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## Securing the state, undermining democracy: internationalization and privatization of western militaries

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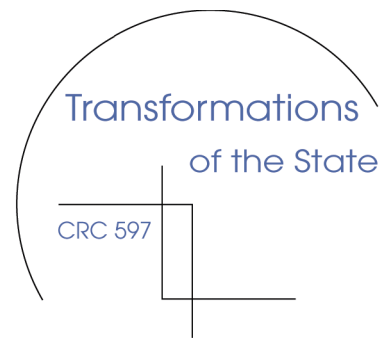
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# TranState Working Papers

SECURING THE STATE,  
UNDERMINING DEMOCRACY:  
INTERNATIONALIZATION AND  
PRIVATIZATION OF  
WESTERN MILITARIES

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Staatlichkeit im Wandel	• Transformations of the State
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Internationalization and Privatization of Western Militaries***

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## ***Securing the State, Undermining Democracy: Internationalization and Privatization of Western Militaries***

### **ABSTRACT**

Changes in the field of security since the 1990s triggered off a number of still continuing military transformations in liberal democracies. Since their armed forces were designed for the purposes of the bipolar Cold war security constellation, they have been “redesigned” according to the new tasks as agreed upon in the new NATO strategic concepts or the assignments for the Europeanized forces within the European Union: Conflict prevention, crisis intervention, counter-terrorism have been added to the range of deployment missions. This recent transformation of the armed forces is pushed ahead in the political spirit of new public management well known from other policy areas in the OECD countries. The proclaimed reforms are guided by efficiency and effectiveness principles only, issues of democratic control and integration of the armed forces into the society are marginalized in the political discourse. But integration and cooperation within international organizations is only one of the two trends detrimental to democratic control of the military; increasing contracting with Private Security and Military Companies is the other. Contracting is intended to reduce political and financial costs and risks for Western governments. The authors argue that, in the long run, both trends of privatization and internationalization, though they seem to run into opposite directions from a purely statist perspective, result in the joint effect of exacerbating democratic control and accountability of security policies. This point is illustrated by the employment of private military companies by the US government agencies and US military and the reform of the German armed forces.

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## **Securing the State, Undermining Democracy: Internationalization and Privatization of Western Militaries**

### **1. INTERNATIONALIZATION AND PRIVATIZATION TRENDS IN SECURITY POLITICS SINCE THE 1990S<sup>1</sup>**

Since the 1990s, international security and defense politics have undergone some remarkable structural changes. Under the umbrella of a turn to governance, security and defense have taken quite different shapes. Increasingly, the organization of security politics has been internationalized at least within the OECD world (Jachtenfuchs 2005; Krahmann 2003). With the ‘Headline Goals’ from 1999 and the decision to establish integrated ‘Battle Groups’ in 2004 the European Security and Defense Policy is setting up an integrated European military command and control structure (Wagner 2005). Similarly, the NATO Response Force and new NATO doctrines rely on a harmonization in weapons procurement, military strategies and tactics. Finally, one should mention the increase in multilateral interventions and of counter-terrorism strategies of the United Nations (Biersteker 2004), all aiming to further integrate national security policies and politics. On the other hand, these patterns of internationalization are flanked by a growing privatization within security politics. Increasingly, OECD states have come to share security provision with private actors in public-private partnerships between governments, International Organizations and private business actors to regulate certain practices (Cutler et al. 1999; Wolf et al. 2007), or they outsource tasks and functions to Private Security and Military Companies (PSMCs) as part of military interventions, in post-conflict-reconstruction or in military training and advice (Avant 2005; Singer 2008).

Our paper aims to shed light on the kind of effects these rather diffuse trends have for the national security and defense politics and policies of Western democracies. Do they already ring the death knell to the state monopoly of force which is to be pulverized between internationalization and privatization? To the contrary, one might argue that these trends rather indicate the emergence of an innovative and effective state organization of security policy. Philipp Genschel and Bernhard Zangl thus hold that the denationalization of political authority (i.e. internationalization and privatization) does not disband the state. The state changes its role. Instead of monopolizing the resources of political authority, it now manages and provides the ‘complementary resources that

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<sup>1</sup> We would like to thank Philipp Genschel, Bernhard Zangl, Anna Leander, Lothar Brock, Christopher Daase, Claire Cutler, Klaus Dieter Wolf and two anonymous reviewers for their helpful comments on an earlier draft of this paper.



non-state actors need to exercise political authority effectively and legitimately’ (Genschel/Zangl 2008: 22). Is the ‘Leviathan’ thus simply adapting his profile, becoming a manager of political authority instead of his monopolist (Genschel/Zangl 2008: 2), or is he sacrificing his core by transferring his monopoly of force to international institutions and private actors alike?

The fundamental, but still somewhat diffuse changes in security politics can be grasped once one turns to national military and defense politics where they function like a catalyst for concrete transformation projects of military and defense politics within Western democratic states. We focus on two such concrete transformation projects and analyze their consequences for the role of the state in security politics, in particular the state organization of military and defense politics and policies. Our analysis contrasts the initiative of the United States to transform its military force by outsourcing military functions to PSMCs since the mid 1990s with the ongoing transformation of the German armed forces (*Bundeswehr*) from a territorial defense army to an intervention army.<sup>2</sup> These cases are chosen since both countries are representative for a particular type of transformation. Although internationalization and privatization are to some extent present in both transformation projects, each displays a clear tendency in one direction. While (Western) Germany’s foreign and security policy has for decades been noted for its high degree of integration into a broad range of multilateral settings,<sup>3</sup> which is also reflected in the current transformation of the *Bundeswehr*, the United States are known to be critical of internationalization and appear as a frontrunner in privatization aims dating back at least to the 1950s government’s policy which basically held that government should not compete with its citizens (Urey 2005: 4).<sup>4</sup>

These contrasting trends seem to point in different directions. While the German transformation project implies a strengthening of the state monopoly in security politics, the US strategy suggests its weakening. In fact, neither restructuring project does (yet) result in a significant weakening of the state monopoly of force; however, both relax its democratic bonds. Traveling on a dominant discourse of ‘effectiveness’ and ‘efficiency’, a technique of political authority is materializing which aims at increasing the flexibility and autonomy of decision-makers but which also step-by-step weakens the

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<sup>2</sup> An ‘army on operations’ (‘Armee im Einsatz’) as the German Ministry of Defense labels it.

<sup>3</sup> With regard to the European integration Jeffrey Anderson (1997: 85) once noted a distinctive German ‘reflexive support for an exaggerated multilateralism’; in a similar vein Peter Katzenstein (1997: 19-29) observed that a ‘highly internationalized state identity’ is one of the characteristics of Germany’s policy profile. For a critical discussion of Germany’s multilateralism see Baumann (2006).

<sup>4</sup> Our focus in this paper is on the *effects* of the respective transformation projects and not on the question of why different countries select specific types of transformations.

democratic and legal constraints on the use of force, whether intentionally or not.<sup>5</sup> Surely, military and defense policies belong to the core domains of the executive, in which democratic control mechanisms and practices have always been comparatively weaker than in other policy fields. Hence all the more important is a critical social science analysis of the consequences of these developments for fundamental issues of domination and power of and within the state.

We develop our argument in several steps: Firstly, we outline the development of the modern state and the monopoly of force and briefly sketch the recent changes of security threats and politics (part 2). Then we investigate the outsourcing initiative of the US military (part 3) and contrast it with the transformation of the German armed forces and the tying of German security policies to the European framework of the ESDP (part 4). Seeming contradictory at first glance, both projects imply similar effects. Traveling on a dominant discourse of ‘effectiveness’ and ‘efficiency’, we observe a selective strengthening of the state monopoly of force: State executives are empowered at the expense of democratic legitimating processes. The diagnosis of a change of the state from a monopolist of political authority to its manager is thus not only semantically related to the technocratic governance perspective voiced by governments to garner support for their restructuring projects; it suffers from the same problem as well: input-legitimacy falls by the wayside the more emphasis is one-sidedly put on output.

