PRIVATE SECURITY COMPANIES
AND THE SECURITIZATION OF
PIRACY IN SOUTHEAST ASIA

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I hereby certify that this dissertation, which is approximately 14,700 words in length, has been composed by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree. This project was conducted by me at the University of St Andrews from June 2010 to September 2010 towards the fulfilment of the requirements of the University of St Andrews for the degree of M.Litt, under the supervision of Dr. Peter Lehr.

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# Table of Contents

**INTRODUCTION** 4

**CHAPTER 1: PRIVATE SECURITY AT SEA** 8

*The Privatisation of Security* 8
*Transnational Market for Force* 9
*Control of Force* 10

*Nodal Security Governance* 12
*Auspices and Providers of Security* 12
*Private Epistemic Power and Authority* 15

*Private Maritime Security* 17
*The Rise of Private Maritime Security* 17
*PSCs in the Maritime Sector* 18
*Services Offered* 19
*Competing Nodes* 20
*Legal Issues* 20
*Maritime Control of Force* 22

**CHAPTER 2: THE SECURITIZATION OF PIRACY** 23

*Two Waves of Piracy Securitization* 25
*Wave One: The Securitization of Piracy* 25
*Wave Two: The Conflation of Piracy and Maritime Terrorism* 28

*Criticisms of the Copenhagen School* 31
*Beyond a State-centric Security Logic* 31
*Beyond the Speech Act* 32
*Towards an Externalist Securitization Framework* 35

**CHAPTER 3: NODAL SECURITIZATION IN THE STRAIT OF MALACCA** 38

*The Nodal Securitization Framework* 38
*Illustrating Nodal Securitization Empirically* 39
*(1) Nodes and their interests* 40
*(2) Capturing issues into security auspices* 41
*(3) Changes in positional power dynamics* 44

**CONCLUSION** 50

**BIBLIOGRAPHY** 53
ABSTRACT

Taking the 2005 “listing” of the Strait of Malacca by the Joint War Committee (JWC), on the advice of Aegis Defence Services as a point of departure, I have developed a “nodal securitization framework” in order to examine how PSCs can securitize piracy as a threat to shipping in an effort to increase both their epistemic power as counter-piracy experts and demand for their armed anti-piracy services. This has involved researching theories of private force in global politics and the Copenhagen School concept of securitization, as well as the criticisms that have been levelled against it. By using a nodal framework it is possible to examine states, the insurance industry, shipping companies, interests groups, and PSCs as nodes operating in a security governance network rather than a system of states. By bringing together the reflections on security governance networks and the criticisms levelled against the Copenhagen School’s concept of securitization, I have framed nodal securitization as a process occurring on two levels (1) the intersubjective construction of a governance auspice around an issue, and (2) an increase in the positional power of the securitizing node. I then argued that to study a particular process of nodal securitization, one must follow three analytical steps: (1) Establish what nodes are operating in a particular security network and what their interests are based on their sedimented socio-political and socio-linguistically embedded contexts, (2) show how an issue is captured into an auspice through the intersubjective construction of meaning, and examine the particular security logic of this auspice by examining its consequences, and (3) examine changes in the positional power dynamics between nodes through historically evolved practice. While combining the fields of “Nodal Security Governance” and “Securitization” studies may be useful in developing our understanding of securitization as a process that can operate outside the security logic of states, further work should determine whether the study of security governance networks has really benefited from this merger. It may be the case that this merger has simply complicated and conceptually stretched an already elegant and functioning theory, which could be construed as a limitation of this study. If it transpires, however, that this merger could be useful in the advancement of our knowledge of securitization and/or security governance networks, the nodal securitization framework should be developed into a theory and tested with a range of empirical case studies.
PRIVATE SECURITY COMPANIES AND THE
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“So it's actually, it's the great undiscovered problem.”

- Dominic Armstrong, Aegis Defence Services Ltd. (17 June 2004)

