The political agency of private military and security companies:
Governors in the making

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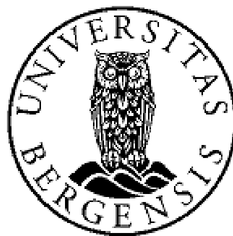

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Abstract

This thesis studies the political agency of private military and security companies (PMSCs) and, in particular, the legitimation of their authority. Four case studies provide four inroads into the manner in which these companies form part of a wider organization of risk managers, and in different ways function habitually within the established confinements of international security governance. The thesis argues that commercial security providers are increasingly becoming part of established responses to insecurity and that they are increasingly accepted as such. The dissertation, thus, essentially aims to increase understandings of how PMSCs participate in the making of security policy, how their power to do so is acquired, and how their authority is conditioned by legitimacy and legitimation processes.

The thesis attacks the research question from two angles. Firstly, it studies how the industry itself works strategically to produce perceptions of legitimacy. In order to do that, the first article analyses how PMSC legitimacy may be construed and presents a multidimensional conception of legitimacy. Second, the last three articles study how PMSCs act politically within hybrid constellations or networks of security governors, and what the implications are for governance in each particular context. They argue that not only do PMSCs have political influence within these constellations, but that their increasing establishment in the spheres of security professionalism reinforces their political authority and contributes to align them within security governance, or put differently, to legitimize their agency within the governance of transnational security. The different articles find that the agency of PMSCs has important implications in the contexts discussed. One common consequence of this type of governance is that there is poor transparency into who governs and accordingly little awareness of the role that private military and security companies actually play.

The thesis employs four cases studies to study the political agency of private military and security companies. These studies build upon theoretical achievements within the existing PMSCs literature and those within the broader governance literature to advance a theoretical understanding of the legitimation processes. The thesis uses a variety of interviews, communication and documents, along with a wide variety of secondary sources, to detail how commercial military and security companies increasingly function as legitimate governors within global security constellations. The thesis consists of an introductory chapter providing

the theoretical and methodological foundation for the study, followed by four articles. Abstracts of the four articles follow below.

In from the cold? Self-legitimating the market for private security

Private military and security companies have gained political authority within the governance of security, but their increasing authority seems unmatched by legitimacy. This article analyses self-legitimation efforts by the predominantly Western industry. It draws on two different theoretical perspectives of legitimacy, organizational and democratic, and argues that four dimensions of legitimacy are relevant to these companies. The article finds empirically that there are different degrees of deficits in each dimension and discusses the use of some corresponding legitimizing strategies used by the industry. The findings indicate that most effort currently seems concentrated on building input legitimacy, while there are also less concerted efforts to cultivate both output and moral legitimacy. The article warns that, if unchallenged, legitimation campaigns may further strengthen private authority within the governance of military and security matters.

Norway. Keeping up appearances

Norway has adopted a largely restrictive official approach towards commercialized security actors. This line of policy seems, however, most importantly upheld domestically, whereas there are indications of more lax attitudes to PMSC usage abroad and when funding peace and reconciliation works through implementing partners. This paper addresses problems related to taking part in increasingly professionalized and commercialized peace efforts, while maintaining the restrictive national lexicon for commercialization. The political and practical implications of such an approach are analysed using examples mainly from Afghanistan. It is argued that the level of integration of PMSCs into the operation and into the governance of security has made it difficult for individual countries to uphold a restrictive approach to them. In fact, the Norwegian approach is incoherent in practice and policy, which may have negative implications for conceptions of political leadership in peace and reconciliation efforts, and affect the coordination and implementation of these efforts. It also appears to have led practices to drive policymaking, fostering a process where practices already established in the field are legitimized reactively.

(Non)governing private security on the high seas. Norway's approach to the use of armed guards to counter piracy

The use of armed guards to deter pirate attacks has become a common method to secure ships and crews in piracy-prone waters. However, few states have been eager to regulate the practice actively. This article strives to unpack the process that led Norway to adopt very liberal regulations for the use of armed guards on-board ships. Analysing associations between the various governors, as well as their internal coherence, this article suggests that a network of actors were instrumental at all stages of the governing process leading to the current regime. In the process, private maritime security companies have increasingly been granted access to more established networks that have long enjoyed a privileged role in maritime security governance. Not only do these companies supply physical protection, but also by providing risk assessments, they function as important, yet often invisible, interpreters of the maritime context to which other governors react. In the process, they are increasingly naturalized into the governing of maritime security.

In the business of peace: The political influence of private military and security companies on UN peacekeeping

Private military and security companies increasingly perform services for the UN. This article describes how these companies are used by the organization and become part of its operations. Their participation influences the planning and implementation of UN peacekeeping. By performing tasks, such as protective security, security training, peacekeeper training, counselling and intelligence, private companies influence both the epistemological and operational dynamics of peacekeeping. This not only diffuses authority over peacekeeping to the commercial market, but it often happens with a very low degree of transparency.

Overall, the four articles thus look at the formation of the political agency of PMSCs in diverse contexts and through diverse processes. While the first looks at deliberate legitimacy building, the last article focuses on how *doing* security provides them with political authority, which is increasingly acknowledged within security governing constellations. The third article looks at the role of PMSCs within ta particular policymaking process, while the second one approaches the topic in an indirect manner by illustrating how the established incorporation of

PMSCs into military operations discounts the importance or relevance of national approaches to these companies.

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- Norway. Keeping up appearances
- (Non)governing private security on the high seas. Norway's approach to the use of armed guards to counter piracy
- In the business of peace: The political influence of private military and security companies on UN peacekeeping

1 Introduction

Private military and security companies (PMSCs) reached public awareness during the US-led Iraq invasion, and have since commonly been associated with the provision of armed guards in violent environments. Much needed attention has so far been directed at how these global security actors can or should be controlled by states or non-state governing bodies, in order to avoid their abuse of power or their encroachment of democratic norms and procedures. This thesis, however, takes a somewhat different direction by studying the formation of the political agency of PMSCs and, in particular, the legitimation of their authority. It studies how these companies form part of wider organizations of risk managers, how they decreasingly represent extraordinary measures, but rather function habitually within the established confinements of international security governance. In particular, the thesis examines the processes which lead them to increasingly be accepted as established responses to insecurity. Essentially, the dissertation, aims to improve understandings of how PMSCs form parts of security governing establishments, how their power to do so is acquired, and how this power is conditioned by legitimacy and legitimation processes.

Not only in war zones, but in the modern risk society in general, (in) security is managed in ways that increasingly involve a plethora of actors, arenas and governing techniques. In this muddle, and as this thesis attempts to show, the authority over security is commonly constituted in new ways, and confirmed and legitimized in new modes. Overall, this thesis argues that PMSC legitimacy and authority work together to reproduce the political agency of commercial security companies. It further argues, that the legitimation of this agency happens in mainly two ways: by a process where companies strategically endeavour to foster perceptions of PMSCs as rightful co-governors of security matters.; and secondly, by a process in which legitimacy is produced associatively in the interplay between PMSCs and other governors, i.e. by their inclusion into security governing spheres. It also insists that so far there is insufficient public understanding and awareness of these changes, which can be partly ascribed to the weak transparency under which these developments take place.

This thesis places itself within a growing body of scholarship that from a governance theoretic perspective studies commercial security and military ventures, and their role within the

governance of security in global contexts. The topic can (and should) be studied in diverse ways, but this study examines it less as a matter of direct power exertion, and instead looks at the more distributed approaches that they take in the governance of security and military matters. As this thesis seeks to demonstrate, PMSCs supply a wide range of services related to security and military activity that affects the way security and insecurity is understood. Stereotypes portraying PMSC personnel as conspicuous cowboys that should be reined in by state authorities tend to miss the less spectacular, but increasingly significant role played by these companies. In fact, they are instrumental within such diverse enterprises as the design and training of military forces, supporting peacekeepers, providing disaster relief and facilitating business activity. The North American military and security company, DynCorp International was for example reported to have played the role of agenda setter, diplomat, negotiator, policy broker and implementer within the security sector reform in Liberia in 2004 (McFate, 2008).[1] Still, the bulk of the attention paid to PMSCs concerns armed security services and, insufficient attention is paid to how PMSCs manage and develop these less spectacular activities.

Four independent yet interrelated works make up the main part of this dissertation.[2] Each contribution is designed to serve a twofold purpose: to independently address gaps in the existing PMSC literature, while at the same time confronting the superimposing research question. Concomitantly and from different angles, these works aspire to elucidate the interplay between legitimating processes and authority formation within governance scenarios, and ultimately to shed light on how power relationships are reconfigured in the field of security. All the articles draw on the theoretical underpinnings laid out in sections four and five of this introduction, and to different extents, also utilize additional and complementing theoretical tools. The first article differs from the succeeding three by exploring how PMSCs strategically pursue legitimacy, while the following articles look into how legitimacy and authority are coproduced in the interplay between PMSCs and clients, between other governors and PMSCs. The last three articles are case studies that explore how the political agency of PMSCs is being reproduced through close interrelation of their

[1] McFate was a principal architect of the program (ibid).
[2] The individual articles will be described in closer detail at the end of this section.

authority and legitimacy. These articles also address some of the implications of the increased authority of PMSCs within the contexts under study.

The thesis does not argue that it offers an exhaustive account of the methods through which PMSC political agency is re-produced, as it can only analyse a handful of empirical manifestations of such tendencies. It does, however, acknowledge some common mechanisms that lead in that direction. As governance processes are not static, but rather evolve in relation to a range of factors, techniques and logics, further research should continue to examine the agency of PMSCs and the means and processes through which it is being manifested and reproduced.

The salience of studying the PMSC legitimacy-authority complex

> "Legitimacy provides the key evidence about the important historical shifts that have actually taken place" (Clark 2007, 13).

Studying power relationships or who actually governs internationally requires analysing governor legitimacy, as well as authority. However, the concept of legitimacy is in general an elusive construct, and to define it within the international sphere is particularly complicated. The idea of political legitimacy in the global setting is not only characterized by disparate views of what legitimacy means and how it relates to authority, but more fundamentally, the notion has also been considered an oxymoron. Traditionally, legitimacy, like authority, has been coupled with state power and the accompanying view that since the international sphere is devoid of government, legitimacy becomes irrelevant at best. Within a governance framework that recognizes the political agency and authority of non-state actors, the focus on how non-state governors acquire and manage legitimacy is of paramount importance. This study argues, in line with Ian Clark, that shifts in legitimacy may serve diagnostic functions. Major shifts take place around the axis of prevailing legitimacy principles (Clark 2007, 13), making it a crucial object of study when trying to understand political agencies and the location of power. This thesis insists not only on the importance of studying both authority and legitimacy, but also on seeing the two as related, yet conceptually distinguishable ideas. As will be discussed in sections four and five, these two conceptions are most often defined dependently of each other, which complicates disentangling the mechanisms that lead to the reconstruction of non-state political agency. This thesis argues that in order to understand the political agency of PMSCs, the dynamics between the two concepts demands attention. In

order to study this relationship, they need to be understood as reciprocating and correlated concepts, rather than as fundamentally interwoven.

Within the field of security, understanding shifts in legitimacy may be particularly important, due to the perhaps not longstanding, but certainly resilient, notion of the state being the only actor to authorize the legitimate use of force and to define which use of force is essentially legitimate. As expressed by Weber, "the right to use physical force is ascribed to other institutions or individuals only to the extent that the state permits it. The state is considered the sole source of the 'right' to use force" (Weber 1946, 78). This thesis suggests that in a globalized international setting, the processes that legitimate political agency are no longer necessarily tied to state agencies or state realms.

Thesis outline

The current thesis consists of two main parts. This introductory part serves mainly four purposes: it clarifies concepts that are used in the remainder of the thesis; it seeks to situate the thesis within the broader PMSC literature; it aims to spell out how the research of the four articles was carried out; and finally it summarizes and discusses the findings of the thesis. The second and principal part of the thesis comprises four component articles.

The remainder of this introduction provides a synopsis of the four constituent articles, followed by a conceptual discussion of how PMSCs can be understood. The subsequent chapter discusses relevant evolutions within the literature, presents an overarching theoretical framework, before moving on to an outline of the research design and a discussion of methodological issues relevant to the study. Since there is often little opportunity to dwell on methodological and theoretical considerations in journal articles, both the theoretical section as well as the methodological section are devoted considerable attention in this introduction. The theoretical sections serve as an overarching framework for thinking about PMSC agency within security governance, and rather than providing theoretical *models* it provides theoretical *perspective*. The research design and methods section is designed to compensate for a general lack of attention to such issues within the published articles. It aims to provide transparency to how the constituent studies were carried out, and to discuss some potential problems and weaknesses that may emanate from their research design. The final section in

this background part concludes by summing up and asking where these findings lead us in terms of further understanding the political agency of PMSCs.

Synopsis of the articles

The four constituent articles follow in the order that they were produced. They thus reflect the evolution in the way that the author came to understand the legitimating process of PMSC agency. Initially, since the early 2000s, the industry displayed visible signs of adjusting to preponderant concerns increasingly communicated in the media, by policymakers, NGOs and in scholarly literature. This led the author to investigate more systematically what role the industry played in fostering its legitimation, which was the task undertaken in the first article. However, the status of PMSCs appeared to change at a deeper and more structural level. This led this study to become engaged with the more subtle manner through which legitimation processes took place, their mechanisms and arenas. Accordingly, the next three articles turned the attention to how the political agency of PMSCs was being formed and confirmed within networks, public-private constellations and in association with other security governors and clients in more inconspicuous ways. The first article, thus, studies the industry, while the following three study PMSCs' interaction, governance and political agency in the context of the NATO operation in Afghanistan, within maritime anti-piracy governance and within UN peace operations. The following pages provide a synopsis of the articles.

1 'In from the cold? Self-legitimating the market for private security'

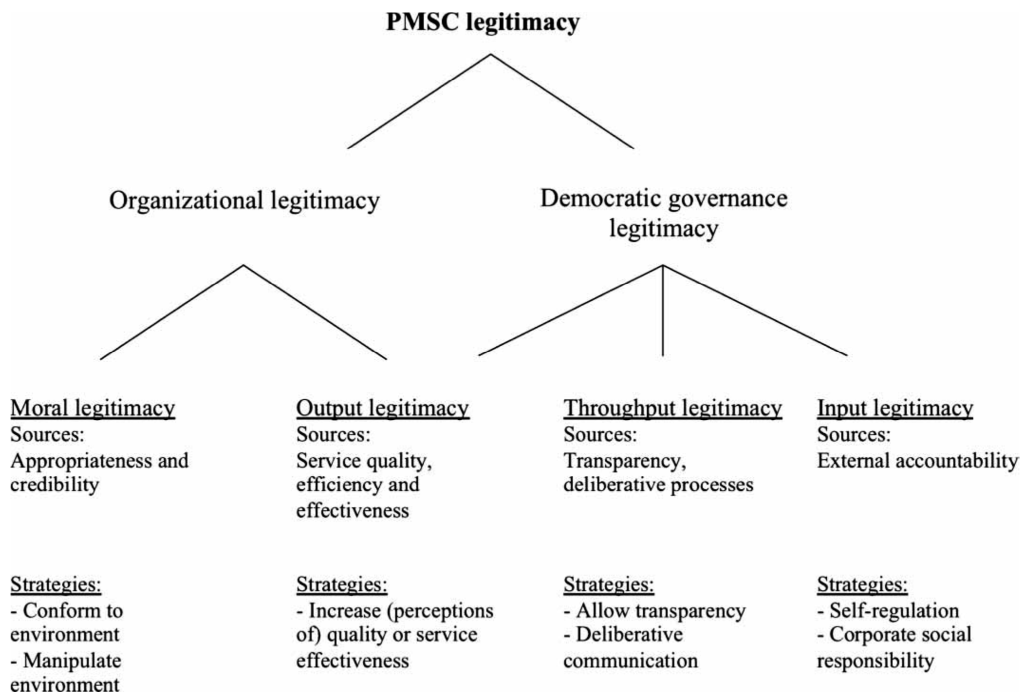
The first article of the thesis,[3] which in short will be referred to as 'the legitimacy article', engages the question of how PMSCs conscientiously construct perceptions of legitimacy. In order to do so, it first discusses why and how legitimacy is relevant to PMSCs. The article emanates from a perception that by 'doing security', by implementing security policies and by being part of security assemblages that define what security and insecurity is, PMSCs in fact

[3] Published in *Global Change, Peace & Security* 23, no. 3 (October 2011): 369-385.

have political agency. However, their authority in security expertise is not fully legitimate and in order to expand their business potential they strive to amend commonly held perceptions of their industry and its agency.

In order to conceptualize and operationalize legitimacy in relation to commercial military and security companies, the article draws on two different theoretical perspectives: organizational legitimacy and democratic legitimacy. The article finds that four dimensions of legitimacy are relevant to strategic legitimacy building, and argues that there are different degrees of deficits in each dimension. Subsequently, a range of associated strategies are derived from the different dimensions before discussing if and how the industry has made use of them to deliberately garner legitimacy. By coupling legitimacy to concrete behaviour, the article seeks to unpack what legitimation means to PMSCs. Figure 1 illustrates the conceptualization of PMSC legitimacy and deliberate legitimation efforts.

Figure 1: PMSC legitimacy building



The discussion suggests that much effort currently seems concentrated on building input legitimacy, while there are also less concerted efforts to cultivate both output and moral legitimacy. At the same time, in practice output legitimacy still seems to be the more important benchmark for clients. Overall, the article finds that PMSCs are increasingly becoming legitimate actors, and that this is in no small part due to their own strategic efforts. This means that by actively constructing perceptions of legitimate agency and existence, PMSCs take part in reproducing the broader shifts in security governance discussed throughout the thesis. The article warns that while some of the measures initiated by the industry may represent real improvements, other initiatives may constitute mere window dressing.

2 'Norway. Keeping up appearances'

This article[4] takes a closer look at Norwegian policies and practices related to the use of PMSCs, and seeks to analyse the implications that these might have for Norway's NATO engagement in Afghanistan.