## **2. THE STATE AND (INTERNATIONAL) SECURITY**

### **2.1 Civilizing the State Monopoly of Force**

Historically, the establishment of the monopoly of force is among the first characteristics in the formation of the modern nation state (Giddens 1987; Thomson 1994; Grimm 2002) in Western Europe, associated with the consolidation of the territorial state (Leibfried/Zürn 2005: 5f). Nevertheless it has taken centuries for the state to eliminate private competitors in the use of force to establish this monopoly, which was never empirically uncontested.<sup>6</sup> Once established, however, security by the state comprised internal secu-

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<sup>5</sup> The weakening of democratic control mechanisms, which we observe, is not necessarily intended by governments but at times also results as a side-effect from their attempts to increase flexibility in times of scarce resources and financial strains (we will address this point in the concluding section).

<sup>6</sup> Private actors never completely vanished from the field of security (Grimm 2002: 1301), they appeared in the forms of privateering or chartered companies during the 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> centuries (Wolf 2009; Ortiz 2007), the mercenary activities that varied during the centuries (Thomson 1994) or private support personnel accompanying the state’s armed forces at all times (Schaller 2007).

rity (criminal law and policing) and external security (international law and the military).

Over the centuries, the monopoly of force has undergone several developments which sum up to a firstly legal (the constitutional state) and later democratic civilization (the democratic state) of the use of force (Leibfried/Zürn 2005). The monopoly has changed to be understood as a monopoly on the *legitimate* use of force which not only connotes the idea that only states can legitimately resort to force but also that they are legitimated to do so given a legal framework and democratic processes defining the conditions of the use of force (Grimm 2002: 1298-1302). In many accounts, most paradigmatically in Max Weber's (1972), security lies at the heart of the modern state, not only because it came first in its formation but also because of its potential effects on society and the individual. Security renders the Janus face of the state most explicit, being the protector of society but also its greatest threat since it has the power to unleash unlimited violence upon it (Leibfried/Zürn 2005: 4). Legal embeddedness and democratic process restrain this power but they do not eliminate it. It is thus not surprising that we are particularly irritated by internationalization and privatization trends within the field of security as they give rise to worries about an unleashing of this power to destroy. Democratic control and legal embeddedness are supposed to civilize the leviathan. While that was hardly ever completely realized, the current trends even seem to readily accept this unraveling.

## **2.2 Changes in International Security**

For a long period, the dominant problem of international security was perceived to be that of inter-state war. Consequently, international security policies focused on the prevention or resolution of inter-state conflicts. However, with the end of the Cold War, the effects of globalization and denationalization already present in many other policy fields began to materialize in security as well. In this context, even the understanding of security began to change, comprising increasingly non-military threats such as transnational crime, terrorism, gross human rights violations, epidemics, migration or environmental threats (Hampson et al. 2002). Security no longer focused solely on the survival of the state but also on individuals, as is expressed in the notion of 'human security' or the establishment of a 'responsibility to protect' (Brock 2004; ICISS 2001). Among other factors, the enlarged concept of security is a reflection of changes in the nature of conflicts and warfare which states and the international community are facing today. The once predominant inter-state conflicts have decreased since World War II while intra-, sub- and non-state conflicts have generally gained in importance and make up for about 90 percent of all wars today (Chojnacki 2006).

Many of these conflicts share some basic characteristics, which have led many to dub them ‘new wars’ (Kaldor 1999; Münkler 2002). Among these characteristics are the blurring of combatants and non-combatants since conflict parties are often non-state actors who do not have an organized or uniformed military, and since conflict parties do change quite frequently during conflicts because they split up in rival groups and re-align in different patterns. Furthermore, the civilian population is often directly targeted in these armed conflicts, which are in many cases conducted with light weapons and guerilla tactics, and political and economic motifs of fighting are sometimes hard to distinguish. War economies have emerged in which fighting seems to be motivated by the chance to gain economic wealth, not political control of a territory. Often, these conflicts take place within or fuel weak or failing state structures leaving even the supply of basic security functions by the state questionable, and, finally, they tend to spread to neighboring regions resulting in trans-national or regional conflict systems like in West Africa or the Balkans region (Duffield 2001; Reno 2000).

In total, one could speak of a trend of a denationalization of security threats that states and the international community are confronted with today. These general changes within security policies have certainly supported the trends to internationalization and privatization of security and defense policies of Western democracies respectively. Given the spread of domestic turmoil and conflict, often associated with state failure, not to mention the rise of transnational terrorism, military interventions in conflicts have not only increased in number but have also changed their character (Chojnacki 2006). Multinational interventions (partly even without an explicit UN-mandate) by NATO or changing ‘coalitions of the willing’ of mostly Western democracies dominate (Geis et al. 2006). Additionally, interventions have become more complex and require often long-term commitments with regard to post-conflict reconstruction.

The NATO states thus actively contributed to the change of international security politics by their military interventions, which, in turn, entail repercussions on their own state organizations. Since the 1990s they have been submitting their armed forces to a so-called transformation,<sup>7</sup> which is supposed to effect changes in technology, doctrine,

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<sup>7</sup> The concept of ‘transformation’ was shaped by the US administration of George W. Bush in their first months in office. For reasons of public relations, the new government sought to distance themselves from their predecessor administration under President Clinton, who had proclaimed a ‘revolution in military affairs’ (RMA) in the 1990s. In central aspects, however, RMA and transformation refer basically to the same: the equipment of the armed forces with modern high-tech and communications electronics and correspondingly adapted modes and concepts of warfare (Helmig/Schörnig 2008a: 12). The US government expected this transformation to endow their troops with ‘revolutionary’ or asymmetric advantages in the full range of military operations (Collmer 2007:

strategies, organization and structures of the militaries in order to enable them to cover the whole mission spectrum from crisis prevention, peace keeping, over peace enforcement and stabilization, to combating terrorism as well as to large-scale warfare (Helmig/Schörnig 2008). But while the US government has been pushing the high-tech transformation of its armed forces on the basis of a gigantic defense budget, the European militaries still remain far behind such ambitions – not only for sheer financial restraints but also since the European governments have accentuated different aspects of their transformation strategies especially within the framework of the European Security and Defense Policy (Grotto/Bergmann 2008). Despite such differences between NATO states, the restructuring aims at reaching military dominance within quite diverse mission scenarios by inducing increased flexibility, quick deployability and high mobility as well as an improved interconnectedness of all military units and weapons systems by way of technological innovations. Internationalization (integration of strategies, doctrines, procurement) and privatization (outsourcing functions to Private Security and Military Companies, PSMCs) are two strategies to reach these goals. Both are part and parcel of the transformation strategies of military and defense politics, even though states differ in their national choices how to adopt these strategies.

### **3. WEAKENING THE STATE MONOPOLY OF FORCE? OUTSOURCING AND PRIVATIZATION TO PSMCs IN THE USA**

Outsourcing and contracting with PSMCs is a global phenomenon albeit not an evenly dispersed one. It is most advanced in the Anglo-Saxon countries and unmatched in the United States.<sup>8</sup>

For the most part, PSMCs are regular business companies who offer specialized security services to a variety of clients on a global or regional market. Most of them have a professional management; they are legally registered and sometimes even traded on the stock markets (Singer 2008; O'Brien 2000). Contrary to what one could expect given the hotly debated appearances of some early companies, e.g. Executive Outcomes or Sandline International in Angola and Sierra Leone in the 1990s, direct involvement in combat constitutes a negligible part of the kind of security services these companies offer (Deitelhoff 2008). Their main business areas belong to direct or indirect combat support. They offer logistics (housing, transportation, amenities), intelligence (interro-

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28). The goal as it was stated in the *Joint Vision 2020* by the Ministry of Defense in 2000 was 'full spectrum dominance'.

