinguishes itself from liberal theory by promoting active participation of citizens in the sphere of public life as the highest virtue. Citizenship is based on the participation in the rule and defence of the republic. The central problem in this model from the state's view is how to preserve and combine the citizens' rights and enthusiasm to participation with a willingness to serve as soldiers and protect the republic from defeat in war. Huntington is thus primarily concerned with *protecting* democratic values, whereas Janowitz worries about the *sustaining* of democratic values. In order to protect democratic values, in line with a liberal understanding, the military needs to be subordinate to the civilian power, but it is not necessarily required to act according to democratic values. Contrary, to sustain democratic values, the military must embody and identify substantively with the society it defends. (Burk, 2002:10-12).

Applying the insight from Burk to the paralleling dimensions, it is captivating that the global-regional debate also reflects the underlying logic from the theoretical concept. The reformist tier for instance, is primarily promoting that NATO should be an enforcer of democratic norms and values in the context of an international liberal democratic order. NATO

¹⁸ For more civil-military relations literature concerning Huntington and Janowitz see footnote 4, p. 11 and footnote 5, p.12.

enlargement and power projection is by the reformers viewed as a tool to broaden NATO's influence, also beyond European territory, even if it includes incorporation of militarily weak and politically unstable states (Noetzel & Schreer, 2009a:215-217). This clearly reflects a situation closer to the liberal democratic understanding, which is the basis for Huntington, where the concern of *protecting* democratic values is primary. In contrast, the tiers at the regional end are more concerned with integrating NATO to European security issues, and are also very aware of others perception of NATO's role. This arguably reflects a concern of *sustaining* democratic values, leaning towards a civic-republican understanding, which is the fundament for Janowitz.

The aim here is not to explain the reasons for the diverging positions within NATO. Rather, the point of the argument is to indicate that the different approaches towards the institutionalisation of PMCs may also reflect deeper differences among NATO-members when it comes to understanding democracy and the role of the alliance. This is a purely theoretical argument which is not tested on data by this study, yet it is thought-provoking that both the results of this study and the underlying competing nature of the theoretical concept match the contemporary pattern of the multi-tier system within NATO.

Continuing with the resemblance between the global-regional and Huntington-Janowitz dimension, to what extent does the paralleling of these dimensions further reinforce or weaken the already present diverging forces within NATO, consequently affecting both internal cohesion and solidarity? NATO cohesion is here understood as to what extent may the use of PMCs further increase or decrease the entrenchment of the different tiers within the alliance, whereas NATO solidarity is here understood as a measurement of NATO-member's willingness to act in support of other allies. The causal relationship between the two is assumingly running from cohesion towards solidarity, meaning that solidarity is likely to be reduced if cohesion among members is diverging. Reduced solidarity is in turn again assumed to influence cohesion negatively in the sense that if an ally feels a lack of support in times of need, his sense of cohesion towards other will arguably be reduced.

I will in the proceeding continue with the simplified depict of NATO's multi-tier system by simple referring to it as the global-regional dimension. The fulcrum of the discussion will therefore be centred on the contrasting American, in particular the US, and the non-reformist European perceptions on NATO's role as a military power in international relations.

4.3 PMCs, internal cohesion, and solidarity

Starting with political cohesion and assuming that governments must play two-level games in international negotiations, that is to simultaneously monitor and reconcile international and national politics (Putnam, 1988:434),¹⁹ the use of a PMC instead of national military assets may arguably both relieve and increase internal friction. The use of PMCs may be a relief in sense that NATO-members belonging to the reformist tier, in particular the US, can contract a PMC for the provision of required assets that it needs in order to fulfil operational requirements for an assumed controversial perceived mission, rather than having a European non-reformist providing the same military function. By doing so, the US evades debates concerning which other ally's responsibility it is to provide the required military function.