In July 2005, Aegis Defence Services Ltd., a provider of both intelligence and physical maritime security services (see: http://www.aegisworld.com/index.php/security-operations/maritime-support-services [accessed 8 September 2010]), persuaded the Joint War Committee (JWC), comprised of the Lloyd’s Market Association (LMA) and the International Underwriters Association (IUA), to “list” the Strait of Malacca, citing an increased risk to shipping from piracy (Murphy, 2006). The listing of geographic areas by the JWC can increase the insurance rates ship owners must pay in order to be covered in this area (Liss, 2007). Increases in insurance rates are often correlated with the use of private armed guards onboard ships as well as the use of private armed escort ships (Cullen, 2008; Gjelten, 2009). Carolin Liss (2006: 119-120) has written about the conflicts of interest that arise when Private Security Companies (PSCs) provide intelligence to decision makers and concomitantly sell physical solutions to security issues such as piracy. While this phenomenon has been researched from the perspective of the “Privatisation of Security”, particularly through Leander's (2005) concept of epistemic power in security networks, it has never been analysed from the “Copenhagen School” perspective of “Securitization” (Buzan et al., 1998). While Ong-Webb (2007: 82-89) has outlined two waves of piracy securitization, and Mak (2006) and Tsvetkova (2009) have respectively written about the securitization of piracy in the Strait of Malacca and the Gulf of Aden, the role of the PSC as a “securitizing actor” has never been specifically addressed. At the same time, while discussions of security governance networks have focused on how nodes
compete to maximise their positions in these networks, and create new auspices to authorize the provision of security against particular issues, the process by which this can be achieved has never been explicitly examined. By developing a “Nodal Securitization Framework” from these two strands of security studies, I will redress this imbalance and examine how PSCs can securitize piracy as a threat to shipping in an effort to increase both their epistemic power as counter-piracy experts and demand for their armed anti-piracy services.

Adam Young (2007: 4-10) has outlined the different ways in which piracy has been and can be defined. These fall under Article 101 from United Nations Convention on the Law of the Sea (UNCLOS), Article 2 from the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and the International Maritime Bureau (IMB) definition, which is commonly used by the media and in security literature, but not legally binding.

Under Article 101, UNCLOS, "piracy" consists of any of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b). Young points out that this definition is problematic in Southeast Asia because piracy frequently occurs in territorial waters. Because it requires ship-to-ship conflict, it excludes crimes in ports. It also excludes political acts.
The SUA is not designed to address definitional or jurisdictional issues of piracy, but rather international terrorism. It is now, however, being promulgated as an anti-piracy document, partially to address some perceived deficiencies in UNCLOS. Article 3 of the SUA outlines a broad definitional framework of acts that constitute a threat to maritime navigation. It sidesteps definitional pitfalls by not mentioning specific acts such as "piracy" or "terrorism", but rather 1. Any person who commits an offence if that person unlawfully or intentionally: a. seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or b. performs an act of violence against a person onboard a ship if that act is likely to endanger the safe navigation of that ship. Southeast Asian governments have been reluctant to adopt this definition.

The IMB defines piracy as "[a]n act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act." This definition is not legally binding and does not conform to UNCLOS, SUA or the national laws of any country.

Young has developed a working definition of piracy, which I will use in this study, as "[a]n act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act, excepting those crimes that are shown or strongly suspected to be politically motivated." This follows the IMB definition but purposefully separates politically motivated maritime crime and therefore more accurately reflects the dangers faced by victims of either act.

In Chapter One I will review the key issues surrounding the role of private security in global politics from both the perspective of the “Privatization of Security” and “Nodal Security Governance”. I will then review the issues specifically addressing the role of PSCs in maritime security. Using a nodal framework it is possible to examine states, the
insurance industry, shipping companies, interest groups, and PSCs as nodes in a security governance network.

In Chapter Two, I will first outline the Copenhagen School’s concept of “Securitization”, before outlining how the securitization of piracy has been addressed in the past. I will then outline those criticisms of the Copenhagen School that can be deployed towards the development of a nodal securitization framework.

In Chapter Three, I will use these criticisms as well insights from Chapter One to develop a nodal securitization framework, which moves beyond the Copenhagen School by situating an externalist concept of securitization in a security governance network rather than a system of states. While an empirical case study lies outside the remit of this predominantly theoretical study, I will provide an empirical illustration of this framework using the JWC’s decision to “list” the Strait of Malacca.

In Chapter Four, I will examine how nodal securitization by PSCs leads to the “militarization” (Leander, 2005) and “commodification” (Krahmann, 2008) of security and will outline the implications of these processes.
CHAPTER 1: PRIVATE SECURITY AT SEA

Max Weber argued that "the monopoly of the legitimate use of violence in the enforcement of its order" is a key characteristic of states (1964: 154; emphasis in original). Two distinct approaches to understanding the role of private force in global politics have emerged. The first approach known as the “Privatisation of Security”, whose foremost authors are Avant (2005) and Singer (2003), adheres to Weber's argument because its proponents maintain that states remain the key intervening variable in determining what violence is legitimate (Avant, 2005: 7). The second approach, which I will call “Nodal Security Governance”, whose foremost authors are criminologists Bayley and Shearing (2001: 1), challenges Weber's conception of the state's monopoly on the legitimate use of force because its proponents contend that the authorisation and provision of force has become “multilateralised”. In the following paragraphs of this chapter I will outline the key issues discussed under both of these approaches before turning to the key issues associated specifically with the role of private security in the maritime domain.