<sup>8</sup> The United States might be unparalleled in its rate of outsourcing but it is not without followers. The governments of France, the UK, and Israel are working with PSMCs, former CIS-countries' militaries are being trained by PSMCs to follow NATO-standards (Krahmann 2007; Avant 2007b: 424).

gation, satellite surveillance and analysis), training and advice (risk-management, training of Special Forces, police, army), personal, convoy and facility security and, finally, the whole range of weapons system development, procurement, maintenance and operation (Spearin 2001; Avant 2007b: 424). In these areas, the private security industry is still growing at astonishing rates.

Despite the industry's steady development since the early 1990s there is still a lack of reliable numbers and figures. Given the fluidity of the market, of firms dissolving and recreating themselves, we miss data as to the actual number of companies, the sum of their employees or the annual turnover of the industry. Given different sources we can probably estimate that about 200-300 different PSMCs are currently active in more than 90 countries (Bures 2005: 535; Singer 2008). The annual market revenue of the private security industry is purported to increase at a level of eight per cent per year and is supposed to currently lie between 100 and 200 Billion US-Dollar (Von Boehmcken 2007: 261f; Singer 2008: 78). Especially, the wars in Afghanistan and Iraq have been a boost for the industry. The General Accounting Office of the United States for example estimates that about 180 PSMCs are currently working in Iraq (GAO 2006b: 2), offering their services to the coalition troops, the Iraqi government, international organizations, humanitarian organizations and local and transnational businesses as well. Figures available for Afghanistan project approximately 90 PSMCs operating there (Joras/Schuster 2008: 11).

### **3.1 Transformation by Privatization:**

#### **The outsourcing initiative in the United States**

Remarkably, in almost all new security strategies of Western states privatization strategies have found their place, albeit in varying degrees. Privatization strategies are strongest in the United States which started its recent outsourcing initiative already in the mid 1990s. The 1996 Pentagon report on 'Improving the Combat Edge through Outsourcing' held that 'Experience in DoD [Department of Defence; the authors] on the private sector consistently and unambiguously demonstrates how the competitive force of outsourcing can generate savings and improve performance' (DoD 1996). The US Air Force even propagated a 'Revolution in Business Affairs' at its 50<sup>th</sup> anniversary which it wanted to implement by an aggressive privatization of all relevant areas (Air Force 1997). Similarly, former Secretary of Defense Donald Rumsfeld ordered in 2001 that all areas that were not necessary to be provided by DoD should be outsourced and privatized to increase efficiency and effectiveness (Rumsfeld 2001).

To be sure, outsourcing to private contractors is not novel to the US forces but has a long tradition (Zamparelli 1999). With the recent outsourcing initiative, however, the breadth and degree of outsourcing within the US-military has changed dramatically.

While privatization was confined to non-critical support functions apart from theater before, nowadays PSMCs are all over the place, working alongside regular soldiers in theater as well. Already a third of all US-weapons systems are depending on private contractors and this number is steadily increasing (Blizzard 2004; Singer 2008: 247). It is not only the sheer number of weapon systems relying on private contractor support that is astonishing but the change in doctrine underlying outsourcing. While the former doctrine held that forces were to develop organic capabilities for maintenance and operations of new weapons systems as soon as possible, nowadays maintenance for non-critical weapons systems should be outsourced for life and for critical systems for at least four years (Zamparelli 1999: 14). This shift in practices and doctrines does not only apply to weapons maintenance, training and operation in theater, but also to other sectors in which PSMCs are on the rise. They provide nearly the complete logistics of US troops deployed abroad, ranging from housing to postal services and transportation. Similarly, they guard military facilities, convoys and diplomats and have even taken over large portions of military police functions (cf. GAO 2003; Blizzard 2004; Petersohn 2006). Finally, they support intelligence, interrogations and are the main actors to train foreign military and police forces on behalf of the US, for example, the Iraq security forces (Krahmann 2007).

Depending on different estimates, up to 190.000 private contractors are currently operating in Iraq (GAO 2006b: 2; Singer 2008: 245; CBO 2008: 15). However, Iraq is not unique. About 25.000 PSMC employees are operating in Afghanistan and they are prevalent in many other conflicts and post-conflict-settings as well (Joras/Schuster 2008: 12).<sup>9</sup> Contracts of US government agencies between 2003 and 2007 with contractors only for the Iraq theater sum up to a number between 10 to 85 Billion US dollars (CBO 2008). The large variance results from the wide or narrow definition applied to private contractors. A narrow definition includes only armed security services, a broader one also logistics and reconstruction. No matter how we define contractors, it is clear that there is no historical precedent to this presence of private contractors in military theater, amounting to a 1: 1 ratio between military personnel and contractors (CBO 2008: 12). But even if we consider the narrow definition of armed contractors, delivering military security services, we end up at a conservative number of about 30.000 employees (CBO 2008: 14).<sup>10</sup> Putting this in perspective, the ratio between US military

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<sup>9</sup> In Angola, studies report that since 2002 PSMC numbers have increased to about 100 companies present and working. See Joras/Schuster (2008: 47).

<sup>10</sup> The number is certainly too low as the respective agencies (US Aid, DoD, State Department) do not have accurate numbers on their contractors (Isenberg 2007; GAO 2006a).

personnel and PSMC employees has changed from 50: 1 in the first Gulf war (1991) to 10: 1 in the Iraq war of 2003 (Isenberg 2007: 83) and to a 6: 1 in 2008.

As sketched out above, the outsourcing initiative is heralded by decision-makers to increase flexibility and to decrease the costs of security and military policies. The first idea is easily explained. All major states have decreased their troop sizes significantly after the end of the Cold War (Zamparelli 1999; Petersohn 2006). With a general increase in military interventions in the 1990s and the US 'global war on terror' since 2001 they experienced severe problems to live up to their military commitments. Thus, outsourcing security services to PSMCs was one strategy to ensure flexibility, to alleviate troop overstretch and to allow for rapid response capabilities as PSMCs can rapidly deploy forces and quickly relocate them when necessary. Accordingly, the Department of Defense (DoD) argued: 'We must be prepared to fight and win two nearly simultaneous regional conflicts. These conflicts are often described as 'come as you are' wars, meaning that there will be little lead time for mobilization or surge of production capability. They will require rapid transportation, tailored and flexible maintenance support and greater reliance on private sector suppliers' (DoD 1996: 1). In line with that, the turn to high-technology weapon systems and network centric warfare that is visible in most Western democracies but is most advanced within the United States increased the need of private support for weapon maintenance and operation even further (Zamparelli 1999: 11; Schörnig 2007).

The second argument reflects the general belief – highlighted by phrases such as 'new public management' or the 'lean state' (Muthien/Taylor 2002: 183; Singer 2008) – that privatization decreases the costs of services. Private actors do not have large bureaucracies; they face competition on a market and can better specialize on specific services. Furthermore, PSMCs have only to be paid for the time of their contract. In contrast to regular forces, states can save on training, education, maintenance and pensions.