Initially, the article, which will be referred to as 'the appearances article', argues that fundamental national norms suggest Norway to be disinclined towards outsourcing military and security tasks in international operations. An examination of the political and legal approach to PMSCs reveals a somewhat incoherent line, which discriminates substantially between land-based versus maritime services. PMSCs selling land-based armed services are not permitted to register in Norway, while companies selling maritime armed services in certain areas of the world are allowed. Understood somewhat differently, it purports a strict legal approach regarding PMSCs in the domestic arena, while maintaining a 'hands-off' approach to PMSCs in the international arena. The article further argues that there is a discrepancy between policies and practices. A passive approach to PMSCs in international operations leads to a tendency for policies to be generated reactively, which may not sufficiently prepare Norwegian actors for the operational challenges introduced by the presence and coordination with PMSCs that form part of the coalitional response in Afghanistan. This strategy seems to 'legitimize' already established field practices *ex post*, circumventing debate of the consequences of direct or indirect reliance upon commercial companies used to foster stability in Afghanistan. Moreover, not engaging the questions and dilemmas associated with PMSCs may lead to insensitivity or negligence of how they weigh in on the formulation and implementation of the Norwegian engagement.

The second article thus illustrates how PMSCs are established within public-private constellations in international operations, and how this has consequences not only for the coalitional partners that directly rely on PMSC contractors, but also for the policies and practices of those that strive for a more restrictive approach to them. The important role played by PMSCs within such efforts, thus, leads them to be naturalized through practices. The NATO operation in Afghanistan may not only serve to further integrate PMSCs within

[4] Published in Anna Leander, ed., *Commercialising Security. Political consequences for European military operations* (London: Routledge, 2013), 18-38.

international security governance and to further their authority, but arguably also serves as legitimation grounds for their agency.

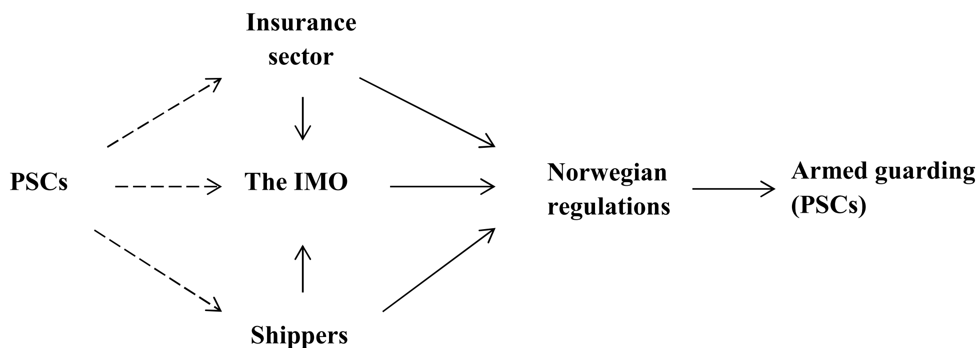
3 '(Non)governing private security on the high seas. Norway's approach to the use of armed guards to counter piracy'

The third article,[5] in short referred to as 'the maritime article', addresses how PMSCs take part in maritime security by being entangled in hybrid governance networks that formulate security policy, and by executing political decisions by providing armed protection to ships. In response to an upsurge in pirate activity in the Gulf of Aden and the Indian Ocean, a growing number of Norwegian ships have used armed guards as an integrated part of shipping strategy. This article strives to unpack the process that led Norway to adopt very liberal regulations to the use of armed guards on-board ships in 2011. Analysing associations between the various governors, as well as their internal coherence, this article suggests that a specific network of actors were instrumental at all stages of the governing process leading to the current regime.

The analysis illustrates how the private security industry has gained membership in a more established nexus of state and non-state governing actors, who participate in the formulation and execution of maritime security policies globally. The argument draws on the theoretical contributions by Avant, Finnemore and Sell (2010), and traces the decision-making through a network consisting of the shipping industry, the maritime insurance industry, the International Maritime Organization, the maritime private security industry and Norwegian authorities. The article argues that the relationships between governors involved in this policy cycle can be considered a co-operative network, wherein some exert a more visible and direct role in the process than others. The private maritime security industry operates at the extreme ends of the network. Their capacity as security experts allows them to define risks that in turn guide the perceptions, decisions and behaviour of other governors within the network. At the executive end, they act as policy implementers by carrying out the protective services. The network is illustrated in Figure 2.

[5] Under review in an international journal.

Figure 2: The hybrid network of maritime governors



In addition to crossing national and international boundaries, the network also represents a hybrid of state and non-state actors. In this context, the state appears to be one governor among several, a role and function that are at times not easily discernible from those of the other actors. The article ultimately discusses democratic challenges related to transparency and accountability produced by these governing constellations and in particular related to non-transparent commercial governors. The article advances the argument that PMSCs enjoy political authority that is facilitated by their inclusion in already established hybrid governance networks, which serve to legitimate their role by way of association and expertise. The case illustrates the inner dynamics of security assemblages, and contributes to understanding how PMSCs may be somewhat secluded, yet inherent insiders in political processes that govern armed maritime security provision.

4 'In the business of peace: The political influence of private military and security companies on UN peacekeeping'

The final article[6] looks at how the political agency of PMSCs is manifested and reproduced within the context of UN peace operations. 'The UN article' discusses how the provision of peacekeeper training, security assessments, security consulting, physical protection,

[6] Published in *International Peacekeeping* 20, no. 1 (March 2013), 1-15.

intelligence and demining in different ways allows PMSCs to orient action and to create perceptions in line with their operating rationale and social reality, which eventually may influence how UN operations are conceptualized, arranged and implemented. The article argues that in order to understand how this happens, it is important to acknowledge that PMSCs have become increasingly difficult to disentangle from the wider assemblage of state actors, UN agencies and departments, and private or hybrid organizations that govern security within UN peacekeeping operations. In the process, they have also become increasingly legitimate security governors and implementing partners within UN operations. This may in turn have implications for whose interests are channelled into UN peace operations, and ultimately for what type of security is produced within these operations. Finally, the article calls for increased awareness to the implications of these developments, in particular to the way the authority of UN peace operations has shifted from the UN into the more diffused structures of the commercial market, lacking transparency within the process.

At the off-set, the article argues that PMSCs exercise power by claiming security expertise and that they increasingly enjoy recognition as such through their broad repertoire of clients with whom they tend to work in progressively intertwined ways. PMSCs are not only hired directly by UN agencies, departments, country offices or duty stations. They also become part of UN operations as a result of the outsourcing habits of implementing partners and member states, and sometimes perform tasks within operations to little knowledge or oversight of the UN. The article illustrates how by forming part of security assemblages, they are allowed to identify risks and to facilitate countermeasures that grant PMSCs an important role in articulating or rearticulating complex problems, helping 'customers' identify their interests and priorities, best practices and mind-sets. When these companies work in concert with UN peacekeeping, their involvement may shape how things are done and which security perceptions are conveyed and materialize into action. This tendency is important as it constructs a political role and agency for PMSCs, which if unchecked, may have implications for both the ontological and epistemological developments of UN peace operations. The article thus serves to illustrate PMSC authority in a different context than those in the two foregoing articles. It analyses how their membership in security assemblages leads them into UN operations, and argues that this association and inclusion naturalizes their presence including in UN operations and thus leads to increased legitimacy by association.

Taken together, the four articles address the formation and consolidation of the political agency of PMSCs from different angles. They all speak to how PMSCs either deliberately or by way of association with public-private security constellations have become integrated parts of political responses to insecurity. However, in order to better understand the agency of PMSCs and shifts therein, the following section accordingly takes a step back to discuss how to best understand these companies. It explains why conceptualizing them has been challenging, why they tend to defy easy classification, and ultimately discusses some of the more common 'ontological' understandings of PMSCs. The section arrives at a definition of PMSCs and also provides clarification on how they are interpreted more ontologically in the succeeding analysis.

2 Who and what are PMSCs? Conceptualizing private military and security companies

In political science there is a constant need for concept formation to match new empirical realities. As private actors are currently making their way into governance domains previously dominated by state actors, new commercial actors change the premises of politics by both influencing policy formation and policy execution. In order to properly acquire and validate new knowledge about such fundamental changes, there is a need for concepts that correspond to the evolving empirical referents. The challenge in globalized social science is then to construct concepts, which while maintaining a large extensional coverage (or which can 'travel'), still limit the losses in connotative precision (Sartori 1970, 1035). Furthermore, as pointed out by Pollock, in empirical social science, concepts should ideally refer to facts, not values (2005, 7-8). Both these challenges apply to the potential for coherence in conceptualizing private military and security companies. In the case of these companies, the importance of definitional clarification is not only an ontological matter, it is also crucial in order to determine their status under international law and conventions (Krahmann 2012b, 345). Furthermore, as discussed in the first article of this dissertation, labels are important as they skew public perceptions of PMSC legitimacy or illegitimacy.

Despite the utility of shared understandings of what these companies are, the issue of how to conceptually reign in the large variety of companies selling security and military related services has been a matter of little consensus so far, whether in scholarly circles, within political circles or within news media. As pointed out by Krahmann, even states that regularly employ these companies lack clear definitions of them (2012b, 345). The conceptual disarray in this field has in turn been the focus of many academic studies, and the lack of simple definitions has frustrated analysts, scholars, governmental agencies, law makers and the industry itself. Several authors have attempted to lessen “the definitional morass” (Isenberg 2009, 14), by constructing taxonomies and categorizing different types of companies or services.[7] None of the taxonomies have however reached consensus or been acknowledged as cutting-edge in providing explanatory and predictive implication, nor even definitional parsimony.

A range of denotations have been used to describe the companies here termed PMSCs.[8] Among the most common denotations used is private security companies (PSCs) (Kinsey 2008; Avant 2005; Holmqvist 2005; Berndtsson 2009; Petersohn 2011), private military companies/ firms (PMCs/ PMFs) (Shearer 1998; Chesterman and Lehnardt 2007; Bures 2005; Singer 2004), and the composite term private military and security companies (PMSCs) (Leander 2010b; Spearin 2011; Higate 2012), which seems to have gained ground in recent years.[9] In the US context, there is also a tendency to simply refer to the much wider category of ‘contractors’ (Baker 2011), while more critical voices have also used denotations such as ‘mercenary firms’, ‘corporate mercenaries’ or simply ‘mercenaries’ (Clapham 1999; Isenberg 1997). Several authors explicitly distinguish between PSCs and PMCs. These distinctions are often made on the basis of whether the services provided are designed to have a strategic military impact or whether they simply provide protective services to personnel or property (Shearer 1998), others distinguish between whether the services are ‘active’ (PMCs) or

[7] The perhaps most well-known taxonomy is Peter W. Singer’s ‘tip of the spear typology’, which distinguishes between Military Provider Firms, Military Consultant Firms and Military Support Firms on the basis of range of service and level of force (2003, 91). Others that have constructed similar typologies include Vines 2000, Mandel 2002, Spearin 2006 and Isenberg 2009.

[8] The delineation used in the maritime article differs, however, from the one used in the rest of the thesis, as this particular article studies a particular subset of security services. Hence, the maritime article refers to ‘maritime private security companies’, or ‘private security companies’.

[9] The term is used in the so-called ‘Montreux Document’ on Pertinent International Legal Obligations and Good Practices for States, by the UN Office of the High Commissioner for Human Rights’ Working Group on mercenaries and by the International Committee of the Red Cross and by a range of scholars.

‘passive’ (PSCs), notwithstanding whether they are all provided to military organizations (Brooks 2000). Yet, the relationship between PSCs and PMCs remains blurred, both conceptually and empirically. Berndtsson argues for instance that difficulties in delineating clear demarcations between the ‘military’ and ‘security’ spheres, and between ‘offensive’ versus ‘defensive’ actions have complicated establishing a clear delineation between PSCs and PMCs (2009, 48). In this sense, these companies form part of, or appear to be manifestations of, the reappearance of dilemmas concerning the organization of security management in modern societies. Debates on the general civil-military boundaries in conflict environments, related for instance to the ‘integrated approach’ adopted by the NATO alliance in Afghanistan is testimony to an unconsolidated dividing line between civil and military roles. Also, fears of terrorist attacks have lead fundamental issues related to division of labour and the conceptualization of civil and military categories to be renegotiated in relation to domestic risk management in many countries.

The choice of terminologies is also influenced by normative judgments. PMSC sceptics have often been reluctant towards leaving the military element out of the label, as this could represent a euphemistic account of what they in fact do, while advocates and the industry itself have recently preferred the term PSC as a way to distance the industry conceptually from controversies related to military impact and combat in particular.

Some scholars, however, prefer the term PSC as they understand it as more generic than competing terms. Some of the companies do not supply services normally understood as military in nature, while all of them provide some sort of security-related services (Berndtsson 2009, 47). In this way, PMCs are sometimes regarded a subcategory of PSCs. However, an inverse understanding of how the two concepts are related to each other also exists. David Isenberg maintains that PSCs are generally considered a subset of the PMC category (Isenberg 2009, ix). Consequently, there is considerable confusion regarding how to denote what Sartori would refer to as the “hierarchy of the categories”, ie, which of the two is the superordinate category that has greater extension and less intention than the other (Sartori 1970). Instead of grappling with the exact level of the two categories, this thesis adopts the composite term private military and security company (PMSC), which is interpreted as a ‘family resemblance term’, rather than a category with clear boundaries and defining attributes (Collier and Mahon 1993). As such, the PMSC concept is used as an analytic

construct that is not expected to be a perfect description of every company, but which nevertheless can be assessed by identifying attributes that are present to varying degrees or which have a certain underlying analytical relationship among its attributes to make it a member of the family category (ibid, 847-848).[10] In this thesis, PMSCs are broadly understood as commercial companies operating globally to supply military and security services on land or sea.[11] Commonly these services include, but are not limited to, personal security, military training, security consulting, technical support for the operation and maintenance of military equipment, brokering of military equipment, explosive ordnance disposal, logistical support for military operations and bases, and intelligence collection and analysis. Admittedly, using a collapsed term does not solve all the conceptual issues regarding understanding. PMSCs still resist clear pigeonholing, and observers and analysts tend to use the term PMSCs in rather dissimilar ways. PMSCs are hard to pin down analytically for several reasons. First, they have evolved greatly since the advent of companies like Executive Outcomes (EO) and Sandline International. However, this particular evolution is not always sufficiently reflected in the literature, creating unclear understandings of what exactly PMSCs do and what type of organizations they are. While EO and Sandline in many ways can be considered the origins of modern day PMSCs, there are considerable differences between these companies and contemporary PMSCs.

One such qualitative change has been pointed out by Spearin (2011). Executive Outcomes, Sandline International and some of their spin-off companies originated from the Apartheid-era Special Forces of the South African Defence Force (SADF), and, thus, recruited personnel from formed entities that capitalized on their training and cohesion as military units. These companies, thus, had features that resembled armies. Other companies, and especially companies that emerged in the West, mainly hired retired military personnel or post-Cold War excess military personnel on a more individual basis (Spearin 2011, 199). This often meant that while some military backgrounds may dominate, companies generally tend not to capitalize on already established and coherent units. In later years, this development was taken further as most companies recruit from international rosters, and seek to employ a large

[10] Family resemblance concepts can be interpreted as *not* being defined by a necessary and sufficient conditions' logic. Family resemblance concepts have no necessary conditions, rather they are characterized by (sufficient) resemblance on secondary level dimensions (Goertz 2006, 7).
[11] Note that this thesis has not been preoccupied with local security companies operating domestically in specific countries, but has focused on those with a (professed) global reach.

amount of their personnel from the local operating environment or to rely on low-cost third-country nationals. PMSC operators are also most often hired to perform individual contracts, as opposed to being hired on a permanent basis or on longer terms, meaning that the companies as such rarely possess the military unity that was demonstrated when EO and Sandline supplied regular combat services in countries like Sierra Leone, Angola and Mozambique (Spearin 2011, 197; Pech 1999, 85-88). Despite EO and Sandline disbanding and the focus gradually shifting towards the corporate ventures emerging at a high pace in Europe and the US, the conceptions often did not keep up with empirical developments and the industries in the developed world were often conflated by those in the developing world (Krahmann 2005c, 247-248). This in turn contributed to generalizations based on heterogeneous phenomena, such as the outsourcing practices of, for example, the US and the UK, with the involvement of EO and Sandline in internal or regional conflicts in Africa (ibid). This muddle has also contributed to delay the conceptual work within the field.

A related obstacle to classification is the empirical heterogeneity of the contemporary PMSC industry. The PMSC label is, as mentioned above, used to denote a variety of commercial entities that cater to a wide variety of demands, both in developing states and in developed nations, within the military segment and the civilian one. The companies work within heterogeneous niches, such as military training, maritime security, business facilitation, risk assessments, and offer services such as humanitarian support, kidnap and ransom assistance, logistics, intelligence, demining and ordnance disposal, medical training, close protection, driver skills training, weapons systems, etc. According to PMSC industry representatives, “we are dealing with an extremely broad range of activities and contracts” (Bearpark and Schultz 2007, 244). While some companies specialize in some or a few of these services, others will be able to provide a wide selection. PMSCs may also at times be hard to distinguish from other types of companies that partially overlap in service offers. Logistics firms, weapons manufacturers, companies specializing in information technology, demining, surveillance, etc., may all provide similar services commonly provided by PMSCs. An additionally baffling factor is the widespread mergers and acquisitions in the PMSC industry of recent years. This tendency has resulted in PMSCs often forming service wings of other larger conglomerates, which make them sometimes hard to single out, and to frequent name changes and

amendments to identities and services offers.[12] Similarly, as many companies emerged to cater to the protective demands created by the US-led Iraq invasion, they have later had to diversify in order to survive, meaning many have become co-opted into related but perhaps more recognized industries. The adaptive nature of the industry and its flexibility to meet new demands is illustrated by the very rapid growth in companies specializing in maritime services, especially related to recent surges in pirate activity (which is a topic in the third article of this dissertation).

PMSCs also tend to vary in character and appearance according to their country of origin (not to be confused with the country where the company is registered legally). Consistent with a constructivist approach, Flohr et al. argue that companies are 'socialized' by their home environment and that the company's identity will be greatly influenced by such factors as the national institutional environment, even when acting on the international level (2010, 241).[13] Industry representatives, for example, claim that there is a substantial difference between British PMSCs and US PMSCs and that the former category will most often refrain from supplying services at the frontline of hostilities, while US companies may be more inclined to do so (Bearpark and Schultz 2007, 240). Companies of other nationalities may have other idiosyncrasies. For example, the Israeli company Beni Tal has in the past advertised services like 'demolition of illegal constructions', 'removal of resisting populations'[14] and 'special mission services' carried out by 'professionals and expert soldiers' in teams that can 'cope with all possible scenarios'.[15] These are services that stand out as more offensive and more controversial compared to the services normally marketed by European companies.