Evidence indicating US' potential inclination to hire PMCs over European allies is already documented. For instance, during the initial intervention in Afghanistan in 2001, the US rejected many European offers of troop contributions due to differences in levels of technological sophistication. The Bush Administration also wanted to avoid having allies dictate how the war should be fought, as well as difficulties to gain allied consensus on strategy similar to those that had developed during NATO's bombing of Serbia in 1999 (De Nevers, 2007:43; 49). Moreover, especially between the US and other allies there is a huge capabilities gap, and lack of interoperability due different technological standards. The alliance is further notoriously short on crucial military functions such as tactical airlift, specialised infantry, and military assistance units that would be vital for an operation such as Afghanistan. There is also a lack of flexible and mobile combat reserves, and personnel for military and police training. The reason behind this situation is foremost a matter of differences in defence-spending among NATO members (Noetzel & Schreer, 2009b:534). Acknowledging these empirical insights, the use of PMCs may be an option in order to bypass some of the resource constrains attached to especially European allies.

Hiring a military function which otherwise would have, or must have been provided by European allies, also relieves the latter's government from domestic opposition if the US' actions are not perceived as justified by the European public. For instance, only six NATO-members operate without political restrictions in Afghanistan (De Nevers, 2007:51), and four

¹⁹ For more theoretical background to this argument and its application to the specific case of Europe, see: Janne Haaland Matlary (2009). *European Union Security Dynamics: In the New National Interest*.

of them are aligned with the US in the reformist tier²⁰ (Noetzel & Schreer, 2009b:540). For the particular case of Afghanistan, NATO is politically divided on the issue of whether the core of the operation is counter-insurgency or stability and reconstruction. This divergence has led to different regional responsibilities with the result of different operational realities and sharing of risk and burden. Especially NATO-members who operate in the south of Afghanistan where the insurgency has proved to be the most resistant, have experienced over-proportional losses compared to allies who operate in the far safer north. For NATO-members in the south of Afghanistan, the ISAF operation overall demonstrates that not all allies are willing to and prepared to share equal risk (Noetzel & Schreer, 2009b:532).

In order to relieve the strain on NATO-members, the increased use of PMCs could act as a burden-sharing valve. For instance, realities regarding NATO's training mission in Iraq in 2004 reflect the potential of this argument. The training mission was assigned to educate Iraqi officers in military skill and tactics. NATO-members contributed with staff personnel and instructors, yet not soldiers to guard their facilities in Iraq. Instead, the task was contracted to a PMC because no NATO-member was willing to accept the risk attached to guarding the camp (CRS Report for Congress, 2007:3). Some NATO-officers assigned to the mission were even unaware until their arrival in Iraq that a PMC was guarding the camp (Svendsen, 2009).

Although there was consensus to hire the PMC for guarding the facilities in Iraq (CRS Report for Congress, 2007:3), substituting national contributions with PMCs is however a dangerous path for NATO to endure, because it does not solve the underlying problems of the alliance. Different perceptions and understandings of NATO's role will not change simply by venting out some of the frustration with the use of PMCs. Although the use of PMCs in the short term may be perceived as a relief, it will arguably in the long term become a liability rather than an asset, and hence result in an increase of friction among NATO-members. Two developments are critical in this regard.

First, in order to achieve cohesion, NATO must be consistent with its own principles. A fragmented approach towards the use of PMCs may severely hurt the legitimacy of the alliance. NATO is not only a military alliance but to a very large extent also a political alliance. Its political dimension is reflected in the sense that the alliance promotes democratic values and encourages consultation and cooperation on defence and security issues to build

²⁰ These are in addition to the US; the UK, Canada, Denmark and the Netherlands.

trust, and in the long run prevent conflict (NATO, 2011). The requirement for unanimous voting in the North Atlantic Council²¹, ensures every member's sovereignty and the representation of NATO towards the outside as a unified actor. In order to successfully present itself as such, the alliance must be consistent and a unified democratic institution where democratic consistency is represented through all levels of decision-making, starting with the electorate of member-states.