Obviously, the US perceives of outsourcing to PSMCs as an effective tool of foreign policy to increase its flexibility. What appears as a weakening of the state thus seems to turn out to be a strategy to strengthen state control on and exercise of the monopoly of force. This fits into recent studies which find that cost-savings are hardly realized by outsourcing in the US (GAO 2006a: 4; GAO 2008; Schreier/Caparini 2005: 98). Basically, there is hardly any data that supports the argument that privatization and outsourcing of security generate cost-savings (Isenberg 2006: 155). Even though figures are abundant which calculate cost-savings, most of these figures rather represent estimations of cost-savings not realized cost-savings (see Wulf 2005: 190f; Avant 2005: 117f; Singer 2008: 157). Instead, recent figures report that outsourcing increases the cost of military functions (see GAO 2006 a, b, GAO 2008: 8-15). There are two major reasons for this: One is the contract market environment of outsourcing in security, the other is



the political environment of military interventions and crises. The possibility of cost-saving by privatization depends on several conditions. Firstly, a transparent and competitive market is needed, so that clients can pick and choose among different suppliers. Secondly, contracts must be subject to transparent bidding procedures, competing offers must be systematically compared and the performance of suppliers on the contract terms has to be closely monitored, and, if necessary, sanctioned (Markusen 2003; Singer 2004). However, none of these characteristics seem to apply to the current situations of contracting (Dickinson 2007). Only 40 per cent of all contracts of US government agencies (between 1998 and 2003) were subject to bidding and since then the numbers have only slightly increased (Singer 2008).<sup>11</sup> Above that, more than 50 per cent of all contracts have not been monitored at all (Dickinson 2007: 226). These numbers explain why so many companies that have a record of bad practice and financial fraud or are accused of serious human rights violations were again rewarded contracts, among them Halliburton, CACI, Titan or latest Blackwater (see also Dickinson 2007: 219f).

One reason for this is that the market for private security services is only partially competitive, while some quasi-monopolies exist (for instance in certain areas of logistics; see Chesterman/Lehnardt 2007: 254; Cockayne 2007). Additionally, the market is also very fluid. Companies quickly dissolve and re-establish under different names and locations, making it difficult to trace wrong-doers. The majority of PSMCs is rather small. They are nearly virtual companies which rely on huge rosters of potential employees that they hire whenever a new contract comes in. Thus, they are very flexible and can locate and re-locate whenever necessary (Dickinson 2007). In line with that, the widespread practice of sub-contracting in the market reduces transparency even further (Wulf 2005: 70).

Secondly, the political environment of situations of military interventions and crises are probably among the least likely environments to favour cost-savings. Situations of military interventions are usually characterized by secrecy, heavy time constraints and the imperative of military victory. Thus, there is hardly time for neither complex bidding procedures nor the transparency available to assess contract performances. Furthermore, military commanders usually calculate for worst case scenarios thus always having a back-up at hand, a strategy that is hardly cost-saving in contracting (Singer 2008: 163). This explains not only the high number of non-competitive contracts but also the widespread practice of so called cost-plus contracts, i.e. contracts, in which the rewards increase with the costs (Singer 2004).

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<sup>11</sup> See *Center for Public Integrity* ([www.publicintegrity.org/pns/report.aspx?aid 385](http://www.publicintegrity.org/pns/report.aspx?aid%20385)). Other governments do not fare much better. A new study on Canada's military contracting concludes that only 60 per cent of all contracts were competitive and that this number was decreasing (Staples 2007).

Another cost increasing factor is the coordination problem arising from the presence of private contractors in military theater. First, employees of PSMCs on a contract with a conflict party usually remain outside the command chain and are not allowed to take part in hostilities in conflict as they are regarded as civilians under International Humanitarian Law. However, in most of the military interventions today the differentiation between frontline and hinterland blurs, bringing PSMCs who are most active in logistics, site and convoy security and weapon maintenance ever closer to theater and to an active participation in hostilities (Schaller 2007). This enhances their risks to become a target of military attacks and calls upon the regular forces to extend their protection to these companies thus leading to higher coordination costs. Additionally, coordination is needed to prevent conflicts between the regular forces and the PSMCs. Incidents of so-called blue-on-white fire in Iraq, i.e. accidental attacks between US forces and the contractors, indicates how difficult that is (GAO 2005: 28; GAO 2006a).

This seems to imply that privatization and outsourcing are not primarily driven by cost reduction considerations. Rather, the US seems to be willing to accept even a rise in costs. A telling example for this is that although the number of contracts has greatly increased since 2001, the US-government has simultaneously reduced the number of controllers and ombudsmen to supervise contracts (Singer 2008: 252). Secondly, not only the United States but the majority of Western states eschew the possibilities to strengthen the international regulation of PSMCs, which would allow them to better track wrong-doers and to further competition and a transparent market. States have not only shied away from attempts to set up a UN convention on the banning of these companies, they have also not agreed on a binding licensing system. The only existing regulatory framework for companies is the Montreux-document from September 2008, which is a non-binding declaration, signed by 17 states, among them the US, UK, France and Germany. The document has two parts, the first ‘merely’ recalling the legal obligations arising for PSMCs under international law and the second part displaying a list of best practices states should adhere to in working with PSMCs.<sup>12</sup>

Obviously, cost-saving is not the primary focus of the US in hiring PSMCs but it is rather their utility as a flexible policy tool in pursuing security policy. This would also explain the weak national regulations systems PSMCs are usually subject to. The national licensing system in the United States primarily regulates and thus controls the export of security services. It regulates the conditions under which PSMCs are allowed to work for what foreign client, not for their home government.<sup>13</sup> Such regulations rather

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<sup>12</sup> See Montreux-Document at <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/montreux-document-170908>.

<sup>13</sup> Other governments do not even have such systems in place, e.g. Great Britain or Germany.

ensure that PSMCs support the foreign policy goals of their government and not that they save costs (cf. Schneiker 2007: 408).

Overall, the discussion so far suggests that privatization and outsourcing do not (yet) amount to a substantial weakening of the state monopoly of force. They should rather be seen as a variation of the state's exercise of it. The USA outsource services basically to generate more flexibility thus highlighting that it perceives of PSMCs not as a threat to its monopoly but as an innovative strategy to exercise it. However, a look at the effects on the legitimization process discloses a different picture. To reveal this, a closer look is needed as to whom remains in control over the exercise of force within the state. The flexibility that outsourcing promises for states is essentially a promise directed to the executive and not to the legislative and the public more generally (Deitelhoff/Geis 2007 a, b; Deitelhoff/Wolf 2009).

### **3.2 Flexibility and democratic legitimacy**

State governments' reluctance to strengthen the regulation of PSMCs discussed above is not only out of convenience but it is by design as governments want to increase their flexibility vis-à-vis their parliaments and publics alike. PSMCs allow for a covert foreign policy not consensual among the national public and/or the international community and they generally enhance the power of governments in relation to their parliaments (Avant 2007a: 184-187, 2005: 60).

Outsourcing to PSMCs helps governments to hide the extent of their military engagement abroad from their respective publics and legislatures (Cockayne 2007: 212). Governments can and do circumvent troop ceilings ordered by parliaments, thus freeing soldiers for war making, a strategy which the US government has used in the Balkans conflicts and again in its Plan Colombia (Avant 2005: 128; Singer 2008: 211-215). Secondly, governments can manipulate the public opinion on their foreign policy. Research on democratic peace has shown that popular consent to military operations is a function of the prospect of military victory and the safety of one's own soldiers (Schörnig 2007). Democratic publics are casualty averse, but PSMC casualties are not listed in official casualty statistics. Public debates about the estimated 1001 PSMC casualties in Iraq have at least been absent.<sup>14</sup> Most importantly, contracts are usually negotiated with by the executive.<sup>15</sup> Parliaments have only limited insight in contractual contents or/and are often unaware of these contracts as they are hidden in several titles in defense budgets

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<sup>14</sup> See list at: [icasualties.org/oif/Civ.asp](http://icasualties.org/oif/Civ.asp); 09.11.2008. The list only reports 426 names but refers to 1001 as a government-based number.