The Privatisation of Security

From Avant's (2005: 2-3) perspective, the role of PSCs has grown in the last 20 years to the extent that not only states are using their services. Transnational non-state actors such as non-governmental organisations (NGOs) and multi-national corporations (MNCs) are increasingly financing security services to achieve their goals. Avant argues this trend represents a growing market for force that exists alongside a system of states and state forces. I will now outline the debates surrounding this market and what it means for the control of force.
Transnational Market for Force

The rise of the contemporary market for force is attributed on the supply side to local (the end of apartheid in South Africa) and international (the end of the Cold War) military downsizing. On the demand side are Western states, developing nations and weak or failed states that have lost superpower patronage, non-state actors like private firms, NGOs, and groups of citizens in the territories of weak or failed states. The rise is further attributed to the attraction to private solutions and a wider trend towards privatisation of state services in the 80s and 90s. The 90s also saw a rise in small-scale conflicts, which Western states were unable or unwilling to prevent, where PSCs provided stopgap intervention. PSCs also provided the tools for weak governments to shore up their capabilities and provided security for trans-national firms in the extractive industries (Avant, 2005: 30-38).

The services provided by PSCs can be described in three broad categories of external security support: operational support, military advice and training, and logistical support. They also offer internal security ranging from site security (both armed and unarmed), crime prevention and intelligence (Avant, 2005: 16). Singer (2003: 91) has desegregated PSCs into three sectors: Military Provider Firms, Military Consultant Firms, and Military Support Firms, arguing that this typology allows one to explore not only variation within the industry but also variation in a firms' organisation, their operations, and impact. Avant (2005: 16-17) further distinguishes these as type-one firms that provide implementation and command, type-two firms that provide advice and training, and type-three firms that provide military support. She argues that these distinctions make sense but that because the PSC may provide 'type one' services in one contract and 'type three' in another, it makes more sense to use contracts rather than firms as a unit of analysis. However, when looking at how a PSC might securitize piracy in one contract to seek out counter-piracy contracts that are more 'type one' in nature, it would be wise to take both firms and contracts into consideration.
This is because as Avant 2005: 21-22) acknowledges, some contracts are hard to categorise such as those offering operational capacity in counter-insurgency, anti-terrorism and other special operations. Offered to states as well as MNCs and other non-governmental entities, these services work in grey areas that connect external and internal security. She argues that demands for these services reflect an increasing concern with international criminal threats and the blurring of internal and external security. Insights into the blurring between policing and combat and the general blending of roles that accompany operating in a combat zone can be gleaned from the role of PSCs in Iraq, where Blackwater employees, under contract to the Coalition Provisional Authority (CPA) to provide security to US administrator Paul Bremer and five outposts, carried weapons, had their own helicopters and fought off insurgents in ways that were hard to distinguish from combat.

**Control of Force**

An important issue arising from the rise of PSCs is that private security may affect how and whether people can control violence. This issue is referred to as the control of force (Avant, 2005: 3). Avant has summarised the debates surrounding the implications for the control of force arising from the privatisation of security. For pessimists, the turn to private security threatens to undermine state control and the democratic process. Musah and Fayemi (2000) argue for example, that in Africa, the consequences of privatising security can be severe. The actions of PSCs are said to sustain the militarisation of Africa and pose "a mortal danger to democracy in the region". They conclude that unregulated private armies linked to international business interests threaten to undermine democracy and development in Africa (Avant, 2005: 4).
For optimists on the other hand, private options offer solutions to intractable security problems that can operate within national and/or values shared by the international community. Shearer (1998) for example argues that in Africa and elsewhere, PSCs willing to take on messy intervention tasks that Western militaries are eager to avoid can help end civil conflicts that would otherwise be intractable. Following this argument, rather than outlawing PSCs, the international community should engage them. Brooks (2003) proposes that a consortium of PSCs could bring years of peacekeeping experience and NATO-level professionalism to protect vulnerable populations in places like the DRC, Darfur and Sudan, and could also train local gendarmes in policing human rights so as to build a more professional local force (Avant, 2005: 5).

Yet as Avant (2005: 5-6) points out, depending on the context, both positions could be 'right' as both arguments hinge on different conceptions of 'control' and often hold private security alternatives to different comparative standards. Privatization's effect on the capability of forces and the values they serve should vary depending on the issue and context in question. Sometimes privatization leads to greater capabilities, other times to lesser capabilities, and sometimes leads to more, sometimes less integration of violence with prevailing international values.