Hence, at any one time, NATO's policies and institutions are constrained by beliefs about their legitimacy and accountability²². Yet, beliefs about NATO's legitimacy are in turn influenced by how NATO approaches the outside world. NATO's external policies impact on outsider's considerations and perceptions of NATO performance, identity and accountability. The success of developing as a legitimate international actor will depend on how NATO manages this feedback loop in order to maintain consistency with alliance values. However, the introduction of PMC has in many cases severely challenged democratic principles, and therefore potentially threatened NATO legitimacy. NATO-members more concerned with *sustaining* democratic values will probably therefore feel even more disappointed from the reformist tier, if the behaviour of the latter through the use of PMCs is severely damaging the legitimacy of the alliance in its pursuit of *protecting* democratic values.

Second, an increased reliance on PMCs may lead to a perception of being a "second best choice" among European allies who lag behind with military modernisation and interoperability. It will be fatal to NATO if such a thought would become embedded among European members, because it would arguably promote the further evolution of an independent European security policy in terms of the ESDP. Especially members of the status-quo tier would advocate an EU-alternative. On the other hand, the status-quo tier members are also very concerned that the US will uproot its embedment with European security. The ESDP will therefore not substitute NATO in the near future, yet the perception of "being second best" may however lead to a stronger self-perception and articulation of European interests, thereby reducing cohesion across the global-regional dimension.

²¹ NATO's principal political decision-making body.

²² Accountability implies that some actors have the right to hold other actors to a set of standards, judge whether they have fulfilled their responsibilities in accordance with those standards, and impose sanctions if these responsibilities are not met (Ruth W. Grant and Robert O. Keohane (2005). *Accountability and Abuses of Power in World Politics*.:29.)

In sum, the use of PMC within a NATO context, is arguably affecting internal cohesion and solidarity more negatively than positively. Before final inferences to this argument are drawn, we must review to what degree the thesis research design has influenced the results of the analysis and the subsequent discussion of the results. The next section therefore provides an assessment of the study's overall research design.

4.4 Theoretical and methodological considerations

Inferences are always subject to a degree of uncertainty. To conclude with inferences based on uncertain data leads by its own logic to an awareness of not being able to precisely determine any given inference. A description of diversity or causality is thus not complete without an assessment of estimated uncertainty (King; Keohane & Verba, 1994:31-32). This section will comment theoretical and methodological issues which need to be considered respectively in order to arrive at valid inferences.²³

Because the theoretical background relies on two conflicting understandings of democracy, the analysis and discussion will to some extent be pre-determined by the theoretical design if both theoretical understandings are represented by the data. For example, just like many studies of the EU which are based on a realist approach must necessarily conclude that the EU is a weak actor in international relations because realism presumes a unified rational state - something which the EU is not, this study's contrasting results are inherently antagonist because we assume so in the theoretical concept. The results of the analysis and discussion must therefore be seen in light of the theoretical background.

The discussion did not pay attention to changing political trends within NATO. The multi-tier system may change if the current political leadership is replaced through elections, or if perceptions among one of the tiers changes due other circumstances. In fact, Hilde and Widerberg have reviewed the outcome of the last NATO-summit in Lisbon in 2010, and indicate that non-reformist perceptions about NATO's role are gaining ground (Hilde & Widerberg, 2010). If so, many of the discussed concerns would arguably decrease, or even erode, because the use of PMCs in such a case will be proportional less relevant. PMCs will arguably still be relevant for the training of military forces, yet a reduction in global ambitions will arguably decrease the need for PMCs to perform military functions abroad. The harshest

²³ Please recall that specific methodological and theoretical delimitations to solving the first research question are commented in connection with the analysis in chapter 3.

stalemate is arguably along the global-regional dimension. If the whole of NATO would re-focus on regional matters, many of the disagreements would lose their significance because they simply become irrelevant.