In sum, PMSCs tend to defy easy classification, which has led to a range of labels and delineations used to denote them. However, these denotations arguably do not simply reflect empirical variety, but also speak of a deeper dissonance regarding how to ontologically interpret them. These different 'frames' in turn have implications for the wider debate, which will be discussed in further detail in the following section.

[12] One example is AmorGroup, which until 1997 was Defence Systems Limited when it was acquired by Armor Holdings. The company was morphed into G4S in 2008.
[13] Krahmann (2010) has argued the importance of ideological factors in shaping the inclination of states towards security or military outsourcing; such permissiveness (or lack thereof) is likely to shape what type of companies will prosper in different national contexts.
[14] Beni Tal's former home page, which is no longer accessible, accessed September 2009, http://www.beni-tal.co.il.
[15] Beni Tal home page, 'Special Missions', accessed December 18, 2012, http://www.bts-security.com/?p=402.

Competing frames

Several simplified constructions of PMSCs have been preponderant in academic literature, media analysis and public discussions, either explicitly or implicitly. Some of the more dominant terms for understanding these companies include: mercenaries, government proxies, (potential) peacekeepers, commercial corporations and more recently, political actors. The wide variety of companies that are encompassed under the PMSC label suggests that few of these ideas will in a satisfactory way cover the heterogeneity that these companies represent. Each of the constructions is imbued with its own limitations, affecting the way we understand PMSCs within security governance.

These different 'perspectives' can be perceived as results of different 'frames' being used to analyse or interpret PMSCs.[16] Robert M. Entman defines framing as "to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendation" (1993, 52). While this definition stresses the selectivity of frames, or perhaps strategic intent in the framing process, this need not always be the case. Rein and Schön have used several constructs to describe what they mean by frames in the field of policy analysis. One of these relates to frames as boundaries, in the way a picture frame fixes our attention and tells us what to disregard. This boundary helps us freeze the continuous stream of events and demarcate what is inside, and deserving our attention, from what is outside (1996, 89). While there is an element of selectivity to framing, frames need not be entirely intentional and may conceal as much as they reveal (Hajer and Laws 2006, 257). Frames can also be understood and described in complementary ways as 'narratives' that guide analysis and actions. Such narratives are 'diagnostic stories' that imply what needs fixing and how it may be done (Rein and Schön 1996, 89). Sniderman and Theriault argue that on many political issues, there is not only one dominant frame of an issue, rather people are often exposed to competing frames that have different sponsors (2004, 140-141). In line with this then, it is argued that PMSCs are framed in a variety of ways that are sometimes

[16] The concept of framing and framing theory exists within a variety of scholarly disciplines, such as media research, public opinion research, psychology and security studies, with somewhat overlapping but not identical meanings.

complementary, at other times conflicting. Importantly, there are no Chinese walls between the different frames. Rather than being 'categories', frames represent methods of weighing understandings or emphasizing traits of an issue or actor. Frames in turn lead to different conceptualizations of the issue at hand (Chong and Druckman 2007, 104). They are also important as they have consequences for problem definition, causal interpretation, moral evaluation and potential political responses. In the following, five common approaches to PMSC framing will be described and problematized.

Mercenaries

For much of the 20th century, PMSCs tended to be equated with mercenaries. Although EO and Sandline carried out activities more akin to those of conventional 'soldiers of fortune' or 'armies for hire', contemporary PMSCs continue to be associated with this largely pejorative term.[17] While general understandings of what constitutes a mercenary is not static, the concept itself may have undergone some sort of semantic evolution, framing PMSCs as mercenaries nevertheless presents several limitations to cognizing what these companies represent and what the implications are of their increasing prevalence within security governance. First of all, the mercenary term suffers from considerable conceptual imprecision and historical connotations that may obscure more than they clarify.[18] The mere exercise of defining mercenaries even loosely is problematic. Pinning down what separates soldiers or other fighters from mercenaries is challenging in many instances (Percy 2007, 51). Instead of providing conceptual clarity then, the insistence on labelling PMSCs mercenaries seems often rooted in normative stances of PMSCs. According to Percy, the word has now evolved into a term used to denote any disliked soldier and often functions as a political tool to delegitimize another group's soldiers (2007, 50-51). The poor conceptual precision inherent in the term, thus, allows for easy denunciation, but provides little clarification in terms of improving understandings of what PMSCs are.

The mercenary term also tends to confine the discussion about the role of PMCs as security actors to relative few cases located in weak states. As argued by Leander, it reduces the

[17] The term has not always had negative connotations. See Percy (2007) for an analysis of the emergence and origins of the norm against the use of mercenaries.

[18] For instance, the internationally accepted legal definition of a mercenary of the Additional Protocol I to the Geneva Convention is generally considered flawed as it is fraught with loopholes (see Percy 2007, 52-53; O'Brien 2007, 34-35).

problem of PMSCs to a question of lack of power and political control by weak states on their territory (2004, 8). When the mercenary term is explicitly used to denote PMSCs in Iraq or Afghanistan for instance, it often results in a rather narrow selection of empirical material to illustrate more general points. In this vein, focus is often placed on the more controversial companies, episodes or scandals. This 'atomism' is understandable to the extent that it draws attention to PMSCs and points to consequences of worst-case scenarios, which in themselves necessarily deserve attention, examination and debate (Leander 2010b, 60). However, they also restrict the discussion by drawing attention away from companies that act differently and the less visible day-to-day practices of commercialized security governance (ibid).

Arguably, the framing of PMSCs as mercenaries risks crippling the debate as it threatens to conceal important aspects of the companies, their operations and connections. In particular, such a framing does little to facilitate discussion of those operations that take place outside conflict zones, without the presence of weapons, and how the role of PMSCs in international security governance manifests itself in more opaque ways. Focusing on the more controversial and the most spectacular incidents may in fact give the impression that this is an anecdotal problem that can be solved by naming and shaming certain companies or by regulating specific practices or environments. It may, thus, conceal the more profound and structural aspects of security and military commercialization, which has ramifications well beyond the occasional misbehaviour of individual companies.

Government proxies

Another common way of framing PMSCs has been as vehicles for governmental policy implementation. They are understood as prolongations of states, tools to 'foreign policy by proxy', or simply agents serving the state principal. The proxy framing has been nourished by perceptions of elite circulation between PMSCs and government officials. Strong personal links between some companies and government officials are not uncommon, as many companies are run by former military officials and elites tend to use 'the revolving door' between the two spheres (eg, Scahill 2007). Companies may also be integrated into state security apparatuses such as in Hungary (Varga 2013), or they may be only partially private in terms of ownership, such as in France (Olsson 2013). This framing may suit a limited number of large American defence contractors, some of which do in fact have very close ties to their

home government and rely on the government for a large part of their revenues.[19] Nonetheless, such ties are generally not enjoyed by most PMSCs. Taking into account that between 70-90 per cent of the market is serving other private clients (Krahmann 2008, 397), it becomes clear that most PMSCs operate more independently than the proxy frame might suggest. As pointed out by Leander, even when companies like KBR or Blackwater (now Academi) portray themselves as acting as extensions of states, they necessarily have independent agency even on state contracts and develop rules and procedures for their own conduct in order to best meet contractual obligations (2010a, 483). Consequently, this framing tends to understate the independent agency of PMSCs and their interests or incentives beyond the immediate profit-generating ones. Such a perspective tends to neglect the role that markets actually play within the formulation of security concerns and the implementation of security policy (Leander 2004, 7).

Proxy framing has produced a set of conceptions quite different from the ones produced by mercenary framing. Denotations such as 'risk consultancies', 'government service providers', or the much used but very imprecise, 'contractors', are often used by the industry and industry advocates. These denotations appear vague and do not function very well as "fact-finding categories that own sufficient discriminating power" in relation to data collection (Sartori 1970, 1039). In much the same way as the mercenary framing above, these terms appear to have a normative bias, which in this case works in favour of the companies. Nevertheless, the proxy framing is useful to describe parts of PMSC activity, but falls short of being a sufficiently encompassing way of understanding the PMSC industry and its activities at large.

Corporate peacekeepers and humanitarians

Some PMSC advocates have tended to portray PMSCs principally as agents serving peaceful objectives and as tools for more efficient crisis handling, disaster response and reconstructional efforts. The peacekeeper framing projects that although PMSCs are commercial companies, they nevertheless work to foster many of the same end results as

[19] Some of these companies make it a principle not to take contracts that do not have the approval of their home state and, inversely, large scale PMSC contracts may be used as international currency in intergovernmental bargaining over reconstruction efforts. Some states may thus 'recommend' specific firms to their allies (Leander 2004, 8). In this vein, in some instances there have been speculations that the issuing of large scale PMSC contracts has been used as a way of extending favours to allies, which was allegedly the case when Aegis, which was at the time a small British PMSC, was awarded a major US contract in the Iraq reconstruction effort, much to the protest of large US companies.

many NGOs and international organizations. They work in the same environments, provide many of the same services and, according to advocates, they often can do so in a more efficient manner than other actors (Brooks 2000; Patterson 2008). While the PMSC industry does carry out tasks that can be termed humanitarian or peacekeeping, this usually represents a smaller portion of their total market.[20] Doug Brooks, a US trade organization representative, defended (re)naming the PMSC industry the 'peace and stability operations industry' on the grounds that as long as the industry did *some* peacekeeping related work, the label should be justified.[21] Consequently, by framing PMSCs narrowly as potential peacekeepers, one (sometimes deliberately) omits central parts of the industry's activities. The peacekeeper/ humanitarian framing is not only very narrow, but may also arguably be (deliberately) misleading since it effectively equates military support with peace work, which often is of a non-military nature. Furthermore, the framing appears to often be deployed in marketing for rebranding purposes, more than as a way of portraying the overall PMSC industry.

The corporation

Most Western PMSCs today operate within ordinary corporate cultures and speak the language of business (Carmola 2010, 30). They are registered businesses that strive to obtain ISO licensing,[22] form trade associations and set up corporate social responsibility (CRS) activities like most other globalized industries. Furthermore, PMSCs are not only a product of market demands, but also claim to be regulated by market mechanisms in assuring that only the most reputable companies survive in the long term.[23]

The framing of PMSCs as 'a business like any other' is also inherent in some of the discussions of privatization. In these contexts, PMSCs are sometimes merely tools to favour market liberal governance. The assumption that market actors are generally more efficient

[20] Aegis for instance, offers a range of 'humanitarian support services', and can offer experts in medical or logistical programs, explosive ordnance disposal, humanitarian support and disaster relief assistance. Aegis, 'Humanitarian Support Services', accessed December 16, 2012, http://www.aegisworld.com/index.php/humanitarian-support-services-2. Growing awareness of Corporate Social Responsibility (CSR) has also led some companies to deliberately establish associations to humanitarian activities and actors through, eg, using imagery and narrative (see Joachim and Schneiker 2012). Aegis has set up a charity named Aegis Heart & Minds, which, among other things, boasts having distributed wheelchairs to Iraqi children, accessed December 16, 2012, http://www.aegisheartsandminds.org/.

[21] Interview with Doug Brooks, Brussels, June 12, 2005.

[22] Such as the ISO 9001:2008 licence related to quality management systems.

[23] See Peter Cook, founder of Security Association of the Maritime Industry (SAMI), accessed December 16, 2012, http://www.seasecurity.org/mediacentre/shipping-security-firms-return-fire-as-un-experts-criticise-regulation-gap/.

than public actors has contributed to encourage a simplified framing of PMSCs, as eventually no more than any other commercial company used in order to outsource non-core state tasks in an effort to enhance state efficiency. A liberal economic order in combination with cultures that favour a slim state has made this framing more preponderant in the US, and to some degree in the UK than elsewhere. In this vein, PMSCs are often discussed in relation to military efficiency, cost saving, technological advances, slimming down military organizations and avoiding an overburdened state. In these contexts, the proxy framing and the corporation framing often coincide.

Discussing PMSCs simply as 'any corporation' tends to neglect other important aspects of their work, such as the role played in the implementation and formulation of security policy, as well as their capacity for the use of force. A managerial focus on economic efficiency also risks abstraction from the effects that their actions have on the operating environment. For instance, how does the close association between civil and military actors affect other civilian actors present in a conflict theatre? How does it contribute to 'the fog of war'? Moreover, it may also suppress normative issues from being properly discussed, such as who should in fact carry out which tasks in conflict environments.

Political actors

A more recent way of framing PMSCs is as political actors. This frame arguably gives emphasis to the professionalism claimed by PMSCs and their power to define security and insecurity. Arguably, the articles of this thesis lean towards this framing. As other commercial industries, the PMSCs industry is motivated to seek political influence by the fact that it is conditioned by institutional settings, and the socio-political and political context. Private commercial companies in general accordingly take an interest in the (re)structuring of this context (Fuchs 2007, 6), and in shaping policies in order to optimize their conditions for long-term profits. In addition, companies also formulate politics in subsidiary and less intentional ways, by defining risk and by offering expert advice that skews priorities (Leander 2006b; Leander 2013; Krahmann 2011; Abrahamsen and William 2011; Berndtsson and Stern 2011). The political role of PMSCs is understood both directly, by them engaging in lobbying and other political processes, and more indirectly, by them influencing perceptions and ideas that are later reproduced and manifested into action or policies. As with the other frames, this

framing may also be combined with elements of the others, and the new security expertise is often interpreted as a flexible mass that may function as proxies in some instances and as more independent security actors when hired by non-state clients. This frame may run the risk of overestimating the *deliberate* political agency of PMSCs. Stressing that they have political effects, thus, sometimes may be different from suggesting that they have clear and intentional agendas.

Each of the different methods of framing PMSCs discussed above presents different limitations to the debate. However, each also highlights a preponderant aspect of PMSC activity and identity that should go into the equation when trying to understand what private military and security companies essentially are. The line between common perceptions of mercenaries and PMSCs is often porous, and may have practical and legal implications. Most of them are corporate outfits that compete and act according to familiar commercial logics, yet, they may still form integrated parts of state responses. PMSCs may work to greater efficiency in both war and peacekeeping, depending on who employs them. Analysing the identities of PMSCs, Carmola (2010) has accordingly described PMSCs as ‘protean’, because they combine the worlds of the military, business and humanitarian NGO in unfamiliar ways. In fact, she argues that the reason why PMSCs are so hard to understand is that “they combine organizational cultures that in many cases have defined themselves in opposition to each other” (ibid, 27).

The different frames have different sponsors and critics. Frames are sometimes advocated strategically (as has been done to foster the humanitarian frame) (Østensen 2009; Joachim and Schneiker 2012), or they may originate from knowledge and values. Some of the frames have a de-legitimating effect, especially the mercenary frame, while others may have the opposite effect. Essentially, metaphors, catchphrases, visual images, moral appeals and other symbolic devises are all used strategically and unintentionally to strengthen certain frames and images. By suggesting how to think about PMSCs, sponsors or critics of particular frames also provide fundamental guidance to how the issues related to PMSCs should be dealt with politically (for instance whether they should be regulated, by whom, to what degree, etc.). Frames matter, not only because they are fundamentally tied to ontological questions and to the building blocks of analysis, but because they also greatly affect *what* we study in terms of PMSCs (epistemological questions) and how we interpret findings. The framing of PMSCs as

political actors, thus, steers this thesis towards a preoccupation with how this agency is (re)produced and accordingly with their authority and legitimacy. Before delving further into these issues, a review of what we already know about the political agency of PMSCs is due.

3 Literature review

The early literature, new mercenaries and the state monopoly on violence

Commercial companies selling military and security services became a topic in the political science literature beginning in the late 1990s. The upsurge in commercial ventures offering military and security services, and ready to deal with what has been called a post-Cold War 'security gap' in internal conflict environments, led to an increasing scholarly focus on private military and security companies.

The PMSC literature has, from its start, been concerned with the political bearings of this industry. However, the way that companies were framed, and the way they were analysed, has evolved along with the historical unfolding of the industry and its activities. During the 1990s and early 2000s, PMSCs were often analysed as intruders that interfered with the internal affairs of states, either as mercenaries or Western government proxies, or a combination of the two. Most of these studies are focused on documenting the existence and activities of PMSCs (Isenberg 1997, Shearer 1999, Adams 1999) and dedicated to explaining the rise of the private military and security industry in the first place (Spearin 2001). The bulk of them are also preoccupied with African conflicts (Reno 1998, Howe 1998, Cilliers and Mason 1999, Lock 1999, Francis 1999, Musah and Fayemi 2000, O'Brien 1998, Herbst 1999, Cleaver 2000, Dokubo 2000). Although some have attempted to assume a more global view of private military and security companies (Coker 1999, Shearer 1999, Isenberg 1997, Shearer 1998), the literature of this period is dominated by a smaller number of companies and country contexts. In particular, several studies are preoccupied with documenting the activities of Executive Outcomes and its spin-off companies' (such as Saracen, Alpha-5 or LifeGuard) and their involvement in the conflicts in Sierra Leone and Angola. Several studies also discuss

Sandline International's[24] infamous operations in Papua, New Guinea and Sierra Leone, and the involvement in Bosnia of the US company Military Professional Resources Incorporated (now only known by its acronym MPRI, or its most recent name, Engility) (see e.g. Kassebaum 2000). These early studies often produced an impressive amount of empirical information as they endeavoured to excavate the activities of these companies, as well as what these companies were, and their links to the extraction industry and to the political and business elite (Zarate 1998, Howe 1998, Musah and Fayemi 2000, O'Brien 1998, Reno 1997, Cilliers and Mason 1999).[25] Some of this rich empirical material has been referenced accordingly and cited, to a large extent, in the growing PMSC literature that followed.

In the early literature, PMSCs were often discussed in terms of the effect they had on African conflicts, and by extension, on African statehood. Several studies argue that PMSCs pose a threat to weak African states (Isenberg 1997, Lock 1999, Leander 2005a), and that PMSCs constitute threats to state sovereignty and the self-determination of peoples (Sandoz 1999). Conversely, some claim that these companies could function as a way for African states to boost their military capabilities, in the end strengthening weak states (Zarate 1998), and as such better prepare them to secure populations and territories and potentially prevent regional conflicts from spilling over (Howe 2001). This also led to discussions of a potential peacekeeping/ peacemaking role for the industry (Howe 1998, Mills and Stremlau 1999). In the end, the capacity to exert military force and prop up weak states' militaries argues the case both for and against PMSCs. Accordingly, the early debates were often normative, polemical and characterized by opposing views of what PMSCs were, and whose interests they served (see e.g. Brooks 2000 versus Musah and Fayemi 2000). The literature was also concerned with legitimacy, or lack of legitimacy, but the issue was most often framed in terms of whether the companies supplied mercenaries or not, and whether their actions and the effects thereof were acceptable or not.