<sup>15</sup> US Congress only needs to be involved in contract negotiations if the contract volume exceeds a limit of 50 Million US dollar (Schneiker 2007: 414).

(Singer 2004: 10, 17; Schreier/Caparini 2005: 102). Furthermore, the general practice of sub-contracting makes parliamentary oversight even more difficult. This illustrates the fact that the US Congress still has no accurate data on the number of contractors working on behalf of the US in Iraq (GAO 2006a: 4).

Strengthening regulations on PSMCs would therefore increase political costs: Strengthening monitoring and transparency and clarifying responsibilities and liabilities would make the activities of PSMCs more visible for the public and legislatures alike, thus lowering significantly the discretionary powers of executives.<sup>16</sup> Hence, governments do not have much of an interest in regulating PSMCs as their advantages are tied to the fact that their activities are less visible and weakly regulated (see also Cockayne 2007: 206). It is no mistake that it is rather the PSMCs themselves than governments who argue for national binding regulation, if only to secure their market position (Schneiker 2007: 407f; Dickinson 2007: 230). Regulatory initiatives only follow public pressure. The series of incidents in Iraq, starting with the involvement of PSMC employees in torture at Abu Ghraib and reinforced by the Blackwater shootings of civilians in fall 2007, have greatly increased public awareness of PSMCs and pressure to step up to regulate their conduct and to punish offences.<sup>17</sup> Only after public outrage and under enormous pressure by congress, the US government has started to close legal gaps,<sup>18</sup> such as extending jurisdiction to civilian contractors working for DoD agencies and lately also for those working for the State Department and other US agencies.<sup>19</sup>

Basically, what becomes clear is that outsourcing does affect the state organization of force, however not directly and not in the short run. While it does not directly weaken the state monopoly of force, it is effectively undermining its legitimation basis. Still, outsourcing may lead to a weakening of the state monopoly of force in the long run. The higher the rate of outsourcing is, the greater the risk for the state of losing generic re-

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<sup>16</sup> See also Avant/Sigelman (2008), who analyzed the (amount and type of) media coverage of PSMCs in Iraq compared to coverage of US military.

<sup>17</sup> However, incidents did not start with Iraq. DynCorp employees were involved in sex trafficking in Bosnia in the 1990s. In Angola, PSMC employees are accused of torturing and even killing mine workers and in Colombia PSMCs are accused of a whole range of abuses and crimes (Singer 2008: 251; Grofe 2007: 243). Iraq only differs from previous PSMC operations by the higher frequency and visibility of incidents.

<sup>18</sup> Similar dynamics can be observed in Great Britain, where coordination between PSMCs and the government is largely informal. Tighter regulation has only been discussed after scandalizations and public outcry. The famous 'green paper' on regulation of PSMCs of the British government was solely a reaction to the 'Arms to Africa' affair in which the British PSMC Sandline International had delivered arms to Sierra Leone, grossly violating existing arms embargos, but nevertheless implicitly supported by (parts of) the government (see Avant 2007b: 438f).

<sup>19</sup> See Jane's Defence Weekly (10.01.2007: 5).

sources to exercise its monopoly. This is already visible within the United States. In certain areas such as logistics, concerns within the forces are rising as the US forces have lost generic capabilities, meaning that they are reliant on private contractors to perform these functions (Avant 2005: 133; Zamparelli 1999). The renewing of the logistics-contract with Halliburton although the company was repeatedly accused of overbilling highlights this risk. The US military simply had no own resources to take over logistics on their own (Schreier/Caparini 2005; Deitelhoff 2008).<sup>20</sup>

That problem is not limited to resources, but concerns also manpower and expertise. Experts warn that in vital areas such as military training (Avant 2005: 116-120; Isenberg 2006: 156), weapons maintenance and operation (Petersohn 2006: 21; Zamparelli 1999) as well as military policing (Avant 2005: 127); the US has lost generic competences (Blizzard 2004). The more certain areas are privatized, the more the military experiences a brain drain as well (Avant 2005: 134f). PSMCs rely on their well-trained employees to be attractive companies for states. They recruit these, however, in the special forces of state militaries, such as green berets or delta forces. The US military has already started to work with stop-loss programs to counter this strain of expertise in the force structure and to prevent that their best officers can directly be hired by the private sector. Furthermore, it has started to grant high-ranking officers huge monetary rewards to convince them to stay in the forces. Again, this is not a problem unique to the US. Australia grants its officers a one year sabbatical to give them the chance to profit from the much higher salaries in the private sector but to return afterwards (Singer 2008: 257).

These problems and the reactions to it suggest that not all of these effects might be intentionally driven. With multiple military operations in Afghanistan and Iraq, US military capabilities were stretched to their limits and further outsourcing became vital to support the military missions. Thus, the recent rush in privatization, often referred to as the Iraq bubble, should not be portrayed as a grand design of vicious decision-makers to disempower their legislatures but also as a result of ad-hoc decisions satisfying needs and demands as they came along.

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<sup>20</sup> Given the threat of a dependence of the forces on private contractors DoD has ordered that the forces need to have back-up plans if contractors drop out. However, the General Accounting Office has repeatedly warned that these back-up plans were either non-existent (GAO 2003: 16) or insufficient (GAO 2006 a, b). A problem that popped up again after the Blackwater shooting and subsequent prohibition of the firm's operation by the Iraqi government. Blackwater is responsible for the protection of the State Department diplomats. Thus, the US-government pressured the Iraqi Prime Minister Al-Maliki to lift the prohibition on Blackwater as the State Department had no back-up and was dependent on Blackwater's services.

#### 4. STRENGTHENING THE STATE: THE EXAMPLE OF GERMANY

As we have indicated in the introduction of this paper, the transformation of the German armed forces *Bundeswehr* does also include elements of outsourcing, but the more substantial restructuring effects stem from the further internationalization of German security policies. As a part of its broader transformation since the 1990s, the *Bundeswehr* has been going through a so-called economic modernization process that is primarily driven by fiscal considerations and directed at the reduction of the relatively high operational costs. This economic modernization process, which will be described in more detail below, also comprises some privatization strategies and ‘public-private-partnerships’ initiated by Defense Minister Scharping in the late 1990s.<sup>21</sup> In contrast to the USA, however, German privatization initiatives are mainly confined to the so-called supportive service segment at home (such as vehicle fleet, clothing or logistics services), whereas the military core capabilities<sup>22</sup>, not least due to provisions of the German *Basic Law*, are excluded from privatization (Richter/Portugall 2008: 152). Although in comparison to the USA the reliance on private security providers is up to now relatively restricted in scale in Germany (Petersohn 2006), their employment remains for legal and political reasons controversial, all the more since high expectations of cost savings have not been fulfilled (Branović/Chojnacki 2007: 66).

Given this limited significance of privatization in the transformation of the German armed forces, we focus in the following on the broader directions of the transformation project and the changing semantics that has paved its way. Due to Germany’s Nazi past, its territorial division and location as a ‘front state’ during the Cold War, and due to completely altered international expectations after unification, the transformation of the German *Bundeswehr* into an interventionist army has been taking place in a quite unique domestic and international setting, posing special challenges some of which are briefly sketched below. Such special circumstances notwithstanding, the German case epitomizes the far-reaching effects of a further internationalization of Western security policies on domestic democratic control.

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<sup>21</sup> The foundation of the ‘Gesellschaft für Entwicklung, Beschaffung und Betrieb mbh’ (g.e.b.b.) in 2000 as an *inhouse* company of the *Bundeswehr*, which develops and implements privatization projects, was a visible indicator for these cooperation efforts between military and private business.