The limited number of cases selected for this study affects the possibility for broad generalisations among NATO-members. The research population for this study are four NATO member-states. Given the historic legacy, one can argue that the rationale for being a member differs especially between traditional Western European NATO-states and, on the other hand former Warsaw-Pact members and Soviet Republics. This argument is rooted in the observation that the latter seek to the alliance, and specifically the U.S, for the protection against Russia, whereas the original west-European states rather have a European focus with a different perception of Russia. This has resulted in different policy approaches towards the alliance and its different members. For instance, it is assumed that many of the former Warsaw Pact members and Soviet Republics have willingly supported US initiatives in Afghanistan and Iraq in order to increase their political credit with Washington as a hedge against Moscow (Fawn, 2006; Kamp, 2010). Western European states have on the contrary been very sceptical to using NATO as a global instrument for achieving security objectives. A selection of cases (i.e. NATO-member states) that resembles both historic legacies would therefore ensure a better representation of the different perceptions concerning the alliance purpose.

Moreover, as has been documented in this thesis analysis, different states have different approaches to the question of privatising security. Given the long traditions of market liberalization in the US and UK, one can argue that the US and UK are more prone to private solutions than NATO-members with a stronger socialist legacy. On the basis of these ideological differences across Europe, one can identify an assumed continuum of several types of democracies and their relationship towards private solutions, each NATO-member representing a different position on the continuum. At the one end we find the US and UK. The opposite end is occupied by former Soviet and Warsaw pact members. The middle consists of the Scandinavian model and the Continental model, characterized by their mixed economies. The selection of NATO-members such as Poland (former Warsaw Pact), and Latvia (former Soviet Republic), in addition to the four cases selected, would have ensured a better representation of NATO today.

Nevertheless, the exclusion of East European members is justified by the following three reasons. *First*, as already mentioned, the cases selected are chosen because these particular NATO-members also represent rival opinions within the current NATO-debate. This was one of the prime criteria for case selection in order to be able to add the findings of this study to the contemporary NATO-debate in terms of what is referred to as the global-regional dimension. East European members do necessarily represent any directly opposing opinions in regard to this debate. They are also indirectly represented through the case of Norway.

Second, although the assumed most socialist economies are not represented when viewed in a historical perspective, the case sample selected here still represents diverging approaches when it comes to marked liberalisation. The Continental and Scandinavian model, which in this study is represented by Germany and Norway respectively, does to a fair degree also represent similar NATO-members given the relative homogeneous economic model across Europe due to the regime of the EU, and the many social-democratic and socialist trends that one finds within Western Europe.

Third, finding English written sources for the East European cases also proved to be very difficult. In order to stay within the resource limits of this Thesis, East European members were also partly dismissed because of this reason.

Even though it is important to highlight that these limitations do exist, and to assess their potential implications for drawing valid inferences, it is equally important to strive to overcome them. For instance, as Lijphart (1975:172) in his article about strategy in comparative studies emphasises; “one may partially and carefully generalize to similar cases that share the same characteristics as the ones under study”. Therefore, we may still draw inferences as long as the theoretical and methodological delimitations are assessed and accounted for. With these comments in place, the next sections summarises the discussion and draws inferences in regard to the thesis’ second research question.

4.5 Summary; answering research question 2

The second research question asked: how can different policy standards towards the use of PMCs may affect internal cohesion and solidarity? The preceding discussion has revealed a captivating pattern. There is arguably a resemblance between the Huntington-Janowitz dimension, reflecting different approaches towards the institutionalisation of PMCs, and the

global-regional dimension which is reflecting NATO-members perceptions of the alliance role in international relations. Moreover, the discussion also found indications, based on theoretical reasoning, that the different institutionalisations of PMCs also may reflect a deeper divergence among NATO-members regarding their understanding of democracy and the role of NATO.