[24] EO shut down business in 1998 and the affiliated Sandline International closed its doors in 2004. The business of these companies was, in part, continued through a range of subsidiary companies.
[25] While PMSCs were not a new phenomenon, in fact many large companies had been established decades earlier, e.g. Vinnell Corporation (1931), Watchguard (1967), Control Risks (1975) and Defense Systems Limited (1981), there were nonetheless characteristics of EO and Sandline that made them stand apart, such as the fact that they did indeed supply combat services.

Controlling PMSCs. Debates on legal and democratic accountability

The 9/11 terrorist attacks on the US, and the following invasions of Afghanistan (2001) and Iraq (2003) radically altered the market place for commercial military and security services and as a result repositioned the attention of much of the PMSC debate. The US-led invasion of Iraq, for example, was accompanied by massive reliance on PMSCs by US state agencies and institutions, private companies, non-governmental organizations (NGOs) and international organizations (IOs). The demand for security services fuelled by sectarian violence, roadside bombs, suicide attacks and attacks on foreign citizens effectively caused a booming market for PMSCs, fuelling the establishment of a range of new companies widely referred to as the 'Baghdad bubble', and inspired an increase in studies dedicated to documenting and explaining the basic features of the booming industry as well as how it was being employed in the Iraqi environment and in 'the war on terror' (Singer 2003, Avant 2005, Pelton 2005, Kinsey 2006, Isenberg 2009a, Berndtsson 2009, Krahmann 2010, Leander 2011).

The growth in the scope and importance of this industry led scholars to revisit the state monopoly on the legitimate use of force, this time analysing how PMSCs represented a challenge to the role of developed states as the main provider of defence and security functions (Leander 2006a). The issue of how to control PMSCs inspired a series of studies addressing legal and democratic *control* with PMSCs. The issue of legal accountability has been subject to much debate in the more recent PMSC literature. In general, it reflects that there is considerable ambiguity regarding the legal status of private security companies and their employees. While many studies contend that PMSCs have been situated in a 'legal vacuum' (Singer 2004, 524) or have been unregulated, others have sought to demonstrate the existence of international and transnational legal provisions of relevance to PMSCs. These include export licensing systems (Caparini 2007) and parts of international humanitarian law (Cameron 2009). Under what conditions the latter instrument can be applied to PMSCs is, however, subject to debate (Doswald-Beck 2007, De Nevers 2009). Authors have argued that some of the flaws regarding accountability stem not from the shortage of legal measures, but rather from the difficulties faced by regulators when trying to use or adapt these measures (Leander 2012), or from the lack of precision in these measures, meaning that they fail to encompass the whole spectrum of services that PMSCs offer (Isenberg 2004). Faced with

what most observers have regarded as unsatisfactory legal accountability, a considerable number of studies have debated innovations or changes to existing legal measures that would allow PMSCs to better be held accountable for their actions (Singer 2004, Holmqvist 2005, Kinsey 2006, Krahmann 2006, Perrin 2006, O'Brien 2007, Caparini 2007, White and MacLeod 2008, Cockayne et al. 2009, Brooks 2007, Faite 2004, Avant 2007a and b, Ronzitti and Francioni 2011).

Increased reliance upon PMSCs has also spurred debate on how these practices affect political procedures and conventions. Studies concerned with *democratic* accountability have explored how PMSCs have gained a political say by lobbying, and by shifting the debate out of the democratic fora and into contractual negotiations (Singer 2003, Avant 2005, Avant and Sigelman 2010). Avant argues that outsourcing to PMSCs implies trade-offs concerning political, functional and social control with the use of force, and that these trade-offs play themselves out differently in weak versus strong states (2005: 5-6). While commercialization has not undermined the state control of force *per se*, it has dissolved its capacity to maximize all of the dimensions of control at the same time (Avant 2007). As argued by Avant and Sigelman (2010), outsourcing may have democratic implications, suggesting that it may jeopardize democratic transparency, and negatively affect the potential for democratic control and the accountability of security actors (Deitelhof and Geis 2009), which may, in the end, benefit the executive branches of government over the legislative (Avant 2007, 427-28).

Accountability has, as indicated above, become a key word within much of the PMSC debate. Common to most of the studies concerned with accountability is that they have, in large part, been preoccupied with the US and UK and the outsourcing practices of these countries (Avant 2007, Whyte 2003, Button 2011). Some studies have also addressed the regulatory environments of South Africa (Taljaard 2006, Avant 2007), Germany (Krahmann 2005b, Krahmann 2010) and other countries (Leander 2013, Abrahamsen and Williams 2011). Nonetheless, studies that systematically address other contexts besides the US and UK are still relatively rare. Some of the reasons why these studies have been in short supply relates to the fact that many European countries have avoided establishing explicit approaches to the regulation of PMSCs, and have approached the topic in a 'silent and irresponsible manner' (Leander 2012, 2). Commercial security contracting by European states (if acknowledged at

all) is often mistakenly thought to be marginal. The commercial military and armed security market is not confined to the US, UK and South African markets, but rather is a global phenomenon and most countries host some variation of these providers.[26] Consequently, empirical studies addressing regulatory approaches, as well as how these countries themselves make use of PMSCs and the military service market, are essential in order to fully understand the evolution of PMSC's political authority and legitimacy. The 'appearances' and 'maritime' articles of this thesis both contribute to the discussions of the regulation of PMSCs in Norway, as well as to those of contingency operations and maritime security. The 'appearances' article addresses the regulatory environment in Norway which relates to land-based PMSCs, meaning those companies that supply military and security services on dry land, while the 'maritime' article specifically explains the sharp contrast between the Norwegian approaches to armed security on land versus at sea.

Widening the scope – new perspectives and emerging debates

The rapid evolution of the industry and its activities has deemed necessary a constant focus on empirical investigation. In the aftermath of the Iraqi and Afghanistani "Klondikes", the industry has increasingly diversified its range and services, a tendency which is also reflected in the literature. Companies have branched out into maritime security segments fuelled by the last wave of pirate activity in the Gulf of Aden and the Indian Ocean, into disaster response and state building, and further into the expanding market for business risk management. Therefore, there has been a tendency within the literature to 'widen the lenses' empirically to new activities and services supplied in the context of endeavours different from war. As a consequence, Berube and Cullen (2012), Spearin (2010), Liss (2006, 2009, 2012), Hansen (2008), Berube (2007) and Krahmann (2012a), among others, have studied the commercial provision of anti-piracy services to shippers and underwriters. The 'maritime' article contributes to this particular thread of the literature by discussing the use of armed security guards on board Norwegian ships transiting waters with rampant pirate activity, while the 'UN' article addresses a different evolving marketplace involving a range of post-conflict

[26] Illustrating the global nature of the industry, the International Code of Conduct (ICoC) has been signed by 554 companies from a total of 64 countries. See the International Code of Conduct for private Security Providers at http://www.icoc-psp.org/ICoCSignatoryCompanies.html (accessed 07.01.2013).

reconstruction services. Although there is a general awareness in the scholarly PMSC literature of the fact that they are used for humanitarian protection and for state building tasks within humanitarian and peace building operations, there is limited research to reflect that tendency (exceptions include Spearin 2001, Spearin 2008). The bulk of the research done in this field has been carried out by think tanks or NGOs (see e.g. Spearin 2006, Cockayne 2006, Stoddard and Harmer 2010, Stoddard, Harmer and DiDomenico 2008, Vaux, Seiple, Nakano and van Brabant 2001, Østensen 2011, Pingeot 2012). These studies are driven largely by the need to document practices and to discuss policy options. Many of these studies point to dilemmas and challenges faced by humanitarian clients when interacting with PMSCs, such as conflicting security paradigms and operating rationales, unclear civil-military divisions, etc. The 'UN' article attempts to add to the very meagre knowledge of what PMSCs do within UN operations and how they end up there. More importantly, the article attempts to spark larger debates on what the implications may be for UN operations when PMSCs carry out a range of important functions within those operations.

Despite the widening of empirical scope within the literature, many studies still appear to give the (perhaps unintended) impression that PMSCs mainly function as government contractors, and there is a need for increased acknowledgement of the fact that the larger part of the PMSC market resides with other non-state clients (Krahmann 2008, 397). Similarly, the debates within the PMSC literature have long revolved around the controversies and problems associated with military support services and armed security services. However, the literature has increasingly acknowledged that issues of political and legal character also arise when PMSCs supply other services.

Alongside a tendency for an empirical widening of the scope, there have been promising theoretical developments which have brought along an evolution in theoretical perspectives of PMSC agencies. A growing body of literature has engaged in less tangible but important topics dealing with PMSCs and ongoing transformations of the state and governance of security. In different ways, much of the literature on PMSCs has been preoccupied with the effects upon the state monopoly on the legitimate use of force. Scholars have argued the need to update the perception of a 'monopoly', in developed states in particular. Singer (2003), Avant (2005), Leander (2006a), and Berndtsson (2009) all underscore that Weber's widely

cited definition of the state as a monopolist in the legitimate production and use of violence is now inapplicable and needs to be re-thought as a result of security privatization and commercialization. To different degrees and in different ways, these authors argue that the market for force can no longer be divorced from state power and that this tendency has consequences for the control of force (see also Abrahamsen and Williams 2008 and 2011).

Several studies approach this type of question from a governance theoretical perspective and analyse PMSCs as one out of a plurality of actors that authorize and supply security at both national and international levels. Forming part of a wider amount of literature that is concerned with non-state authority in the world (Cutler, Haufler and Porter 1999, Hall and Biersteker 2002, Graz and Nölke 2008, Avant, Finnemore and Sell 2010), these studies attempt to see PMSCs within shifting networks and constellations which may interact formally or informally to govern in matters related to security (Krahmann 2005a, Caparini 2006, Avant 2005). This thesis places itself within this body of literature by analysing the formation of PMSCs political agency through interrelated processes that strengthen PMSC authority and legitimacy. Moving from perspectives that have analysed PMSCs primarily as proxies, mercenaries or commercial actors, one strand of the literature has assumed the perspective that PMSCs have a political agency. This in turn has sparked some studies that discuss the legitimacy of such agency.

Leander argued in 2006 that PMSCs have been devoted to increasing their standing through efforts to bolster their reputation and that these efforts have contributed to raising the legitimacy of PMSCs to give them a valid voice which comes at the expense of public authority (2006b,129-132). Cutler (2010) takes a closer look at this legitimate voice and argues that expert authority is its main source. She also points to democratic validation as being crucial to PMSCs and calls for studies to examine the sources of input, output and throughput legitimacy. The 'legitimacy' article answers to this call by analysing how PMSCs deliberately strategize to build perceptions of legitimacy in these dimensions and by providing an overview of the strategies, each coupled to a theoretical dimension of PMSC legitimacy.[27] The 'legitimacy' article expands the conceptions of PMSC legitimacy to include moral

[27] Elke Krahmann (2012b) has recently analysed discursive trends not spearheaded by the industry, but which nonetheless have contributed to their legitimation. She finds that the international legal discourses increasingly reflect a conceptual re(construction) of PMSCs that attribute to them legality and legitimacy.

organizational legitimacy, and as such departs somewhat from Cutler's understanding of PMSC legitimacy. Other studies have focused on particular ways that PMSCs have tried to foster legitimacy, such as through instruments of industry associations and the work they carry out in terms of self-regulatory initiatives (Ranganathan 2010). More recently, Joachim and Schneiker (2012) analysed legitimation through rebranding efforts, or what they call 'frame appropriation' efforts, by the PMSC industry to align themselves with humanitarians by naming and forging alliances with these actors.

While many studies have been preoccupied with how PMSCs and PMSC reliance may violate established norms and procedures, a recent string of studies has argued that PMSCs not only encroach upon established norms, but also *shape* norms, and the criteria by which utility is measured (Leander 2004, Abrahamsen and Williams 2011). Leander (2004) demonstrates how this may take place through the collection, selection and interpretation of the intelligence upon which decisions are based. Similarly, by providing consultancy and training, and by doing so under the clout of being security experts, PMSCs may also shape security understandings and the corresponding ways security is defined (Leander 2005b). In a similar vein, Krahmann (2008, 2011, 2012a) has argued that PMSCs and other commercial security actors contribute to the perceptions of ever increasing risk by identifying 'a range of unknown and unknown-unknown dangers which cannot be eliminated, but require permanent risk management' (see also Leander 2011).

A common feature of these studies is their attempt to move the focus on security away from a state-centric perspective and to shed light on security within the broader framework of societal change. A central claim to these perspectives is that a discourse that insists on the traditional state-private divide may in fact distract attention from critical inquiry, obscure many of the current developments within the field of security, and miss key political developments (Leander 2010c, 207). Security governors are instead perceived as part of a field of 'security professionals' (Bigo 2006), as part of global 'security assemblages' (Abrahamsen and Williams 2009, 2011) or as existing within the 'enmeshed spheres' of the private and public (Leander 2005b, 2010b, 2011).

This thesis builds upon this logic and perspective and provides new analyses of how PMSCs form part of the public-private constellations that shape security understandings within NATO

operations and maritime security governance, as well as within UN peacekeeping operations. The articles are case studies that explore how these recent theoretical contributions materialize and play themselves out in different contexts that, so far, are under-researched. Instead of looking at how they are used as tools to extend state power, they are seen as incorporated participants in hybrid transnational networks and circles of actors that govern matters related to security. While the 'legitimacy' article analyses the formation of the PMSCs as governors by looking at how the industry itself deliberately works to construct perceptions of legitimacy, the following three are concerned with the more indirect formation of PMSC political agency. They argue that the increasing embeddedness into security assemblages and security governing networks acts to authorize PMSC agency within these circles and contributes to naturalizing, or legitimizing, their agency within international security governance. The articles claim that PMSCs are no longer outsiders that are occasionally allowed to carry out state functions or to serve private interests, but rather, they argue that PMSCs are increasingly hard to single out from the wider assemblage of actors that are involved in governing security.

This thesis attempts to contribute to the more recent developments in PMSC research both empirically and theoretically. This will be done by 1) filling empirical gaps and thus contributing to existing knowledge of the practices of the PMSC industry, how it is governed and how it governs, and 2) drawing on recent theoretical innovations and perspectives within the existing PMSC literature and combining them with further theoretical constructs in order to improve the understanding of the coproduction of PMSCs' political authority and legitimacy. The following two sections present this particular theoretical backdrop and elaborate on some of the core theoretical constructs of this thesis, i.e. authority and legitimacy. They spell out how the two are understood in relation to each other, and how they interact to coproduce PMSC political agency.

4 The governance analytical backdrop

PMSCs have emerged as authoritative security actors in the context of a series of developments which are often described as 'the shift from government to governance' (Rosenau 1992, 3). The term governance features prominently in the debate concerning how traditional bases of power have been shifting over the past few decades and how new structures of authority have emerged. The term is, however, used pervasively and has multiple meanings depending on research discipline, research tradition, democracy focus and which levels of policy-making are discussed (Benz and Papadopoulos 2006, 1).[28] Most denotations convey the existence of a process of the dispersion of decision-making and political power away from the state, as the lone actor, and towards multiple actors, locally, nationally and internationally. Overall, governance refers to new theories, practices and dilemmas of governing which place less emphasis on hierarchy and the state, and more on markets and networks (Bevir 2011: 1). Whereas more traditional theories tend to be focused on the monolithic state as a political vehicle, governance theories infer that political decisions are increasingly made by complicated combinations of supranational, national and subnational levels of actors, as well as actors from the public, semi-public and private realms (Van Kersbergen and Van Waarden 2004, 155).

The conception of governance takes into account that a multitude of actors have political agency. At the same time, governance also spans processes on the local, national and global levels. Global governance occurs 'on a global scale through both the co-ordination of states and the activities of a vast array of rule systems that exercise authority in the pursuit of goals and that function outside national jurisdiction' (Rosenau 2000, 172). This is not to suggest the irrelevance of the national level or national policy processes, but rather it suggests that global and national policy processes can no longer be fully divorced from each other.

To some scholars, the move from government to governance implies a setback in state power as they envision the shift in terms of a zero-sum relationship wherein the empowerment of

[28] Van Kersbergen and Van Waarden identify nine strands of literature which all use the term governance. These are found within the disciplines of political science, law, public administration, economics, business administration, sociology, geography and history (2004, 143).

non-state actors must mean loss of power by the state. According to such views, governance implies a 'declining authority of states' (Strange 1996, 3) or a 'weakening of the state' (Schaller 2007, 7). Others have interpreted governance as implying a continued dependency on the state while involving a functional division of labour between public and private actors (Wolf 2006, 201). In the latter view, the changing role of the state is part of a modernization process where states are no longer eager to 'run things from above' but instead to function as the mediator, enabler, and monitor of regulation (Wolf 2006, 203), meaning that governance is seen simply as a testimony to the new organization of state power (Higgott, Underhill and Bieler 2000, Pierre 2000a). This thesis agrees that governance can sometimes represent new state techniques for governing, but argues that authority is increasingly disaggregated and that states are no longer the only governors, while continuing to be vital and dominant ones. In fact, complex and heterogeneous transformations in national and global governance mean that 'state power is certainly reconfigured, but not necessarily weakened' (Abrahamsen and Williams 2011, 11).

'Non-state' governors

As pointed out by Avant, Finnemore and Sell, much scholarly work on global governance refers to governance in a passive voice, treating it as a sum of many interrelated processes and players. This approach often shies away from the *agency* involved in the governance processes, with the result that states remain the only actors thought of as political agents (2010, 1). However, in order to better understand the political role of many non-state actors they must be analysed not only as component parts of diffuse processes, but as having a political agency, and thus as *governors*. They are not merely occupying global political structures, but are subjects engaged in continuous strategic processes to change existing order. For the purpose of this dissertation, the political power of non-state actors is analysed in parallel to the conventional policy cycle, although the way they participate may be different than in the case of state players. They exercise power by creating issues and setting agendas, establishing and implementing rules or regulations, and by evaluating or monitoring outcomes (Avant et al. 2010, 2, Stone 2008). The policy cycle depicts a linear and sequenced model of policymaking which represents an oversimplification of the process when referring to

practices within states, and particularly so on the international level. While using the same representation, Stone claims that 'in reality policymaking is messy' and that beyond the authority structures of the state, 'there is no consistent pattern of global policy processes' (2008, 29). The analogy is nevertheless used to highlight the different mechanisms of policymaking, rather than proposing a certain sequence of them or schematic dynamic between them.