<sup>22</sup> The Ministry of Defense includes in the ‘core capabilities’ of the *Bundeswehr*: effective armed forces, command capabilities, worldwide intelligence and reconnaissance, strategic deployment capabilities (cf. Petersohn 2006: 12).

#### 4.1 The *Bundeswehr* as an ‘army on operations’

After unification in 1990, Germany’s partners and allies in NATO and the European Union expected Germany to turn into a producer of international security and stop being a consumer only (Meiers 2002: 197). Resembling a political ‘salami tactics’, the German government accustomed their public step by step to an expansion of the tasks of the *Bundeswehr*, starting with missions abroad declared as ‘humanitarian’ (Philippi 1997: 52-58). The constitutional basis of these ‘out-of-area’ missions was quite controversial at that time since the German *Basic Law* had been interpreted for decades by many as forbidding the deployment of German armed forces beyond NATO territories. The highest German court, the Federal Constitutional Court, ruled in their so-called ‘out-of-area’-judgment from 1994 this new deployment practice of the conservative-liberal coalition government as constitutional, but stressed at the same time that the *Bundeswehr* is conceived of as a ‘parliament’s army’ and that a prior consent of the German parliament (*Bundestag*) is thus required before each deployment. In the meantime the *Bundeswehr* has conducted more than 40 out-of-area missions on three continents,<sup>23</sup> and the *Bundestag* has given more than 60 times its consent to out-of-area mandates and their extension respectively (Wiefelspütz 2008: 242-255). However, the deployment law which the Federal Constitutional Court had called for in 1994, entered into force as late as March 2005.

It was the left-wing coalition of Social Democrats (SPD) and Green Party who were during their two terms in office from 1998 to 2005 responsible for a large expansion of German engagements within international military actions. It is noteworthy that the increase in intensity and scope of the military missions occurred without causing much protest from the German population who during the Cold War were considered as predominantly ‘pacifist’ (Wagener 2004). The participation in the NATO war against Serbia-Montenegro in 1999 which lacked an explicit UN authorization marked a special turning point in this regard since it was the first involvement of the *Bundeswehr* in a war; the next combat mission followed in the Afghanistan war by the deployment of special ground forces (‘Kommando Spezialkräfte’). It was then in autumn 2001 that the Social-Democratic Chancellor Gerhard Schröder publicly prided himself in having lifted the German post-war ‘taboo’ on military means in politics during his term in office (cf. Geis 2008).

The unification of Germany and the ensuing increasing participation in military missions posed special challenges for the *Bundeswehr* in terms of a transformation process since it had been designed as a strictly defensive army during the Cold war. The

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<sup>23</sup> For a record of these missions since 1990 see the special issue of the journal *Welttrends* on ‘Military Power Germany?’, vol. 15, No. 56, 2007, pp. 89-92.

*Bundeswehr* was not only supposed to develop into the all-German ‘army of (internal) unity’ but also into an ‘army on operations’ capable of interventions abroad. After 1990, the former East German armed forces (*Nationale Volksarmee*) had to be ‘wound off’ and the number of military staff from then nearly 500.000 persons (or more precise 583.000 persons from both armies) had to be reduced under the maximum of 370.000 persons. Hence alterations within the command and control design as well as the differentiation of the structure of the armed forces were the central tasks of the first restructuring phase up to 1997 (Meiers 2006: 318-325). The decreasing defense budget and the gross imbalance between high operational costs and low investment expenses tightly restricted the scope of these changes. Against this background, Minister of Defense Rudolf Scharping (SPD) attempted from 1998 onwards to make the *Bundeswehr* in spite of these monetary restrictions compatible for their mission tasks within the frameworks of NATO and the EU by way of reallocations within the defense budget, rationalization measures and ‘public-private-partnerships’ (PPPs) between the military and private business (von Bredow 2000: 149).

However, the most decisive impulses for the transformation of the *Bundeswehr* were given as late as 2002 with the new Defense Minister Peter Struck (SPD) assuming office. In May 2003 he issued new Defense Policy Guidelines which underlined that the mission range of the *Bundeswehr* had fundamentally changed and now also encompasses – always conducted within multinational frameworks – international crisis prevention, crisis management and the fight against terrorism.<sup>24</sup> Until 2010, the size of the ‘army on operations’ will be cut down on 250.000 troops, and the forces will be restructured into the three categories of *response forces* (35.000 soldiers) for multinational high-intensity operations, *stabilization forces* (70.000 soldiers) for peace stabilization measures in low- and medium-intensity operations, and *support forces* (147.500 soldiers) to assist all operations and ensure routine duty operations at home. The Ministry of Defense expressly conceives of this ‘transformation’ as a permanent change of the armed forces which implies much more than its mere ‘reform’ (cf. Richter 2007a: 103). Minister Struck defined ‘transformation’ as:

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<sup>24</sup> As a critical student of the military concluded, the new Defense Policy Guidelines ‘really finished with the old *Bundeswehr*’ (Bald 2005: 171; our translation). The external trigger were the terrorist attacks from September 11, 2001, which entailed the ‘global war on terror’ proclaimed by the US administration. This ‘war on terror’ not only influenced the security concepts of NATO and EU, but also resulted in new military actions such as in Afghanistan, where Germany participated. But also internal factors such as the relative failure of Scharping’s privatization and economizing plans enhanced the pressure on the Schröder government to push ahead with the *Bundeswehr* transformation (Dyson 2007: 119-143).



„The continuous adaptation of the capabilities to changing security threats and new military requirements, the systematic use of innovations in technology, the increased integration, networking and synergy of concepts, training, material and technologies.” (Struck 2005: 12; our translation)

The restructuring process is in its programmatic parts as well as in its rather delayed practical implementation<sup>25</sup> dedicated to the improvement of efficiency and effectiveness of the armed forces. Two central elements in this regard are the ‚network-based conduct of operations’ and the ‚economic modernization’ of the *Bundeswehr* (Richter 2007).

Closely following the US concept of ‚network centric warfare’, the German concept of network-based conduct of operations is intended to enhance the combat power by systematically networking all elements of reconnaissance, command and weapons effect (Lange 2004). The physical linking of all platforms and units of the armed forces via information networks is dependent on their ‚interoperability’. The comprehensive networking into a well co-ordinated ‚system of systems’ is then supposed to generate information and command superiority over the adversary. An improved intelligence shall augment the effectiveness of military operations tremendously by significantly reducing the time span between reconnaissance, decision, and action, and by multiplying combat speed (Fitschen 2006: 169).

In order to make the armed forces more effective, the *Bundeswehr* recently created new command and control structures such as the joint command headquarters in Potsdam, the joint command information system (respectively the Army command information system) and procured new equipment and weapons platforms based on state-of-the-art technology (Fitschen 2006: 171-176; Collmer 2007). A key project of the Army is the ‘Future Infantry Soldier’, which is a modern kit for ground forces. The Army has been gradually equipped with this kit since 2005 and it has been used in missions in Kosovo and Afghanistan. The kit consists of about twenty modern technology-based components from the segments clothing, personal equipment, electronics, optronics and armament, which is meant to enhance each soldier’s survivability, command and sustainability capabilities.

The transformation of the *Bundeswehr* does not only refer to the restructuring and the high-tech armament of the armed forces units but also to the ‘economic modernization’ of the *Bundeswehr* administration. As in other Western militaries, in addition to the military terminology another ‚language’ spread in the *Bundeswehr* which is based on concepts and methods from managerial economics and business administration: ‚Terms

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<sup>25</sup> Mainly due to tight fiscal restraints, the realization of the transformation plans lags in many respects behind the proclamations and intentions of the Ministry of Defense (see e.g. Lange 2005). However, for the purposes of our argument in this paper, these declared intentions as such are also of significance.

such as controlling, “cost accounting”, market-testing, balanced-scorecard, up to “quality management” and “customer orientation” are integral parts of the daily communication also within the Bundeswehr“ (Richter/Portugall 2008: 149; our translation). Similar to other public sectors of the OECD countries that have been transformed in the neo-liberal spirit of *new public management*, the organization of the armed forces is also to become more efficient and effective so that this sector can cope with security challenges just as well as with financial budget challenges.