To what extent does the alignment of the Huntington-Janowitz dimension with the global-regional dimension further enhance or reduce the stalemate between the different tiers? The use of PMCs as a substitute for national contributions was argued to potentially provide relief to further internal disagreement and negative domestic perceptions. Yet, it is more likely that the Huntington-Janowitz dimension will increase the already present friction among the tiers on the global-regional dimension because temporary reliance on PMCs only postpones unresolved disagreements. The strongest support to this claim is that different approaches towards the use of PMCs, and the consequences thereof, undermine NATO's legitimacy as a unified actor in international relations. As was made clear during the development of the indicator for social control, states are obligated to prevent, legislate, investigate, prosecute and punish abuses of force by PMCs that are acting on their behalf.²⁴ This point illustrates that controversial action undertaken by one or several members may potentially hurt the integrity of others because of their mutual connection through the alliance. Thus, if others cannot identify with particular members of the alliance due for example violations of human rights by the latter, cohesion will be significantly reduced. If cohesion starts to erode, solidarity will be affected too, because an ally's willingness to contribute to the alliance is arguably reduced if a common ground cannot be found.

In order to answer the second research question, the discussion analysis' results leads towards the inference that internal cohesion and solidarity will be negatively affected in the long run if they remain unattended.

²⁴ See page 24 for a review.

5 Conclusion

This thesis was motivated by the purpose of interpreting and understanding different approaches towards the use of PMCs among NATO-members in the light of the civil-military relations literature. The aim was not to test the theories of either Huntington or Janowitz. Rather, their purpose was to provide a theoretical framework from which theoretical embedded understandings towards institutionalisation of PMCs could be drawn.

The analysis of the first research question confirmed that the different NATO-members under study, the US, the UK and Germany and Norway, represent diverging approaches towards the institutionalisation of PMCs. The second research question thereafter assessed the analysis' findings, and concluded that diverging privatisation patterns affect internal cohesion and solidarity negatively. How does this affect the broader perspective? Will NATO again be able to overcome internal disagreements? What can eventually be done? Answering these questions fully and throughout is beyond the scope of this thesis. However, it is arguably possible to indicate areas of improvement.

Returning to the fundamental stalemate within NATO, it is in principle a debate about the role of military power in international relations and military alliances. The findings of this study indicate that NATO-members arguably diverge in the deepest sense when it comes to their understanding of how democracy should be fostered. A debate specifically targeting the balance between protecting and sustaining democratic values has the potential of providing more nuances to the different perceptions within the multi-tier system.

In order to defuse the Huntington-Janowitz dimension, NATO-members should first strive to solve whether PMCs can be a part of the greater military role NATO wants to be in international relations. It is unlikely that the PMI will dissolve in the near future. A shared standard towards the institutionalisation of PMCs must therefore be introduced in order to create consistency among NATO-members. This will not be easy, but unresolved differences on how to approach the institutionalisation and use of PMCs will otherwise continue to cause controversies.

Further avenues for proceeding research could be to expand the present study to include a broader sample of NATO-members. Especially East European NATO-members are

underrepresented, thus having a high potential for improving the external validity of the results.

List of Abbreviations

ACHR	American Convention on Human Rights
CRS	Congressional Research Service (US)
BWB	Bundesamt für Wehrtechnik und Beschaffung (GER)
DoD	Department of Defence (US)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ESDP	European Security and Defence Policy
EU	European Union
FMoD	Federal Ministry of Defence (GER)
GAO	Governmental Accountability Office (US)
GCs	Geneva Conventions
GEBB	Gesellschaft für Entwicklung, Beschaffung und Betrieb (GER)
GER	Germany
HRL	Human Rights Law
ICCPR	International Covenant on Civil and Political Rights
IACtHR	Inter-American Court of Human Rights
ICJ	International Court of Justice
IHL	International Humanitarian Law
ILC	International Law Commission
ISAF	International Security Assistance Force
MoD	Ministry of Defence (UK)
NAR	North-Atlantic Region
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
NMoD	Norwegian Ministry of Defence
NOR	Norway
OPP	Public Private Partnership (NOR)
OPS	Public Private Cooperation (NOR)
OSCE	Organisation for Security and Cooperation in Europe
PMC	Private Military Contractor
PMI	Private Military Industry
PPI	Private Finance Initiative
PPP	Public Private Partnerships
PRIV-WAR	EU research project on PMI and international humanitarian law
UN	United Nations
US/USA	United States/ of America
QCA	Qualitative Comparative Analysis

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