For lack of a better term, this thesis refers to 'non-state actors' although that concept is in itself somewhat misleading. Non-state actors may not always be easily discernible from state agents; central to the reconfiguration of state power are, after all, processes which have made the distinction between public and private blurry. In fact, the public-private distinction is now increasingly regarded as dysfunctional as an organizing principle within security governance (Owens 2008, Verkuil 2007, Berndtsson and Stern 2011, 412).[29] The blurriness may be due to the particular constellations or structures that the governors form part of. Hybrid governance networks or complex dependency relationships where the state governs *through* non-state actors (e.g. Neumann and Sending 2010) are examples of such structures that would render clear divisions difficult. Cases where states provide a framework of legal rights and duties within which other actors are left to carry out political work similarly challenge traditional categories.

The blurring between private and public is manifested at the actor level, meaning that governors are themselves hard to categorize as purely private or public, but rather take on hybrid forms. Diane Stone refers, to a group of global governors that she calls 'transnational policy professionals', which includes an array of actors such as consultants, foundation officers, business leaders, scientific experts, think tank pundits and NGO executives. These actors form a diverse category of performers whose status is not always easily categorized as either public or private. Furthermore, they often work in networks that include some type of public support and/or patronage. These networks in turn are often instrumental to transnational policy processes (2008, 31). A wide variety of other policy networks also intersect and participate in global governance, some are advocacy networks, others are based

[29] The distinct meanings of both 'public' and 'private' have changed over time (see Owens 2008, 980-982). Perhaps for lack of better terms, the distinction between public and private is often maintained as separate analytical (or ideological) categories in the study of security, violence and war.

on knowledge and expertise, and many are of a hybrid character and contain a mix of actors operating on different governing levels.

The combination of traditional and established administrative arrangements with features of the market is also a factor that may blur dividing lines between public and private governors. In this sense, governance arrangements are hybrid practices involving public-private partnerships, privatization, outsourcing or arrangements where market logic and market actors form part of what was formerly regarded as public sector tasks.[30] Arguably, this transition may imply that the very boundaries between not only the public and the private, but also the political and the economic are becoming unclear.

Commercial companies as governors

Since the 1990s, scholarly debate on the role of transnational actors in world politics seems to have dealt most often with transnational civil society. However, transnational corporations have a much longer history of academic interest, and even appeared in the role of political actors in the colonial world. As such, the governance framework can be said to represent a 'rediscovery' of the political agency of corporations (Wolf 2008, 233).[31]

Companies are often instrumental in standard setting and self-regulatory mechanisms and are in charge of public-private partnerships, some of which carry out governing functions. While many other civil society actors also engage in these issues, corporations usually have far better access to resources than other interest groups which makes them privileged actors when competing to establish or influence norms and set political agendas (Sell 1999, 173). The lobbying and networking capacities of these companies are often considerable. In addition, the investments and actions of major corporations may also play a direct political role. Due to their sometimes formidable economic power, the choices made by transnational corporations in foreign direct investment (FDI) processes may have very explicit political consequences

[30] The connections between market liberalism and New Public Management and governance are a matter of discussion. Governance could be seen by some as an *ex-post* legitimization of a number of bottom-up practices which have been called NPM. Conversely, governance might be viewed as a necessary answer to the failures of the NPM movement (Fenger and Bekkers 2007, 27).
[31] For an overview of major contributions to the international relations and international business literature that analyse business and global governance, see Ougaard (2010).

(Fuchs, Kalfagianni Sattelberger 2010, 44) and may give them considerable leverage of a variety of terms and conditions. Companies are often well placed to shape perceptions, norms and standards through commercial products, but also through more discrete communication and sponsoring. Therefore, PMSCs and commercial companies may exert political power in many ways, including very direct ways; however, this thesis focuses on the more diffuse ways that PMSCs govern inside security networks and assemblages. It turns attention to how the political agency of PMSCs is re(produced) in these settings and how, from the political inside, they may leave their mark on practices and perceptions of security.

Security governance and commercial security governors

The field of security has not escaped the turn to governance which has brought along a pluralisation of security governors and decision levels. Some of the causal factors that can contribute to explaining the shift towards security governance include a mixture of profound economic and social changes resulting in neo-liberal market reforms, cutting back the state, privatization and outsourcing of functions formerly considered governmental (Caparini 2006, 265). At the same time, perceptions have emerged of a society in increasing risk (Beck 2009, Coker 2009). These perceptions are exacerbated as the conditions for calculating and institutionally processing risk disintegrate (Beck 2009, 6). Extensive risk management and counter terrorism schemes have also resulted in 'securitization' of new parts of society, rendering surveillance and coercion functions in higher demand. These initiatives are often spearheaded by states or state agencies, but such practices quickly spread to other communities, such as business communities, which seek similar ways to secure their activity. Also, additional security practices are often administered and carried out by private actors. In terms of securing private or public property, private security actors have come to play the leading roles in both developed and developing societies.[32] According to Beck (1992, 12), the commercialization of security may be seen as both a cause and effect of the 'risk society'.[33]

[32] This is illustrated by the ratio of police versus private security guards being on average 1:3 in developed countries, and at least 1:10 in developing countries (see Abrahamsen and Williams 2006, 2).
[33] These developments have had obvious and profound implications for the principle of the Weberian monopoly of violence as well as for notions of state sovereignty. Knowing that during most parts of the short nation state history the concepts have functioned as ideals or ideal types, rather than describing realities (Thomson 1994), in

In order to properly understand *de facto* power mechanisms of security governance it is necessary to acknowledge that private actor power does not only stem from the capacity to use force, but just as often stems from private security being established in contemporary structures of governance, and its links to public forms of power and authority (Abrahamsen and Williams 2011, 3, Leander 2005b, 808-810). PMSCs exert political power by other means than the use of force, which may be equally influential as it works through and affects the knowledge of the actors by influencing their understanding of security and their own interests in relation to security (Leander 2005b, 811). In fact, changes to the state monopoly on violence have been driven just as much by the governments' own choices as by the invasion of their domain by private actors (Bailes 2007, 1).[34] There is a need to move from looking at non-state security actors exclusively as challenges to unaltered conceptions of state power to seeing them as expressions of more complex re-articulations and reconfigurations of political power. This understanding should take into account that there does not necessarily exist an antagonistic relationship between the public and the private within the field of security, and furthermore, as discussed above, that market actors may be highly flexible, acting out a variety of roles within security governance at the same time.

Rita Abrahamsen and Michal C. Williams (2011, 17) have taken such issues into account when conceptualizing security governors as 'global security assemblages'. Drawing on globalization theories and theoretical conceptions of Pierre Bourdieu, the authors describe global security assemblages as 'boundary fields that lie between the commonplace distinctions of public and private, global and local' (Abrahamsen and Williams 2011, 17). These assemblages are essentially transnational structures and networks consisting of a variety of actors that interact, cooperate and compete resulting in 'new institutions, practices and forms of deterritorialized security governance' (Abrahamsen and Williams 2011, 90). The process leading to the formation of these security assemblages is explained by drawing on Saskia Sassen (2006) who suggests a sequenced process consisting of 'disassembly',

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the context of governance, there is nonetheless a widening gap between ideals and realities. In fact, the intrinsic pillars of the nation state are challenged more in practice than what is sometimes acknowledged and reflected in theory development (Berndtsson and Stern 2011, 423). Although many studies have grappled with the extent to which private actors affect or erode these principles and the complex ways in which they take place, scholars have only recently begun to urge a rethinking of these concepts to better fit with current realities (Wulf 2007, Berndtsson and Stern 2011).

[34] Whether states have played an active of passive role in the emergence of private authority is a matter of debate.

‘capacity development’, and ‘reassembly’. Somewhat simplified, previously public functions are increasingly transferred to the private sector. This sector then develops capacities which allow them to act on a global level. The process is followed by a reassembly whereby new actors become part of global assemblages that are embedded in national settings, but are stretched across national boundaries in terms of actors, knowledge, technologies, norms and values (Abrahamsen and Williams 2011, 91-95). In a similar vein, Leander has described an ‘enmeshment’ of the public and private security spheres (2010a, 482).

Abrahamsen and Williams (2011, 102) expand their rationale on power by linking it to Bourdieu’s concept of ‘capital’. The three forms of capital (economic, cultural and symbolic) do not by themselves translate into power, but only take effect within certain spheres of activity or ‘fields’ (Abrahamsen and Williams 2011, 102). This thesis takes a somewhat different route and argues that in order to understand the development of PMSC agency within security governance, the traditional concepts of authority and legitimacy are still useful analytical tools. Nonetheless, the security assemblage formation described by Sassen and Abrahmsen and Williams is particularly useful as it captures some of the structural preconditions allowing PMSCs to become security governors, while at the same time describing how a variety of security actors govern in increasingly interrelated manners, decreasingly bound by traditional divisions of labour, geographical spheres and thus increasingly detached from somewhat dated analytical categories.

The following sections will elaborate on what authority and legitimacy mean to commercial security actors, the complex relationship between these two concepts, as well as how authority and legitimacy are (re)produced and sustained.

5 Conceptualizing authority and legitimacy within a governance framework

Non-state actor authority

Authority is a concept used pervasively in all aspects of political life. Often its precise meaning is clouded by being conflated with other opaque concepts such as power and legitimacy. Max Weber (1947) characterized authority as a subcategory of the more general concept of power, and as one of several *Sonderefälle* (Uphoff 1989, 298) he defined authority (*Herrschaft)* as 'the probability that a command with a specific content will be obeyed by a given group of persons' (Weber 1947, 152). Weber tied authority and legitimacy tightly to the state by defining it as a 'territorially defined organization that successfully upholds a claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order' (Weber 1964, 154, original italics). Within the international system, the absence of centralized power has meant that studies of authority and legitimacy in governance have been largely state centred and that states have traditionally been seen as the only legitimate authorities in international relations (Hurd 1999, 379, Lake 2010, 594-595). From a governance perspective, authority is not limited to (national) hierarchical structures, but extends also horizontally outside governmental boundaries. Governors other than states also convey authority in the international and national spheres. As discussed above, they set agendas, certify, regulate and provide order or security. These actors also author policies, practices and norms, and in short, perform the role of authorship over particular issue areas or domains (Hall and Biersteker 2002b, 4).

In order to conceptualize authority within a governance theoretical framework, Flathman's (1980) distinction between being 'an authority' from being 'in authority' provides a useful starting point. The former implies that an actor inhibits qualities or performs tasks that induce deference, while the latter holds an office or a position which commands authority. The first is based on demonstrated knowledge, skills or expertise concerning a subject or an activity. People *of* this type of authority issue statements about a subject matter or perform the activity in question in ways that would render others interested in the subject matter inclined to

accept their statements or performances. Being *in* authority, on the other hand, refers to possessing authority by virtue of holding an office which is governed by more or less formalized rules (Flathman 1980, 16-17). These two types of authority may overlap in one governor, but often do not. Flathman's distinction of two different meanings of authority resembles what Krieger argues are in fact two different ideas of authority which have coexisted and been 'immersed in a variety of historical relations with each other' (1977, 252). Reviewing the complex historical developments and fluctuations that inhibit the composite concept of authority, he shows how different epochs have emphasized a classic idea of autonomous uncoercive, moral authority derived from trust and respect, or personal prestige, and a modern understanding of authority coupled to coercive force and authoritative power. According to Krieger, the first type can be traced back to the Romans and evolved in contradistinction to power. Augustus, the Roman emperor, expressed the distinction between authority and power when he described his own position as equal in power with the other magistrates but superior in authority (ibid, 258). The second and more modern type is closely connected to the advent of sovereignty and the modern state where authority is centralized in one institution. The second idea of (the centralized state) authority came to be the dominant one, but according to Krieger, the older idea of authority keep reappearing time and again and still inherently forms part of the common notions of authority (ibid, 257). The relationship between the two ideas is a complex one, especially since the history of the modern idea has developed in a way that has made it increasingly clear, while the classic idea of authority has regressed from clear to increasingly obscure (ibid, 257).

Within global governance studies, the legacy of the classic idea of authority appears to have made a comeback. Rosenau (2000) has referred to *informal authority* as those authority structures not backed by law, legal enactments, court decisions or formal documents, but which are instead informally grounded. Lake (2010) also purports a non-formal-legal conception of authority in global governance which is essentially relational. In this sense, authority is a social construction that does not exist in a vacuum detached from the social relations that constitute it and legitimize it (Barnett and Finnemore 2004, 20). Consequently, authority need not be stable, or recognized as such, or singular, and different authorities may also compete for deference in the same space and the same issue area. In complex issue areas, authority will grant a governor's voice to be heard, recognized and believed (ibid, 20).

This type of authority is not exercised through coercive activities, but according to Barnett and Finnemore, one of the major activities of authorities in social life is transforming information into knowledge by giving it meaning, value and purpose (2004, 7).

Several PMSC analysts have in recent years agreed that PMSC authority is closely connected to increasing perceptions of expertise. By providing risk consultancy and other professionalized security services they have largely been (re)cast as security experts (Leander 2005b, Leander 2010a, Leander and van Munster 2007, Stone 2008, Abrahamsen and Williams 2008, Abrahamsen and Williams 2011, Krahmann 2012a). Several structural factors discussed above have facilitated PMSCs to take on such an image and authority, allowing PMSCs to increasingly be aligned with the images of other managers of security and to the global security assemblage (Abrahamsen and Williams 2011). Leander (2005b) has described the authority of PMSCs as 'epistemic', a meaning that is essentially derived from perceptions that PMSCs hold particular knowledge that grants them informal authority that they then use in direct, indirect and diffuse ways. Epistemic authority can be understood as being concerned with 'who should be believed, under what circumstances, and with respect to what issues' (Wheatley 2009, 216). While epistemic communities have most often been thought of as consisting of scientific actors (Haas 1992), understandings of security and insecurity and ways to deal with it have increasingly gravitated towards 'technocratic' solutions best managed by expertise, i.e. those specifically trained to manage it. Risk has become 'scientized' and often coupled to specialized planning, specialized knowledge, strategic design, and management solutions. The shift of security from a political matter to being a matter of technology and expertise has made commercial companies natural partners in risk management (Abrahamsen and Williams 2011, 110). Somewhat ironically, the notion of 'private' PMSC expertise often depends on the formation and accumulation within state security apparatuses. Particular knowledge, experience and mind sets advertised by PMSCs are more often than not a result of operators, or management, having acquired these skills within state institutions. The perception of expert authority is, nevertheless, an important trait of PMSCs as it affects the ways they actually gain access to decision making processes and venues as well as how they work to sustain their legitimacy.

These tendencies indicate that within global governance, the distinctions between being *in* authority and being *an* authority may be less distinct than in national settings. It also means that authority in the global environment is less discernible and recognizable as such. Not only is informal authority often times less visible than formalistic and legalistic types of authority, but it often escapes scrutiny due to frequently being entangled in other sources of authority. Nonetheless, informal authority, like any other type of authority, is dependent upon constant validation or legitimation in order to develop or even persist.

Non-state actor legitimacy

According to Weber (1968), legitimacy is a relational concept that exists when persons subject to authority are convinced that it is right and proper and that they have an obligation to obey, regardless of the basis on which this conviction rests (Uphoff 1989, 301). Weber continues to be a towering figure in modern theory on authority and legitimacy, but his writings and their interpretations left the relationship between the two concepts somewhat unsettled, in fact they remain tricky and somewhat disputed. According to Norman Uphoff, some of the ambiguity surrounding the relationship between the two concepts may stem from the central *interpretations* of Weber's formulations (1989, 298). In particular, Talcott Parsons interpreted and translated much of Weber's work to American audiences, and set precedence when he insisted on using the term 'authority' to denote only power relationships deemed legitimate, thus largely amalgamating authority and legitimacy. The influential writings of Harold Lasswell also equated the two concepts, notwithstanding that Weber himself declined to make legitimacy a defining characteristic of authority (Uphoff 1989, 298-300). Since then, a very common understanding of authority has been one that unites authority and legitimacy by defining authority as the legitimate use of power (see e.g. Hall and Biersteker 2002b, 4, Cutler, Haufler and Porter 1999, 5).

Often times, deference to authority depends on the degree to which it is perceived as justified or legitimate, but legitimacy is not the sole basis for compliance to an authority. It can also rest on considerations of self-interest, religion, habit or coercion (Uphoff 1989, 301). This means that authority need not always be perceived as legitimate, and it need not be

considered legitimate by everyone or at all times. While authority is a claim for compliance, legitimacy is an acceptance of such a claim (Uphoff 1989, 303). In this thesis, the relationship between authority and legitimacy will follow Norman Uphoff's interpretation of Weber's texts, and the two denotations will be understood as referring to reciprocating concepts, but it is, nevertheless, insisted they be understood as conceptually distinguishable.[35]

In fact, the reciprocating dynamic between the two concepts is an important feature when trying to understand changes to legitimacy. Authority cannot only be reinforced and sustained by legitimacy, but also, the generation of legitimacy is rarely entirely separated from the power that it legitimizes. Legitimacy works to ratify and restrain power relationships, but authority and power often produce legitimacy, or play an active part in re-negotiating the standards and practices considered to be legitimate. The two concepts are not linked by definition, but still do not appear to be isolated from each other. Rather, they appear to be correlates and to have a complementary relationship, and therefore invite their parallel investigation.

Ambiguities related to the interpretations of Weber are not the sole sources of conceptual elusiveness surrounding authority and legitimacy. Another complexity inherent in the conceptual differentiation of authority from legitimacy may be related to the historical coexistence of the two types of authority discussed above. Krieger (1977) claims that the classic idea of authority, that is the idea of the uncoercive moral and spiritual authority, in modern times 'developed ever-increasing associations with the idea of power, until it became the moral and or spiritual justification for the exercise of coercive force' (260). The classic idea of authority came to be understood less as authority *per se*, but more as a source of legitimacy to modern (formalized) authorities. In the context of international governance, where formalized authority is rare and where being *an* authority appears to be a sufficient basis for 'the ability to establish a presumptive right to speak and act' (Abrahamsen and Williams 2007, 240), legitimation may take on altered characteristics and find new sources.