In this vein, a concept of ‘cost accounting and results accounts responsibility’ has been developed for the *Bundeswehr* from the mid 1990s onwards, which aims at inducing an altered thinking within the armed forces promoting an economizing handling of resources. ‘Careless’ use of taxpayers’ money, inefficient structures and bureaucratic slack should be overcome. ‘Economization became a code for a change of paradigm within the *Bundeswehr*, for a new way of thinking, which ought to include criteria of rationality taken from business administration basically in all decision-making processes’ (Kantner/Richter 2004: 7; our translation). The concept of ‘cost accounting and results accounts responsibility’ consists of instructions on cost efficiency in the production of all military and civil services, the joining of technical and resources responsibility, the creation of costs and production transparency as well as the tapping of creativity potentials by a so-called ‘continuous improvement program’ (Richter/Portugall 2008: 152; Richter 2007).

As has been shown, the transformation of the *Bundeswehr* is dominated by a semantics of effectiveness, deployability, flexibility, mobility, and the like. However, what sounds like a profound restructuring of the armed forces arouses rather little interest in the German population. The Federal President Horst Köhler repeatedly complained about a ‘friendly indifference’ of the citizens towards ,their’ armed forces and their missions abroad (Geis 2007). This can hardly surprise given the fact that political decision-makers, notwithstanding their own proclamations to the contrary, have not been able to or not willing to launch a major public debate on the German security policy and the role of the armed forces in particular. The transformation of the *Bundeswehr* has thus up to date not been sufficiently reflected in a comprehensive debate, but instead it is geared predominantly towards parameters of effectiveness and efficiency, with reference to putative necessities.

While neither the non-existence of a critical awareness of citizens nor the absence of a major political debate *per se* is necessarily a sign of a democratic deficit but could also be read as an indicator of general indifference or of acquiescence, it is still noteworthy that the transformation process has been changing the terms of the political discourse as such. In the light of an enhanced participation in international military actions, ‘output’ legitimacy aspects of the German interventionist army and their missions have now

gained more attention than the formerly central ‘input’ legitimacy issues of the ‘civilization’ of the (self defense) army and its democratic control. Although this gradual shift within discourse (and practice) is in our view not to be understood as a looming remilitarization of German foreign policy, it is still striking since the elite of the ‘old’ Federal Republic of Germany used to point out proudly the special provisions in the German civil-military relations, the firm integration of the armed forces into the society and the democratic control of the troops (von Bredow 2000). Such a shift in emphasis hence raises questions on the appropriate balance between democratic accountability and military effectiveness.

That such questions gain new momentum can be outlined by the guiding principle ‘Innere Führung’<sup>26</sup> which is a key element of the ‘civilization’ of the German army, developed in the 1950s. This concept postulates that democratic ideas and military necessities can be harmonized with each other, that central norms of the German Basic Law such as human dignity, basic rights and the rule of law must be fully applied to the military. In conjunction with the conscription this professional ethics code is thought to inspire a ‘citizen in uniform’ who acts in a responsible manner, who respects the norms and values of the Basic Law, and who on his (her) part can claim his (her) own rights in the military according to the constitution (Hartmann 2007). The normative concept of ‘Innere Führung’ has since its inception met with resistance from within the military, and its implementation remains a challenge to date since there is a fundamental tension between military efficiency and democratic requirements. In recent years, however, the concept came under particular reform pressure through the *Bundeswehr* missions abroad (Wiesendahl 2005); some observers claim that it has been eroded especially since the 1990s and worry about a potential future dominance of a ‘combat soldier type’ in the German armed forces (Bald 2002: 103f). It also seems that the whole discourse on ‘Innere Führung’ might be replaced in the long run by the image of a ‘technocrat in uniform’ (Groß 2005: 57f, 71). Both developments would not further the democratic control and societal integration of the troops.

## **4.2 The Internationalization of German Security Policy:**

### **The example of the ESDP**

The democratic control of German security policy has come under pressure in particular by the trend of internationalization, which we analyze in this paper with regard to the European Security and Defense Policy (ESDP). In the aftermath of the Kosovo war and the terrorist attacks from September 11, 2001, the military integration of the EU has made considerable advances due to several initiatives by France, Great Britain and

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<sup>26</sup> No official translation available from the Ministry of Defense.

Germany: In December 1999 the EU member states agreed in Helsinki on the *Headline Goals 2003* which committed the EU to setting up crisis intervention forces which shall be deployed in cases where the NATO as a whole decides not to engage. The goal was to provide for quick reaction forces which are capable of covering the full mission range of the so-called ‚Petersberg tasks‘, i.e. humanitarian and rescue missions, peace keeping, peace enforcement and combat missions. The EU member states pledged to earmark by 2003 the size of 50.000 to 60.000 troops which are capable of conducting the full spectrum of the Petersberg tasks, which can be deployed rapidly within 60 days and which must be able to sustain for at least one year<sup>27</sup> (Wagner 2004: 2). The German contribution to these *Headline Goals* designates 30.000 soldiers, 90 fighter aircrafts and 15 vessels.

In 2004 the EU re-examined these agreements and decreed the adjusted *Headline Goals 2010*, which provided, among others, for the establishment of so-called ‘battle groups’. This concept of battle groups, that had been developed in the light of the EU’s recent experience of their first own autonomous military operation ‘Artemis’ in Congo in 2003, refers to troops which must be highly flexible and available at very short notice and which shall be deployed primarily at the request of the United Nations. A battle group consists of 1.500 soldiers who ought to be ready for deployment within five to ten days and be able to sustain for a minimum of 30 days. Their mission tasks include the ‚Petersberg missions‘ but also the additional tasks laid down in the European Security Strategy from 2003, which comprise joint disarmament operations as well as the assistance of non-EU countries in combating terrorism and in reforming their security sector. The battle groups have reached full operational readiness in 2007; Germany participates on a regular basis in these units, which are kept on ‚stand-by‘ (Lindstrom 2007: 13-19, 88).

The battle group concept is especially relevant for the issue of domestic democratic control since it is linked to a very short notice availability of troops, which poses a challenge not only to the rather lengthy decision-making processes at the European level but also to such member states as Germany that have institutionalized substantial parliamentary oversight powers in the deployment of armed troops (Lindstrom 2007: 30f.). It is rather unlikely that a member state which at a time of a crisis is contributing troops to a ‘stand-by’ battle group would actually withdraw its troops since this would entail the

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<sup>27</sup> At the Capabilities Commitment Conference of November 2000 the EU member states agreed on the earmarking of 100.000 personnel, 400 combat aircraft and 100 vessels that provide a pool for the deployment of rapid reaction capabilities. Parallel to this setting up of military capabilities, the EU also pursues the development of its civil crisis intervention capabilities, which in the meantime have been deployed in 13 civil ESDP missions. These civil operations are not subject of our analysis, but see e.g. Rummel (2008).

collapse of the whole operation (Peters et al. 2008: 13). In this vein, for example Hans-Ulrich Klose, Social-Democratic member of the German parliament and deputy chairman of the Foreign Committee, argues that for reasons of ‘alliance reliability’ special rules of parliamentary decision-making for the EU battle groups (and the NATO Response Force) were required: ‘It must be secured that in a case of a negative vote of the parliament the German soldiers will remain within the integrated troops unit’ (Klose 2007: 26; our translation).<sup>28</sup>

Neither the EU response forces nor the battle groups have been deployed to date but still the EU has already conducted 23 ESDP missions since 2003, six of which are military missions,<sup>29</sup> among others in Macedonia, Bosnia and Herzegovina, Congo, and recently it started its civil rule of law mission ‘EULEX’ in Kosovo and its military operation ‘Atalanta’ for the deterrence and repression of acts of piracy off the Somali coast. It is noteworthy that ‘(s)ome EU operations in the meantime have a much more substantial military clout than common UN operations, although the EU has not yet conducted a robust comprehensive military intervention to enforce peace’ (Mayer/Weinlich 2008: 105; our translation).