[35] To link them by definition would be to make authority a hostage to subjective views (Uphoff 1989, 300).

How is PMSC legitimacy constituted?

The term legitimacy originates from the Latin *legitimus*, which simply meant 'lawful' or 'according to law'. After the Roman empire, the term has had a long and complicated history and development, which will not be discussed in detail here.[36] The focus here is on what constitutes legitimacy for a particular type of non-state actor within the context of (global) governance. However, before elaborating on what legitimacy means to private military and security companies and how it can be re(produced), some essential and more general features of legitimacy should be clarified.

First, legitimacy is not in the eyes of the beholder, but (in accordance with Weber) it is a relational concept. It follows that the test for political legitimacy is 'not the truth of the philosopher but the belief of the people' (Schabert 1986, 102, in Clark 2010, 18). Beetham emphasizes that whether an authority is legitimate or not depends on its fit with the norms and standards of the ones subject to the authority (1991, 11).[37] What it means to be legitimate fluctuates according to the evolution of preponderant norms and values. This means that a set of fixed standards is hard to pin down for non-state governors. While this does not mean that standards are unpredictable or highly unstable, it implies that legitimacy is not 'once and for all' granted, and that it may be renegotiated. It means that legitimacy should ideally be seen as a *process* rather than an abstract political resource (Clark 2007, 18). While there are certainly some authorities that have a relatively stable foundation for their legitimacy, this particular understanding of legitimacy merits that it be studied as constant *legitimation*, i.e. as a continuous process or activity, rather than as a characteristic or asset bestowed upon certain actors.

Recognizing legitimacy as a process which works to sustain or weaken political authority and organizational survival begs clearer understanding of what this procedure entails. However, understanding the process that underlies legitimacy has remained a difficult and persistent problem, not only when associated with political agency, but also as a general social process

[36] See e.g. Beetham (1991) or Clark (2007).
[37] Beetham (1991) criticizes Weber's definition of legitimacy as 'the belief in legitimacy' on the part of the relevant social agents; and power relations as legitimate where those involved in them believe them to be so (see Weber 1968, 213). Beetham holds that when assessing legitimacy we are not making a judgment as to what extent people *believe* a system is legitimate, but rather we are making a judgment of the congruence of values and norms held by people and the given political system (11).

(Johnson, Dowd and Ridgeway 2006, 53). The loosely organized transnational context also presents certain ambiguities regarding legitimacy standards. In contrast to national settings, the international political arena is characterized by fewer collective principles for transnational legitimacy (Brown 2008, 10, 20). The international space simply offers less conformity regarding values, norms or laws that establish legitimacy expectations. While legitimacy is critical for any type of governance at the global level, many rules and regulations are voluntary, and more often than not, there is no global authority to sanction non-compliance. The international context is not only shaped by a few international institutions with the capacity to define expectations and construct standards, but also the emergence of ever new transnational problems and issues combining to make many existing legitimacy standards irrelevant or inadequate (ibid, 27-28). In the case of PMSCs, structural developments related to dominant governing techniques, economic models, privatization schemes, risk perceptions or those developments synthesized above as security governance, particularly and continuously shape legitimacy standards.

While the exact meaning of what it takes to be a legitimate governor in the international arena is in many instances hard to pin down, the spread of global norms such as human rights and good governance provide solid pointers to commercial companies as well as other actors. How these ideals are translated into legitimacy standards remains challenging to commercial companies that trade in security and the use of force. In order to begin unpacking the notion of legitimacy for PMSCs, however, (perhaps unexpectedly) a useful parallel can be drawn to legitimacy as understood in relation to states within the international system.

Rightful membership and rightful conduct

Within international relations, the extent to which states are considered legitimate is usually thought of as hinging on 'rightful membership' and 'rightful conduct' (Clark 2007, 5). These two faces of legitimacy operate in tandem since 'rightful membership' is seen as instrumental in generating 'rightful conduct' (ibid, 28). While this study is not concerned with the legitimacy of states or with legitimacy within a purely state centred order, these two concepts, nevertheless, form a useful starting point for analysing PMSC legitimacy.

Membership and conduct will, however, refer to slightly different things in the context of PMSCs as opposed to states.

For states, 'rightful membership' has been envisioned as recognition in the international society of states according to a (changing) set of principles or characteristics about the desirable character of statehood (Wight 1977 in Clark 2007, 26). In terms of PMSCs the relevant collective is not an international system of states, but rather what has been referred to above as the global security assemblage. The global security assemblage is characterized by cooperative relationships (but also competitive ones), and as inherently conflictual as well as coordinated (Abrahamsen and Williams 2011, 120). In order to cooperate or compete within the field, PMSCs may seek 'rightful membership' in the security assemblage and try to convince stakeholders of their 'rightful conduct'. To states, rightful membership is often seen as a way to foster rightful conduct, but the dynamics in terms of PMSCs appear less clear. Arguably, the assemblage can be regarded as a powerful source of socialization, meaning that actors may change *ex post* accordingly to the standards conveyed by other powerful actors within the assemblage, but legitimation may also be required *ex ante* or in order to be associated with the assemblage.

A wide range of organizations seeking legitimacy in international governance strive to live up to certain standards of democratic behaviour or organization, as democratic values have highly legitimating effects. In fact, liberal political theories often conceptualize legitimacy simply as democratic legitimacy (Cutler 2010, 174). This thesis argues that democratic legitimacy is also relevant for non-state governors. In addition, two other types of legitimacy are found to be relevant to PMSCs, these are 'organizational legitimacy' and 'associational legitimacy'. These kinds of legitimacy cannot be interpreted as isolated from each other; they are largely facets or dimensions of the overall legitimacy of PMSCs. This means that legitimacy is not an all-or-nothing affair, but rather it is a matter of degree. Their meaning and application to PMSCs will be discussed in turn.

Democratic legitimacy

Non-state authority within governance is often controversial or considered illegitimate due to fears that private governors circumvent democratic procedures and have political power that goes unchecked. Some non-state actors, such as civil society organizations, may be seen as democratic assets acting as reinforcements of the deliberative qualities of democratic life, but this is less often the case with commercial actors motivated by profit. The legitimacy of private governors is also questioned due to fears that private forms of governance do not favour the public good, but instead fosters excludable services and goods.[38] Following Scharpf (1999), democratic legitimacy credentials can be conceptualized as linked to satisfactory performance (output), accountability (input) and appropriate procedural participation in processes (throughput).

Output legitimacy can be judged in terms of problem-solving capacities, effectiveness and efficiency, and depends on delivery of what the stakeholders expect (Risse 2006, 191). Output legitimacy corresponds to what Suchman (1995) has termed ‘pragmatic legitimacy’. This aspect mainly identifies service quality as a source of legitimacy. At stake are both issue-specific goals and the capability to fulfil more general functions for the common good (Wolf 2006, 208). Output legitimacy is closely related to client satisfaction, but it also depends on the overall public opinion of utility, efficiency and end results.

Input legitimacy requires mechanisms that link political decisions to the preferences of the citizens, and that those taking part in decision-making are held accountable to those affected by them. The input dimension refers to the idea that political legitimacy should be based on the free will of the people. It often hinges on accountability, an elusive concept with a variety of associated interpretations. One common way of understanding accountability is as a relationship where ‘an individual, a group, or an entity makes demands on an agent to report on his/her activities, and has the ability to impose costs on the agent’ (Keohane 2003, 193). In transnational governance, accountability cannot be judged on the exact same premises as in the case of states since there is no supranational government, however, the main motivation for wanting to hold authoritative actors accountable is the same; to avoid the abuse of power.

[38] This section will not discuss the legitimacy (or lack thereof) enjoyed by PMSCs, such a discussion can be found in the first article of this dissertation.

Input-legitimacy is often referred to as dependent on internal and external accountability, i.e. both to internal stakeholders and to external parties nonetheless affected by their decisions and actions (Risse 2006, 185). In terms of commercial companies like PMSCs, deficient accountability to shareholders or employees may perhaps blemish impressions of professionalism or overall normative impressions of the companies, but it is less likely to be decisive for input legitimacy.[39] As a means to establish a sense of external accountability in the absence of adequate legal accountability, self-regulatory measures are often put in place.

Throughput legitimacy concerns the quality of the decision-making process itself and is the third parameter commonly used when discussing democratic legitimacy. It is closely related to the legality and transparency of processes, and to its deliberative qualities. Deliberation requires the participation of (representatives of) stakeholders affected by rules or policies, and is based on arguing and persuasion and thus on horizontal processes of decision-making. According to Risse, some degree of tension may exist between deliberation and transparency, as deliberative processes sometimes work better behind closed doors (2006, 194). Deliberative processes are generally hard to initiate or even mimic for commercial agents taking part in governance structures on an *ad hoc* basis. In terms of corporations, deliberation can be understood as manageable through deliberative communication, such as reasonable argumentation designed to *convince* stakeholders as opposed to manipulate and persuade (Palazzo and Scherer 2006, 73).[40] Participation in public debates may be important to establishing a minimum level of transparency and to compensating what is generally perceived to be PMSC secrecy concerning operations and organizations.

Moral organizational legitimacy

Another relevant dimension of PMSC legitimacy is derived from a qualitative perception of the companies or the industry. Organizational sociologist Mark Suchman has defined legitimacy as 'a generalized perception or assumption that the actions of an entity are

[39] According to Risse (2006), corporations rarely face internal accountability problems since boards of directors are usually held accountable to shareholders and owners (189).

[40] Palazzo and Scherer (2006) understand deliberative communication as part of the management of moral organizational legitimacy, and while it may serve multiple legitimation purposes, it is considered here particularly useful in terms of establishing throughput legitimacy.

desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions' (1995, 574). We could add to this that beyond the actions of the entity, perception of legitimacy should also encompass the entity *per se*, its existence or 'right to be', in the sense that the organization or company is lawful and justified. Moral legitimacy is acquired according to compliance with a socially constructed system of norms, values, beliefs and definitions that generate common understandings of what an institution or organization should look like, what its normative character should be, and what the limits of its actions should be (Suchman 1995, Bernstein and Cashore 2007).[41] Moral organizational legitimacy simply refers to the degree to which the subject organization, industry, or company is morally accepted by other groups or stakeholders in society. Moral judgements are constantly made and re-created on the basis of the organization, its workings, structures, leaders and actions. If accomplished, it assures the continued existence of an organization and shields it from unwanted questioning. It is in fact a crucial attribute in order to secure 'easy access to resources, unrestricted access to markets, and long term survival' (Brown 1998, 38). Organizational legitimacy is crucial to fostering a freer scope for action without constant scrutiny, and to establishing legitimate authority.

Associative legitimacy (legitimacy by association)

Analysing civil society organizations' strategies for creating legitimacy, Brown refers to associative legitimacy as stemming from ties to other actors or institutions widely recognized as legitimate (2008, 34). In the case of security actors, seeking association with other actors within the security assemblage or distinguished clients may have the same affect. Thus, being hired by states to carry out tasks that state security apparatuses previously did, or to carry out new types of security tasks closely associated with collective security, renders non-state security actors associative legitimacy. The outsourcing of security may in many respects foster legitimating effects for the non-state actors (often using such association actively in advertising material). States that use PMSCs as proxies, or that govern through non-state

[41] Suchman (1995) discerns two other types of organizational legitimacy; pragmatic legitimacy, which roughly corresponds to what we have called output legitimacy, and cognitive legitimacy, which is rather uncommon in the world of business as it suggests perceptions of alternatives being unthinkable (579-583).

actors such as PMSCs, may also contribute to the legitimation of these actors. Being incorporated to carry out functions in the services of the state monopoly on the use of force is a legitimating factor for the commercial security sector overall. These companies gain 'political and practical purchase via their relations to the public and their relation as the sovereign state's role as guarantor of security as a public good' (Berndtsson and Stern 2011, 411). In this way, reiterating ties to the assemblage or to states may help create impressions that PMSCs are already natural parts of risk management apparatuses, and that they in fact contribute to a common good.

Other respectable clients may also provide associative legitimacy. Clients who are already perceived as morally legitimate, or who are perceived to match or exceed the company's legitimacy, may be beneficial to PMSCs as they may defer legitimacy. Such association may require adjusting practices or identities (rightful conduct) in order to align to a new client base and to be perceived as having rightful membership within those spheres of operation. Client groups that have legitimating qualities include humanitarian organizations and international organizations such as the UN (see e.g. Østensen 2011), but association with other reputable commercial sectors may provide similar affects. By establishing business relations with extractive companies, the shipping industry, or with the insurance sector, PMSCs are often granted inclusion into commercial networks and potentially governance networks. These relations may help establish perceptions of an industry no different than any other or even defer associative legitimacy upon the newcomer.

In summary, this thesis looks as the legitimation of PMSCs' authority through the lenses of a multidimensional conception of legitimacy. It uses these dimensions to analyse two types of legitimation processes, one driven strategically by the industry itself, and one in which legitimacy is produced associatively in the interplay between PMSCs and other governors, i.e. by their inclusion into security assemblages. These two parallel processes, in different ways, foster perceptions of PMSCs as increasingly rightful security governors. The following section will elaborate on how the four constituent analyses have been designed and carried out, what data has been collected and used, and some of the methodological limitations that may effect the studies.

6 Research design and method

The component articles of this thesis rely on qualitative case methods to analyse ways that PMSCs gain authority in security governance and how their authority is conditioned by legitimacy. A case can be understood as 'an instance of a class of events' (George and Bennett 2005, 17) and a case study thus subjects the case to rigorous analysis using qualitative and/or quantitative data.

There are several interrelated reasons for the choice of research design. The primary consideration is the nature of the research question. This thesis aims to contribute to a better understanding of how PMSCs are becoming legitimate security governors, how they participate in policymaking and the execution of security polices in different political circumstances and how this authority is coupled to legitimation. The articles also address the potential or manifested implications of the detected developments. This overarching task involves working with complex and abstract issues (such as authority and legitimation) that do not easily lend themselves to numerical measurement or 'thin' investigations. Instead, the way that authority is constituted in new ways and how that involves the (re)production of legitimacy represent complex social processes. Investigating these processes requires 'thick' descriptions of events which make case studies suitable (Gerring 2007, 49). More specifically, in order to detect where and how the professed changes take place, one needs to perform an in-depth investigation into the formal and informal, abstract and concrete ways PMSCs participate in security governance. Another characteristic which suggests the utility of a case study approach concerns the present-day and unfolding nature of the main research question of this thesis. Moreover, the industry itself is in continuous evolution, both in terms of characteristics and numbers. This suggests, according to Yin, that case studies should be useful (2009, 8-11). Theoretical innovations have also been limited in this particular field, which makes hypothesis testing approaches less appropriate. Adding to these constraints, the fact that acquiring systematic data is difficult is likely to have contributed to steering many studies towards a qualitative case study approach, including this one.

Application of theory and the limits to generalization

The scope for testing and improving theory by using case studies is a contested topic in political science. Geddes (1990) and King, Keohane and Verba (1994), among others, have disputed the utility of studying single cases to test or develop theory, while George and Bennett have argued that case studies have advantages that make them valuable when testing hypotheses, and especially useful for developing theory (2005, 19). These case study advantages include a potential for achieving high conceptual validity, for generating hypotheses and for close examination of causal mechanisms in the context of individual cases. In summary, case studies have the capacity to address causal complexity (ibid). On the other hand, case studies (single case studies in particular) are far less suited for robust theory testing as they are not generalizable to a wider population of cases.

The analyses in this thesis are carried out recognizing that the key strengths of case studies lie in theory development and revision rather than testing, in the context of discovery rather than justification (Gerring 2007, 39-40). This means that the articles draw on theoretical contributions to help explain the cases under scrutiny, by doing so they may connect theories to new cases, and as such demonstrate their applicability to new contexts (e.g. the 'maritime' article) or combine existing theoretical contributions to form modified frameworks to explain 'new' phenomena (e.g. the 'legitimacy' article), alternatively to use theoretical perspectives to expose governing dynamics and their implications (e.g. the 'UN' article). In short, the case studies do not *test* theories, but rather, in different ways and to different degrees, they contribute to theory development. The articles add to the literature that suggests that PMSCs represent new governors and they explore ways in which their authority is constituted, expanded and situated in relation to other governors. The 'legitimacy' article is the one that more directly aspires to develop theory by constructing a framework for understanding how PMSC legitimacy may be constituted and which processes feed the different dimensions of their legitimacy. The article draws on theories from the democratic governance literature and from the organizational literature, and combines these inductively to form a theoretical framework used to conceptualize what legitimacy means to PMSCs, how it is constituted, and how it can be (re)produced.

The 'appearances' article is the least theoretically oriented of the four contributions. It's main undertaking is to empirically explore i) the Norwegian political approach to PMSCs, and ii) the use of commercial security contracting within the Norwegian contribution to the peace and reconciliation effort in Afghanistan. The article also constructs a historically grounded backdrop that will serve to contextualize the findings regarding Norway's political and practical approach to PMSCs in general, and within ISAF more specifically. This article employs an explorative and largely descriptive methodological approach which forms the basis for an analysis of the potential implications of relying on PMSCs for Norwegian peace and reconciliation efforts.

The 'maritime' article employs a theoretical framework developed by Avant, Finnemore and Sell (2010). This framework substantiates or concretizes the more generic network governance theories by specifying what (relational) conditions matter for global governance. The different dynamics laid out by the framework foster assumptions or expectations that are applied to the case at hand. Accordingly, the theoretical framework is used as a template with which to compare the case study (Yin 2009, 38). The analysis departs from a set of new regulations that warrant armed guards on board ships and proceeds step by step to disclose and trace the role of PMSCs (and the other governors) within the decision-making/ governing process at hand. This procedure illustrates what Gerring argues is the most distinctive feature of the process tracing[42] styles of research, 'the noncomparability of the adjacent pieces of evidence'. All the pieces of evidence are relevant to the central argument, but they do not constitute observations in a large sample (2007, 178). The method is somewhat akin to detective work, legal briefs and historical accounts, as the correct sequence of events are decisive to the findings, but the analysis differs from those methods in being guided by theory. The article encompasses governors at the international level as well as at the national level, but does not intend to generalize its findings to other (national) settings. Separate case studies would have to analyse the corresponding decision making in other national contexts. Nevertheless, some inferences can be drawn from this case and applied to others. In particular, the role of the International Maritime Organization (IMO), and the actors that act

[42] Differing views on what exactly process tracing is coexist in the social science literature, and a number of vaguely synonymous terms are used to describe similar methods (Gerring 2007, 173). Gerring holds that process tracing should not be awarded the status of a 'method' *per se*, due to the lack of standardized methodological rules that apply to such approaches (ibid, 185).

through the IMO, will shape most national decision making processes related to allowing armed guards on board ships, and possibly other policy making processes. The ramifications of the findings of this article may as such be of relevance to similar cases.

The 'UN' article is informed by theoretical perspectives which see PMSCs as part of public-private constellations which form an integrated part of (often dispersed) policy making processes. Essentially, these outlooks say something about the ways in which security governance is shaped by different actors and how their 'epistemic power' shapes meanings and practices (Leander 2005b). These perspectives lead the article to look at PMSCs as 'insiders' to policy making and to look for the more diffuse ways that PMSCs help shape policymaking. In turn, these perspectives guide the empirical analysis. It does not aspire to conduct theory-testing, but rather to use theoretical perspectives to shed light on certain processes and to foster new hypotheses. In this case, there is an inherent generalizing potential. The UN is a large 'family of organizations' and the article does not imply that all parts of it use PMSCs, nor that PMSCs participate in the same ways in all UN contexts. Rather, it suggests ways in which their influence can take place within a UN peacekeeping context through the provision of some of their core services and ways in which their participation may lead to a reproduction of their political agency. In this context, what is strived for is primarily to clarify certain mechanisms and discuss their potential implications, and for any analytical generalizations that would relate to cases where the same types of conditions are present.

All four articles of the thesis draw on the theoretical underpinnings fleshed out in this introductory part. They share a certain perspective of authority and legitimacy, and how the two are to be understood in relation to each other. In addition, they reflect the view that legitimacy can be deliberately generated, but that in parallel there is a strong ongoing process which legitimizes and (re)produces their political agency through their association with wider security assemblages, which leaves the impression of PMSCs as rightful members to those constellations of security governance.

The articles in this dissertation thus prioritize internal validity over external validity, meaning that the main research objective is to shed light on and explain particular cases, not to generalize findings which are applicable beyond these cases or contexts. The 'legitimacy'

article does move somewhat beyond the ‘within case approach’ and attempts to establish an analytical framework that may be applicable to a broader sample than the one subjected to analysis.

Case selection (and selection bias)

A common critique of case studies is that they are prone to different types of ‘selection bias’. While such biases are not fully analogous to what selection bias means within statistical research (George and Bennett 2005, 22), they nevertheless deserve consideration. A couple of biases may be relevant to the articles of this dissertation and should as such be devoted some attention.

In the case of the ‘legitimacy’ article, one potentially relevant bias may be one commonly referred to as ‘selecting on the dependent variable’, which means that case selection is conducted choosing only positive instances of the dependent variable. To select on the dependent variable is an investigator induced selection bias, much criticized as a flawed strategy (see Geddes 1990, King et al. 1994), yet it is one of the most ‘durable conventions’ when selecting cases (Geddes 1990, 131). Critics typically argue that studies that are subject to this type of selection bias cannot be used to test theories, and that they may produce systematic errors and lead to biased conclusions (Geddes 1990), meaning that they teach us little about causal effects and should be outright avoided (King et al. 1994, 130). Others have argued that while selecting only cases with positive scores on the dependent variable may be a grave mistake in regression analysis, it may be less so when other research designs are employed (Collier, Brady and Seawright 2004, 210, George and Bennet 2005, 23). It has been pointed out that the remedy often suggested for such studies, i.e. increasing observable implications of a theory both within cases and across them, may risk conceptual stretching and internal validity (George and Bennett 2005, 13).

Considering that the ‘legitimacy’ article analyses only the Western branch of the industry (where US and UK companies make up the majority) it could be judged as susceptible to this particular selection bias. Companies stemming from these countries are among those most likely to engage in legitimation efforts due to what one may call a ‘socialization process’ (see

page 376-377 of the 'legitimacy' article), and may constitute a most-likely sample of the entire (unknown) population of PMSCs worldwide. The companies studied in this article are generally indistinguishable from those studied in the other articles (except in the 'maritime' article which deals with a particular subset of the larger industry). They also generally represent the ones studied by most PMSC studies that do not specifically analyse particular geographic contexts or particular niches. The industry has long been dominated by these companies, meaning that they have been synonymous with the PMSC industry unless otherwise specified. Furthermore, the cases chosen do not necessarily have extreme scores in the dependent variable. The section 'the state of the current PMSC legitimacy' (pages 373-376) provides a discussion of the uneven levels of legitimacy enjoyed by the industry on the different dimensions of legitimacy which concludes that legitimacy has been almost absent on some dimensions. More importantly, the aim of the article is not to test theory, but rather to generate a framework for thinking about PMSC legitimacy, which reduces the relevance of this potential selection bias. The goal of the article is to decipher what legitimacy means to PMSCs and how they go about constructing perceptions of it. Studying legitimating strategies is easier when studying a range of companies which are more likely to devote attention to them, than those that are more likely to disregard public perceptions of legitimacy.[43]

Another related selection bias may be at play in the legitimacy article, the bias caused by accessibility of evidence (George and Bennett 2005, 25). This bias may be related to, and or overlap with, the one derived from partly selecting on the dependent variable. The companies that are most open about their business and actions are often the ones aspiring for legitimation,[44] which tend to be Western companies. One could argue that there is likely to be a correlation between the amount of information that companies release about themselves (their 'openness'), being Western and legitimating efforts, which may inflate the analysis somewhat. However, interviews with industry representatives suggest that the picture may be more complex and that other factors such as company size, clientele, resources, legal

[43] This does not imply that studying companies from other cultural contexts would not be useful. Interesting studies could very well be designed comparing characteristics and strategies of the Western industry with branches found in continental Europe, Latin America, Afghanistan or elsewhere. Useful comparisons could also be carried out on subsets of cases, such as UK versus US companies, comparisons between individual companies or of companies catering to the maritime versus those that offer primarily land-based services.

[44] See the transparency argument on page 330 of the article.

environment etc. play a considerable role as determinants to whether individual PMSCs invest in strategic legitimation.

Data availability

While the literature on PMSCs has expanded exponentially during the past decade, there is still a considerable lack of basic data on the industry. There are several reasons for this data shortage. Secrecy and confidentiality on behalf of companies is one important reason. PMSC contracts often contain confidentiality clauses preventing disclosure of information on service provision, clients and location of work. However, secrecy is often also encountered on the part of the clients. Due to perceptions that PMSCs are controversial entities, or that the services they sell (e.g. armed security services) are contentious, many clients are reluctant to admit that they buy PMSC services. Some clients refuse to talk about their reliance upon commercial security, arguing that it may compromise their security arrangements. One will find that information on security contracts is sometimes 'disguised' in statistical reports or reports on public spending. The UN annual statistical reports will display some security contracting, but it will not supply details. For instance in the 2009 statistical report one can find that the Control Risk Group, a UK PMSC, was awarded several contracts for 'security services' and 'individual consulting services' but no further information can be retrieved regarding what, how, where and when these services were deployed (UNOPS 2010, 309).

Another reason why systematic data is in short supply relates to the polarized debate discussed in section three above. The prevalence of what Leander (2010b) has called 'atomism' (59-60), or focusing attention on anecdotal evidence which is particularly sensationalist, has done little to encourage more systematic data collection on security commercialization. Basic data collection and systematic data on PMSCs and their activities has not been demanded in order to publish in the PMSC literature.

The four articles of this thesis address four quite different contexts where PMSCs have functioned as governors in somewhat different ways and by different means. Accordingly, data had to be collected in four quite different empirical circumstances and related to different segments of the PMSC industry. The first one investigates the industry *per se*, while the

second article analyses Norwegian approaches to the land-based part of the industry. The third one addresses the role of the maritime segment of the industry (and the Norwegian approach to it), while the last one moves on to UN peacekeeping operations. The dispersion of contexts was chosen in order to illustrate different features and manifestations of PMSC authority. It was assumed that by shedding light on different contexts, different mechanisms could be revealed which would provide a broader impression of how PMSC political agency is produced, how it is utilized, and how it interacts with that of other security governors to produce legitimation processes. What this also meant however, was that data collection would be equally dispersed and that this would require extensive and continuous data collection in somewhat different arenas and concerning different actors. It also meant that data availability varied considerably in relation to the different articles. Access to data has been particularly challenging for PMSC activities studied in the UN context and as part of the Norwegian Afghanistan effort. A short description of data gathering in relation to the 'UN' article may be illustrative.

In order to compile empirical information on which parts of the UN organizational apparatus employ PMSCs, for what, where and whether it is done as part of an established practice or *ad hoc*, I drew on information that I had compiled in relation to work with other publications not included in this thesis (Østensen 2009, Østensen 2011).[45] New material was also collected in the process of writing the final article. The data that forms the basis for the argument of the 'UN' article has thus been compiled over the course of some years. This continuous and cumulative data collection was necessary as information was dispersed and hard to come by. In interview situations I sometimes found that interviewees I expected to possess information on the topic would instead inquire about the practices and patterns, turning the interview situation or the inquiry on its head.[46] One of the reasons why acquiring information on the

[45] The data compilation for the 2009 publication was carried out before the current thesis, while the 2011 publication formed a preparatory part of the 'UN' article, but was not included in this thesis, largely due to its format (a policy paper) and to its length (82 pages).

[46] Illustrating the lack of coherent knowledge of the UN's use of PMSCs, while working on the 2011 policy paper, I was approached by the UN Secretary-General's Office, who was in the process of devising a political approach to the UN's use of armed PMSC protective services, asking me to share my findings. While this may speak to the dispersed nature of the UN apparatus, it also hints to the lack of systematized information and oversight on PMSCs reliance within the UN itself, and to why explorative approaches are useful when researching PMSCs. Since then, several researchers have also approached me seeking advice on which departments of the UN organization to approach in order to gather further information, as well as to gain access to interviewees used in that study, showing that access to informants in the UN system is also limited. This point

UN's use of PMSCs is challenging relates to the UN having (so far) maintained a strategy where the topic has been avoided altogether.[47] This opacity may raise concerns regarding potential biases which inhibit the information actually made available. Such concerns are also relevant regarding the PMSC industry. Their secrecy allows them to filter out information regarding operations and contracts in ways that may skew perceptions of what services they commonly supply and to whom. Some services are regarded as more acceptable than others and information released by the industry itself should often be interpreted as a conscientiously selected part of marketing strategies. This type of information may constitute a reliability concern, especially when trying to get an overview of the services most often sold or bought. In order to avoid such pitfalls, a multitude of sources of information are used to balance the impression. The 'UN' article and the conclusions therein are based on a particularly broad range of sources that are explicitly and implicitly triangulated to safeguard against predispositions or flawed analysis caused by unreliable or poor sources of information.

Primary data sources

This thesis relies upon a variety of primary and secondary sources. The primary include interviews and personal communication as well as correspondence and inquiries carried out by phone or email, and documents and reports released by the relevant actors or agencies (including laws, policy briefs, hearing statements etc.).

Expert interviews

Due to the difficulties in gaining information about PMSC practices, contracts and how they interact with their clients, about 15 in-depth interviews were conducted,[48] some of them lasting up to two hours, others of shorter duration. Most of these interviews can be categorized as 'expert interviews'. Expert interviews are loosely structured conversations

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is particularly well illustrated by the fact that these requests have also been made by the Working Group on the use of mercenaries, which resides with the Office of the United Nations High Commissioner for Human Rights, seeking to conduct a similar study.

[47] There are some slight changes taking place these days (see the 'UN' article), but systematic data is still non-existent.

[48] See list of expert interviews, page. 84.

which allow for flexibility in the interview situation, but which are still guided by a pre-prepared interview guide, thus providing the expert with ample space to express their views (Littig 2009, 105). An expert is understood loosely as someone who has specialist knowledge of his own field of action.[49] The notion of an 'expert' could be problematized in different ways by contrasting experts and lay persons, experts and counter-experts or experts and elites.[50] Here, suffice to say, experts are included in the research based on the evaluation of whether their professional profile qualifies them as relevant. Sampling is based on selecting key individuals who hold positions or knowledge that grant them access to information otherwise not easily obtainable. In part, these interviewees were chosen to compensate for a wider circle of informants, but primarily they were chosen for their insider knowledge which would otherwise be hard to access. The interviews have *not* been used for discourse type analysis or the reconstruction of latent content of meaning. For the most part interviewees served primarily as informants, but I also utilized interview data to help understand decision making processes and underlying rationales relevant to decision-making processes, and to gain insights into why organizations would or would not use PMSCs to safeguard their operations. Several interviewees also served as sounding boards to my reasoning and to my perceptions of reality. Some informants constituted crucial sources of information that was used in the articles, but a great deal of the output from these interviews played a supportive role and is not necessarily brought to bear in any direct way in the articles. Sometimes information obtained from interviewees would (re)direct my data collection or generate additional searches for data.

At times, distinguishing interviewees' perspectives and opinions from 'factual' observations may be challenging. Experts are not regarded as neutral commentators, but rather insiders who possess unique knowledge on the subject matter, and who may also advocate somewhat biased views. Experts can be expected to hold subjective positions and may even have

[49] For a discussion of the 'expert' concept see Michael Meuser and Ulrike Nagel (2009).

[50] The distinction between elite interview and expert interview is frequently not acknowledged because the two terms seem to exist in two different linguistic traditions that often do not overlap. While 'elite interview' is a common concept within the Anglo-American methodological debates, it is rarely encountered in German speaking countries, and vice versa (Littig 2009, 98). In order to reconcile the two notions somewhat, Littig argues that interviews with the elite that are aimed at generating explicit, tacit, professional or occupational knowledge should be seen as expert interviews. Experts who are defined by their occupational or professional knowledge and their decision-making competences are potentially members of an elite, such as a functional elite, but need not be defined by a comparatively high social status or access to particular privileges (ibid, 99, 108-109). Here the expert denotation is preferred.

particular narratives that they seek to convey. Some of the biases or interests are overt and obvious (or in fact inherent in interviewees' mandates) which would be the case when interviewing representatives of trade groups or interest organizations. However, care was also taken when interviewing NGOs or public officials to try to distinguish facts from opinions. As far as possible, attempts were made to corroborate interview data using supplementary sources. Triangulation of data was strived for to help provide a safer platform for inference, but in cases where informants speak of their own personal experiences, triangulation is most often not possible.

Interviews were normally recorded and later transcribed. This allowed me to pay closer attention to the conversation and to better follow up answers than if I was busy taking notes. In some instances, however, I worried that the recorder would alienate the respondent by giving the impression that this was a formal inquiry instead of a relaxed conversation. In such cases I would sometimes resort to taking notes. All quotes were sent to the interviewees in order for them to validate their accuracy. In many instances this lead interviewees to add information, but in a few cases it also led them to request statements to be modified somewhat. Five of these interviews were carried out anonymously. All interviewees were given the choice whether to be cited using name or anonymously, some gave the interview on the condition of anonymity being guaranteed. These were PMSC company representatives, military service people, UN officials and one NGO representative.

Access to interviewees

Gaining access to elites and experts is often a time consuming and difficult task. There is a power balance favouring the expert which may be relevant not only in the actual interview situation, but more so in terms of gaining access. However, some of the people I wanted to interview were far more inaccessible than others. A study on corporate elites as informants has shown that the nature of the international firm tends to present added complexities at the access stage (Welch et al. 2002, 619). This problem was apparent in terms of approaching the Norwegian petroleum industry. Approaching NGOs has been somewhat easier. While often weary of potential sensationalist framings, they were ready to discuss the matter at some level. Somewhat surprisingly perhaps, government offices have not been very easily

accessible. Attempting to gain information on contracting in Afghanistan proved a difficult task, either because information would not be available or not released. Often times, inquiries were ignored or were responded to in a superficial manner, sometimes providing mere tautological responses or 'empty' statements.[51] The resulting lack of information is a problem when conducting research as it forces researchers to rely on collations of information and anecdotal evidence collected from heterogeneous sources. In the Norwegian context, it should also be considered a democratic problem as it hampers the potential for public debate on Norwegian reliance on commercial security companies in international operations, leaving the impression that PMSC issues are of little relevance to Norway or to Norwegian strategies for safeguarding its interests abroad.

Gaining access to PMSC representatives has been less complicated. On a couple of occasions I visited industry conventions and summits. In these circumstances most company managers were willing to talk and to give interviews. Showing up in person was clearly considered an advantage, rather than calling or emailing as managers were already in a 'public mode' and engaged in mingling and discussions. Whereas if contacting the office, one might be perceived as 'interrupting' or consuming time, and there may be far less incentive to allocate time to unfamiliar researchers. These settings also allowed for 'snowball' sampling, i.e. locating key informants by asking other interviewees to suggest other potential interviewees.

Interviewing the PMSC industry

In order to avoid general lectures that would already be known to the researcher and which would appear a futile use of time to the interviewee, an effort was made at displaying some knowledge of the subject matter when interviewing industry insiders. By providing knowledge baked into the questions or the introduction to the questions, conversations often took a better turn. 'Talking at eye level' (Pfadenhauer 2009), slipping in qualified assessments, questions, reasons or counterarguments from time to time, often appeared to increase the interviewee's patience with the situation, and increase the willingness to substantiate answers and divert from the more strategic discourse. Another factor which may have had a facilitating effect was a conscientious approach to the controversies associated

[51] It should be stated that there were notable exceptions to this tendency.

with the industry, avoiding stereotyping and normative presuppositions. Many industry representatives would voice scepticism towards journalists, who they often fear will contribute to sensationalist framings of the industry, and academics, who would sometimes be perceived as having predisposed negative attitudes to the industry or to have an overly theoretical and unrealistic sense of the issues. Sometimes, the dynamics of the interview situation would require the interviewer to have to 'defend' the project at the offset and (indirectly) assure the interviewee that one's intentions were not to blemish the industry.

Evidently, a larger number of people could have been approached to substantiate parts of the argument. However, when it comes to the PMSC industry itself, industry representatives initially provided useful insights, in particular they provided good testimonies of where the Western industry was heading, or aspired to head, and their evolving partnerships with the insurance industry, law firms and other commercial branches. These interviews and gatherings were useful to the first article, but less so to the ensuing articles. It should also be noted that the more established parts of the Western industry have become a lot more schooled in, and attentive to, public relations and have also become accustomed to critical questions from researchers and journalists, often anticipating such questions with what may sometimes appear to be rehearsed answers. In some cases one would notice that industry representatives were well informed about the academic debates and that they would anticipate questions and present their views without me having signalled an intention to bring up that particular topic. One interview carried out with a Norwegian company manager was somewhat different though. Speaking anonymously, this particular respondent provided very valuable information, some of which was used in the two articles on the Norwegian context.