The increasing adoption of civil and military tasks has significant consequences for the internal decision-making structure of the EU. Formally, the intergovernmental character of the European security policy remains unchanged, i.e. the individual member states retain their legal competencies, but the informal influence of supranational agencies such as the Commission and of hybrid agencies such as the Council Secretariat has been growing in the fields of planning and organization of the ESDP missions (Mayer/Weinlich 2008: 97-105). Thus although the member states’ national monopolies of force may not be undermined by internationalization, the negative impact on the domestic democratic control of security policy is considerable (Anghel et al. 2008; Peters et al. 2008), as can be illustrated at the example of Germany.

To be sure, Germany belongs to the group of EU member states that have institutionalized relatively strong parliamentary oversight powers in the deployment and control of armed forces (Wagner 2006; Wiefelspütz 2008), but it can be shown with many deployments during the last years that the decisions to participate had actually already been taken by the government during international negotiations before the parliament

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<sup>28</sup> Since this suggestion of introducing ‘special rules’ for ‘special cases’ by Hans-Ulrich Klose refers up to now to a hypothetical case (there has been no negative vote of the parliament so far), it remains to be seen how the German parliament and public would actually react in such an instance. Still, the statement as such and its underlying reasoning, put forward by a significant speaker in the German security discourse, is important for our argument.

<sup>29</sup> See for the civil, military and civil-military ESDP operations <<http://consilium.europa.eu/showPage.aspx?id=268&lang=en>> [accessed on January, 30, 2009].

and the public could debate them.<sup>30</sup> It should be noted that the members of the Bundestag readily accept the prerogative of the executive in this field as inevitable (Klose 2007: 26; Anghel et al. 2008: 64); this executive prerogative has also been confirmed by the Federal Constitutional Court in several rulings (Gareis 2006: 40-43). Both the pressure within the parliamentary parties to appear as a united group, loyal to one's government in a sensitive political matter as well as to one's soldiers, and an understanding of putative international 'necessities' such as 'alliance solidarity' lead a majority of the Bundestag to support the prior international commitments of the government. Further internationalization and an increasing complexity of decision-making subjects and contexts that comes along with it exacerbate the factual imbalance between the German executive and legislative in military deployment issues. Hence the formally considerable oversight powers of the parliament are not fully utilized due to 'faits accomplis' set by the government and due to a general solidarity with one's soldiers (cf. Rosenow 2008: 101-117).

In conclusion, it can be summarized that the transformation of the *Bundeswehr* as well as the ever deeper integration of the German military into international security structures in fact contribute to a further strengthening of the executive and may thus undermine domestic democratic control by the public and the legislative, which has despite existing formal powers been limited *in practice* anyway. The common emphasis on 'output' aspects such as effectiveness, deployability, flexibility and rapidity further diminishes the value of democratic processes whose characteristic slowness seems to be a hindrance for such aspirations.

## **5. TRANSFORMATIONS OF THE STATE MONOPOLY OF FORCE? SECURING THE STATE, UNDERMINING DEMOCRACY**

As the examples of the United States and Germany have shown, the restructuring strategies in the core of Western security politics reveal some astonishing similarities. At first glance, the transformation of the German armed forces and the outsourcing initiative of the US military seem to indicate two disparate responses to a changing international security setting after the end of the Cold War (as described in section 2). Yet, both have similar effects: national executives manage to increase their autonomy vis-à-vis their parliaments and their publics. It could be argued that a form of a new *raison d'état*, as Klaus Dieter Wolf has termed it once (Wolf 2000), is materializing also in this delicate policy field, resulting in a gradual erosion of democratic control. Such a gain of executive autonomy and discretionary power can be observed both in the transformation

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<sup>30</sup> Cf. for the decision on the participation of the Bundeswehr in the EU mission EUFOR RD Congo in 2006 Schmidt (2007), Dembinski/Förster (2007: 22, 27).

of the *Bundeswehr* and the deliberate self-binding of German security policy to international organizations such as the EU and NATO. Complementarily, the outsourcing strategies of the US government can be interpreted as an intentional un-binding and informalization to secure the same effect.

As also Philipp Genschel and Bernhard Zangl (2008) argue in their reflections on the transformation of the state from a monopolist of political authority to a manager of political authority, we are witnessing a novel governance technique of Western states in the core fields of security – however, as we have shown above, it is a technique which entails questionable effects in normative as well as in practical regards. Still, it should be stressed that speaking of a ‘technique’ does not mean that malevolent Western governments collude in a conspiracy to enhance their discretionary powers and flexibility vis-à-vis legislatures and democratic publics. The undermining of democratic control is only partly caused by intentional strategies. To some extent it is also a side effect of structural developments in an expanding field of international security. Increasing complexity of security issues brought about by a growing number of international actors, organizations and institutions produces structural effects and unintended consequences which altogether threaten the maintenance of domestic democratic control. National executives, though not intentionally causing all these effects, still benefit from such structural changes in terms of a domestic empowerment and should thus not be expected to actively reverse them.

In analyzing the effects of privatization and internationalization on the state monopoly of force and its domestic democratic control, one should distinguish not only intentional from unintended consequences but also short-term and long-term effects. This is most relevant for the privatization strategy which in a short-term perspective does not imply a decline of significance of the state. Governments utilize it as a flexible tool of governance in order to increase their autonomy in decision-making. In the long run, however, this strategy might boomerang. Even if one agrees with Dieter Grimm that the state monopoly of force is sufficiently protected as long as the state controls the conditions under which private agents exercise force on behalf of it (Grimm 2002: 1305), the discussion on privatization within the US military highlights how difficult it is to control these conditions. The wars in Afghanistan and Iraq have created a boost for outsourcing, which entails an increasing loss of control and beginning dependencies of the military on PSMCs in some critical areas which could undermine any short term gain in flexibility and the executives’ autonomy in the long run.

With respect to the transformation of the *Bundeswehr*, one might both in a short-term and a long-term perspective well advocate this ‘modernization process’ as it is intended to improve the security protection of the country. However, the defense of national territories has not been the primary mission of the majority of military operations of West-

ern democracies since the end of the Cold War. Instead, they reflect an altered understanding of military violence as a means of global governance and world order politics (Duffield 2001; Brock 2004). Even if the ‘lifting of the taboo on military force’ – as the former German Chancellor Schröder had described his left-wing government’s achievement in recent German military affairs – is not a direct or singular effect of this weakening of democratic constraints on the use of force, the latter might very well contribute to and further fuel it.

To be sure, trends of de-parliamentarisation and self-empowerment of executives are visible in many policy fields, but in the delicate field of security, i.e. the use of force, ‘scenarios of self-programming executive bodies [Gubernativen]’ (Eberl/Fischer-Lescano 2005: 3, our translation) give rise to rather worrying prospects. The governmental rhetoric of inevitable structural adjustments within security politics has the potential to lead to a transformation of the state in the long run, if and when the balance between executives and legislatures continues tipping towards the former.

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