Interviewing PMSC representatives meant interviewing mostly ex-military men, which might suggest the existence of a cultural gap related to a female interviewer with no military experience. For the most part, however, being a female researcher in these circumstances was not perceived as particularly problematic. Instead, the cultural gap between the 'ex-military' and the 'academic' would sometimes be more apparent for the reasons referred to above. My experiences were generally in tune with the findings of Welch et al. (2002, 622), viz. that the gender gap can be a double-edged sword, it may encourage the elite interviewees to patronize the female researcher, especially in relation to 'masculine' topics such as armed security, but

it also sometimes appeared to make them more willing to devote time to the interview and even at times offer additional advice and assistance.

Personal interviews and communication

A number of shorter interviews, inquiries and conversations have also been carried out. These have mostly been conducted by phone or email. In some cases these enquiries were merely fact finding missions, at other times I wanted to inquire about bureaucratic procedures or political views. On some occasions answers were obtained (as soon as one was able to reach the 'right' official). At other times there were considerable access obstacles similar to those described above. One illustrative example concerns inquiring about the Ministry of Foreign Affairs' use of PMSCs to protect the Norwegian embassy and its diplomats in Kabul. As expected, after several officials were consulted there were few concrete answers, until the question was posed to the security counsellor at the embassy, who immediately gave an answer to the question posed. Acquiring such pieces of the puzzle was crucial as they may serve to validate other findings. At other times such 'details' may serve as door openers when conducting further inquiries. Officials may hesitate to provide what they consider to be sensitive information, but once they know you already have it, they may be more inclined to substantiate or qualify the information.

Shorter interviews and communications were used in relation to all four articles, but they were made use to two differing extents. While the 'legitimacy' article relied on what I have called in-depth expert interviews with industry representatives, phone conversations and shorter inquiries were used to a lesser extent to substantiate the material for that article. In contrast, this type of data was essential to the 'appearances' article. In this case, information gathering was more difficult in general (also due to the shortage of secondary sources), and 'gathering bits and pieces' from (often times) government sources was important in order to validate findings. Many of these were directed at Norwegian government officials, and only a smaller proportion of them are referred to directly in the text, meaning they most often function as background material and serve fact finding, or fact checking, purposes. Similarly, preparing for the 'maritime' article and the 'UN' article, shorter interviews, phones calls and e-mail enquiries were used to supplement other data, but also to enquire about procedures.

Documents

The different research questions of the individual articles took data gathering in different directions and towards different types of sources. In the 'legitimacy' article the object of study is the industry itself and documents formed a less central part of the data material than in the other articles. In contrast, a variety of Norwegian public documents and reports form central pieces of the empirical material used in the two articles analysing the Norwegian political approaches and policymaking processes. Laws and regulations were of central importance, as were statements and documents released by the Ministry of Trade and Industry, the Ministry of Defence, the Ministry of Foreign Affairs and the Ministry of Justice and the Police. In the 'maritime' article, documentation from the hearing process in relation to the explicit endorsement of the use of armed guards on board ships constituted a crucial source of information and formed an essential part of the data material. These documents reported the political standings of a broad range of actors, and also exposed the dissonance between the different ministries and governments authorities. Documents from the other governors were also very central to that article. IMO documents and regulations were thoroughly studied as were documents released by international and national insurance actors. One document proved to be particularly central in the policy making process, and interestingly, the status of that document was somewhat unclear. As mentioned in the 'maritime' article, the preliminary guidelines issued in 2011 by DNK ('Den Norske Krigsforsikring for Skip')[52] appeared to *become* the official Norwegian regulations. It was posted on government webpages as the provisional regulation, with no mention that these were the private maritime insurance sector's guidelines and not guidelines issued by any public authority. In this case, the status of the documents became an important testimony of the location of political agency.

Documents were also important sources of information in relation to the 'UN' article. It draws upon a range of UN documents, such as those of the UN procurement agencies, the Department of Field Support, the UN Office of Internal Oversight Mechanisms etc. These documents were important supplementary sources. Statistical reports released by the UN Office for Project Services (UNOPS), however, served to confirm the UN's use of PMSCs,

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[52] DNK is a Norwegian mutual maritime insurance association whose name is usually only referred to in Norwegian.

and although they failed to give a range of important information that would be needed to get a sufficiently clear picture of the UN's use of PMSCs, they at least give an indication and a confirmation of the practice, which made them important sources of data, or data validation in relation to this article. Reports from US Government watchdog institutions such as the US Government Accountability Office (GAO) and the Congressional Research Service (CRS) were also very useful in relation to the 'UN' article. These reports shed light on practices regarding seconding PMSC contractors to UN operations and to peacekeeper training arrangements, and thus served to elucidate how PMSC personnel become part of UN operations in indirect ways.

Homepages

The homepages of private military and security companies often give ideal impressions of the companies and provide mainly content designed for marketing purposes. Many PMSC home pages also look conspicuously alike. This is the case concerning newer PMSC ventures, and is clearly evident in the maritime sector. In many cases, homepages may be poor sources of information on individual companies. However, when looking into how companies present and represent themselves (as in the 'legitimacy' article), they may be useful. The choice of words, the imagery and general presentation may often be informative in themselves. Some companies also provide examples of past work and contracts as a way of communicating their established status within the sector. In some cases, homepages can also provide interesting clues to service provision in certain scenarios or for certain clients. The larger and more established companies like DynCorp International, MPRI/ Engility or Aegis seem to be more inclined towards informative homepages than smaller ventures and those ventures that rely on a less established client base.

The home pages of other organizations and commercial actors also played a role in data gathering. This is especially true for the insurance industry and the maritime organizations of relevance to the 'maritime' article. These pages often provided supplementary information.

Secondary sources

In order to establish a sound factual basis for analysis, a range of secondary sources has been used. In addition to the empirical part of the scholarly literature on PMSCs (see section 3 of this introduction), non-academic work by journalists (e.g. Scahill 2007, Pelton 2006, Shorrock 2008, Rasor and Bauman 2007), NGOs (ICRC, the Humanitarian Policy Group, the Global policy Forum) and think tanks (e.g. the Geneva Center for Democratic Control of Armed Forces) has also contributed significantly to document the significance of Western PMSCs and their activities in international military operations. All of these sources have been used throughout the dissertation. Naturally, the PMSC literature constitutes the most important category of secondary sources, but NGO reports have also provided sources of information, mainly in relation to the 'UN' article. However, the validity and reliability of some of the key NGO reports were questioned by key UN sources, claiming that they were not accurate and should not be relied upon. These particular sources were used with great caution.

Media sources

Many of the empirical events and developments described and analysed in this thesis are of a recent character, which makes internet and news agency sources indispensable. However, such sources are treated with care as they may not always be fully accurate. At times there is a sensationalist gist to the news stories that involve PMSCs and many convey biases. In order to compensate for this, information was corroborated and compared to that released by other sources. Signing up for news rooms and mailing lists facilitated access to news and media sources, meaning that time was saved searching the internet for news coverage. While used with some caution, media reports are important in many ways. Journalists are present where individual researchers cannot always afford to go (into war zones or other places where there are military operations going on).[53] Also, as pointed out by Berndtsson, the media often has access to policy makers, state officials, military commanders etc., a privilege not enjoyed by (junior) researchers (2009: 23).

[53] Ironically, part of the reason why many journalists can critically report from these areas is their access to PMSC escort services.

Newspaper sources served to supplement the data material used in the thesis. In the case of the ‘UN’ article, it played a minor role, but when gathering material for the legitimacy article it had a somewhat more important function as media reports often serve to illustrate recent tendencies or to report relevant incidents involving PMSCs. News media is, however, selected with care and only well-known reputable newspapers and broadcasters are used as sources (including the Guardian, the New York Times, BBC etc.).

Grey literature

What is often referred to as the ‘grey literature’ is a somewhat miscellaneous grouping of sources with non-identifiable authorship, or that cannot easily be found through conventional publishers. While the line is not always clear between what constitutes documents and grey literature, I choose here to treat commercial company reports, codes of conduct, conference minutes and proceedings, online databases (such as the incomplete UNOPS procurement database), newsletters, press releases, tenders, material stemming from the US and UK trade organizations, the International Stability Operations Association and the British Association for Private Security Companies as pertaining to this category. Grey literature sources appear on the reference lists of all four articles, but do not form an essential part of the data material. The UNOPS database mentioned above represents the most important source along with conference proceedings. These sources provided supplementary data sources. In the case of the ‘legitimacy’ article and the ‘maritime’ article, these types of sources played more marginal roles. The ‘appearances’ article made little use of this type of material.

7 Concluding remarks

At its closure in 2004, Sandline International, one of the most famous and infamous private military companies, posted the following message on its homepage:

> “On 16 April 2004 Sandline International announced the closure of the company’s operations. The general lack of governmental support for Private Military Companies willing to help end armed conflicts in places like Africa, in the absence of effective

> international intervention, is the reason for this decision. Without such support the ability of Sandline to make a positive difference in countries where there is widespread brutality and genocidal behaviour is materially diminished."[54]

Sandline had not lost its capacity as a private source of force, but the company had operated in violation of a UN arms embargo and in dissonance with British foreign policies, and gave in to perceptions of lacked legitimacy. Without it, it would be too difficult to continue to develop its business activity. Many hoped that these difficult 'working conditions' would represent a general blow to companies that supplied force for profit, but the aftermath has rather showed a gradual shift towards companies operating in ways more integrated with states and other security governors.

Indeed, instead of private military and security companies going extinct, the industry has prospered significantly in recent years. As of February 1, 2013, 594 companies from 70 different countries had signed 'the international Code of Conduct (ICoC)', a Swiss initiative to (self-)regulate the industry. By signing the ICoC, these companies publically announced that they are committed to "respect the human rights of, and fulfil humanitarian responsibilities towards, all those affected by their business activities".[55] This type of devotion to 'rightful conduct' may be interpreted as a signal that companies are eager to be perceived as having 'rightful membership' in transnational assemblages that govern security.

This thesis set out to analyse the formation of the political agency of private military and security companies and in particular its legitimation. The thesis argues that PMSCs are increasingly performing roles as political governors and that their authority is gradually being legitimated in mainly two ways: by a process where companies deliberately endeavour to foster legitimacy through self-legitimation campaigns (as shown in the first paper); and secondly, through a process that this thesis has called 'associative legitimacy', wherein companies are legitimated in the process of associating with the security assemblage as security professionals (analysed in the succeeding three articles). The four articles analyse the overarching research question from different angles.

[54] Sandline International, accessed February 28, 2013, ://www.sandline.com/
[55] ICoC homepage, 'ICoC Signatory Companies', accessed February 28, 2013, http://www.icoc-psp.org/ICoCSignatoryCompanies.html.

The first article finds that the legitimacy of PMSCs is constituted as a multidimensional concept and that legitimacy building has become an important part of the strategic behaviour of PMSCs. Legitimacy is, however, not a question of *either-or*, but of *more or less*, and not all dimensions of it appear to be equally essential to further authority. In practice, as long as the outputs are acceptable, clients have apparently been willing to compromise demands for the other dimensions of legitimacy, including input legitimacy. The article argues that legitimating campaigns are testimony of how PMSCs increasingly make their way 'in from the cold', meaning they move from a position where they were generally seen as illegitimate, to those circles and constellations where security is governed. The article also finds that strategic legitimating campaigns may blur the view of what exactly PMSCs do, how they do it, how they relate to other actors within international security governance, and, more generally, how they are being reconstructed as increasingly legitimate security governors.

The second article analyse a situation where PMSCs are already encapsulated into the governing of the international NATO operation and the implications for the leeway of individual countries, such as Norway, to devise their own (restrictive) political approach regarding reliance on the companies. The article illustrates how the discrepancy between the Norwegian policies and practices in Afghanistan may have detrimental effects on political priorities and how a strategy of 'avoidance' no longer works with regards to PMSCs. Instead, the article argues that a strategy that reflects lacking acknowledgement of the role commonly played by PMSCS within these operations fosters practices that are often reactively legitimized by political change.

The third article approaches the role of PMSCs within security governance from a more direct angle. It analyses its role within the policymaking process that led to the adoption of a lax Norwegian approach to armed guards on-board commercial ships vulnerable to pirate attacks in the Indian Ocean. The article finds that maritime security companies have established themselves within the assemblages that govern maritime security and that they form an important and increasingly legitimate voice in the definition of policies, in addition to performing the guarding itself. The paper concludes that the hybrid network of public and private security governance described in the article is not necessarily testimony of restricted state authority. Rather it suggests that these networks represent new approaches to governing

that in turn provide multiple local and global sites for political engagement, which may not provide an appropriate degree of democratic transparency.

The final article moves on to analyse the governing role played by PMSCs within UN operations. It shows how their presence within these operations works to reconstruct and strengthen their political agency. This not only works to shift authority over peacekeeping from the UN to the commercial market, it also happens with a very low degree of transparency. The lack of transparency can be ascribed to the lack of openness on behalf of UN clients, but the more important reason for the opacity is arguably that PMSCs have increasingly become more difficult to disentangle from the wider assemblage of state actors, UN agencies and departments, and private or hybrid organizations that govern security within UN peacekeeping operations. The significant role played by PMSCs in turn may have implications for how peace operations are conceptualized and carried out in the future.

On a larger whole then, the thesis supports earlier claims in existing literature that have argued that PMSCs are increasingly embedded within the establishments or assemblages that govern international security. It has sought to analyse varies ways in which PMSCs weigh in on the formation and execution of polices. Above all, it has contributed to the wider knowledge by analysing *how* PMSCs govern and the processes through which they are becoming increasingly legitimate security governors. Along the way, it has sought to show that although the commercialization of armed security poses many fundamental challenges, PMSCs are much more than armed guards, and their agency should be understood in broader terms than those that frame them as mercenaries. In particular, PMSCs carry out and develop their increasingly legitimate agency through services of less astounding characters and within confinements less spectacular than those of war. Their functions as trainers and security advisors should, hence, be devoted no less attention than those more eye-catching services of military support and armed escorts, as these services allow for somewhat different although equally important manifestations of their political agency. Importantly, PMSCs work for a variety of clients performing a variety of roles, which necessitates a '3D vision' of PMSCs, when trying to understand how their agency develops. Having the attributes of mercenaries, proxies, peacekeepers and corporations should not distract us from the circumstance that they also have political agency in these capacities. Accordingly, PMSCs should be understood from the perspective of what they do, more than what they are.

This thesis has argued the importance of studying authority and legitimacy in parallel, although ensuring to conceptually distinguish the two terms. The importance of this distinction is illustrated by the quote from Sandline's homepage above. The company may not have lost its capacity or even authority, it could very well have found customers interested in its services, but it lacked vital legitimacy. In order to understand how the political agency of PMSCs is constituted and reproduced then, authority and legitimacy should be understood as interactive constructs, but it is nevertheless only by distinguishing them conceptually that we can come to understand the connection and dynamics between them. Importantly, this does not render legitimacy an add-on, a festive attribute that PMSCs can choose whether to invest in. As Beetham has reminded us:

> "Legitimacy is not the icing on the cake of power, which is applied after baking is complete, and leaves the cake itself essentially unchanged. It is more the yeast that permeates the dough, and makes the bread what it is" (Beetham 1991, 39).

The fact that the yeast is not easily discernible from the dough does not equal it to the dough. The yeast is *per se* a crucial determinant of the success of the end product, necessitating in-depth studies of the yeast's composition, fermentation processes, living conditions and the implications and effects that it produces. Accordingly, legitimacy is not only an important aspect of power, it also suggests that PMSC legitimation processes are compound and merit close attention. PMSC legitimation is after all an on-going and evolving process, and it occurs in multiple ways and in multiples arenas. This thesis has only been able to touch on a few such processes in a few such arenas. By doing so, it has, however, contributed to point to a largely silent but salient development in the way that security is managed and by whom. However, more studies are required in order to promote a profound understanding of what factors allow for, in particular, the associative legitimation processes described in this thesis, and many more studies are required to scrutinize the effects and consequences of these processes in different contexts. In turn, studies that are devoted to these processes serve as preconditions for the more normative debates concerning whether the formation of PMSCs as security governors in fact represents a desirable path for the future governance of security.

List of Expert interviews conducted

NAME (alphabetically)	ORGANIZATION	POSITION	MODE, LOCATION	DATE
Anonymous	UN Department of Safety and Security	Withheld	Email and other written communication	Various, May - June 2011
Anonymous	former PMSC employees/current Norwegian armed forces officer	PMSC operator/ NAF officer	Phone interview/ conversation Oslo	August, 2011
Anonymous	Norwegian PMSC	Company manager and owner	Bergen	August 2011
Anonymous	Norwegian NGO	Official	Oslo	July, 2011
Anonymous	NAF	Norwegian Armed forces officer	Oslo	July 2011
Brooks, Doug	International Peace Operations Organinzation (IPOA)	President	Brussels	June 12, 2005
Brooks, Doug	International Stability Industry Organization (ISOA)	President	London	April 8, 2010
Dordal, Pete	GardaWorld	Managing Director International	London	April 8, 2010
Lossius, Morten Alsaker	Norwegian Maritime Authority	Senior advisor	Haugesund	November 25, 2011

Mide, Bjørg	Norwegian Church Aid	Senior advisor security	Oslo	June 15, 2011, Oslo
Nodland, Arild	Bergen Risk Solutions	CEO	Bergen	19 January, 2011
Pernette, Cyrill	United Nations Office for Project Services (UNOPS)	Procurement Specialist, Procurement Practice Group	Phone interview	4 June, 2010
Pettersen, Glenn	Norwegian Refuge, Council,	Global Security Manager	Phone interview	5 August, 2011
Sanderson, Chris MBE	Control Risks	Director Government Support	London	April 9, 2010
Stamp, Vevine	UN Office of the USG for Field Support	Field Procurement Liaison Team	Phone interview	December 22, 2010
Wallenberg, Fredrik	Humanitarian Affairs Officer	UN Office for the Coordination of Humanitarian Affairs. Civil-Military Coordination Section (CMCS), Emergency Services Branch, OCHA	Geneva	21 April, 2010

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