As mentioned at the start of this chapter, Avant (2005: 7) sees the capacities of states as the fundamental intervening variable. Strong states that are coherent, capable and legitimate to begin with are best able to manage the risks of privatisation and to harness PSCs to produce new public goods, but sometimes risk corruption of democratic processes. Weak states with ineffective and corrupt forces potentially have the most to gain (or the least to lose) from the capacities offered by the private sector, but are also least able to manage private forces for public good.
Nodal Security Governance

The consideration of private security actors or non-state authority in global security governance often portrays PSCs as illegitimate actors (Abrahamsen and Williams, 2007: 238). Muthien and Taylor’s (2002) discussion of “mercenaries”, “dogs of war”, and “illicit authority” is a prime example of this literature. However, as Abrahamsen and Williams (2007: 238) have argued, this obscures our understanding of the nature and functioning of authority in the contemporary global order. This section will outline an understanding of private force in global politics which has been developed in the academic field of criminology by Bayley and Shearing (2001: 1), which challenges Weber’s conception of the state monopoly on the legitimate use of force by arguing that the authorisation and provision of force has become “multilateralised”. I will now look at auspices and providers of security, security networks and private epistemic power and authority, while the ensuing “militarization” (Leander, 2005) and “commodification” (Krahmann, 2008) of security will be addressed in Chapter Four.

Auspices and Providers of Security

The distinction between auspices and providers of security was first highlighted by Bayley and Shearing (2001: 3) to explain transformations in the governance of security. Auspices are groups and sometimes individuals who explicitly and self-consciously take the responsibility for organising their own protection. Providers on the other hand are groups that actually provide the required security. Auspices and providers sometimes coincide, but are not necessarily the same. Under the old paradigm, governments had the responsibility for articulating security needs and developing institutions to meet them. Through the distinction between auspices and providers it is possible to move beyond the oversimplification of distinguishing between public and private. Auspices and/or providers
can be either public (governmental) or private (non-governmental). Auspices and providers can be functionally organised into four combinations: public/public, public/private, private/public, or private/private. Rather than involving only the privatisation of security, transformations in security governance have entailed a “multilateralization” of the sources of demand and supply of security.

Shearing and Bayley (2001: 5) therefore argue that the responsibility for authorizing and providing security instrumentally has been multilateralised and denationalised. Governments traditionally assumed the primary responsibility for providing security, which had a double meaning in that they determined what sort of security was needed and provided the means to achieve it. This meant that governments were at the same time the organisational auspices for formulating demand and the providers who supplied it. In the contemporary restructuring of security these two functions have become separated. It is now perfectly acceptable for groups other than governments to take care of their own security and to select their own providers. This transformation therefore separates the authorization and provision of security from what is recognised as formal government.

**Security Networks**

Abrahamsen and Williams (2007: 238) argue that the authority of PSCs cannot be contained within the traditional distinctions of inside-outside, global-local or public-private so an understanding of this authority requires the dissolution of the 'state-territory-authority' nexus in favour of an analysis of new networks and interactions between state and non-state actors. Dupont (2004: 78) has built on Shearing and Bayley's distinction between the auspices and providers of security by developing the concept of security networks, which are a set of institutional, organisational, communal or individual agents or nodes that are interconnected in order to authorise and/or provide security for the benefit
of internal or external stakeholders. Nodes are defined as locations of knowledge, capacity and resources that can be deployed both to authorise and provide governance. These nodes have the capacity to form governing assemblages and develop networks that traffic in information and other goods. This nodal framework allows for an analysis that moves beyond the state/non-state binary (Shearing, 2004: 6-7).

Dupont (2004: 77) argues that the monopoly on the legitimate use of force attributed to states is more a historical distortion - or at least a temporary anomaly - than a durable condition. For Shearing (2004: 8-9) this is important because a state-focused understanding of the multilateralisation of security authorisation and provision misses the essential point that powerful nodes of governance outside the state now operate in ways that are not state-directed. Non-state nodes do not merely engage in enacting state directions. Private security has emerged mainly because corporate entities have, for a variety of reasons decided to take responsibility for governing security in particular domains by both authorising and providing security. Their propensity to use spaces within state law that have enabled them to do so legally should not be seen as an indication that they are operating under state direction. It does however mean that by seeking to operate within state law, although often they are able to choose which states' laws, PSCs recognise and take advantage of laws that lead to their empowerment. In terms of sovereignty this means that while state laws have in most cases remained primary, this primacy has been used to promote and enable the emergence and operation of auspices of governance that operate outside state structures and state direction. In other words, state law has been deployed to promote non-state governmental power.
Private Epistemic Power and Authority

Dupont (2004: 84-85) argues that nodes in a security network mobilise different types of “capital” or context specific resources already in their possession in order to influence the operating parameters of a network and achieve a desired outcome. PSCs can therefore seek to monopolise capitals that are recognised as legitimate by all members of the network and delimit the parameters of consensus holding a network together. New nodes or “heterodox actors” like PSCs seek to alter the existing order through innovative strategies. Hall and Biersteker (2002: 4) refer to this as the process by which private non-state actors are accorded a form of legitimate authority in global politics, while Leander (2005: 811), refers to the more agential “epistemic power” of PSCs.

As Abrahamsen and Williams (2008: 240) argue, authority is a concept that is difficult to define, but the general consensus is that it sits on a spectrum between coercion and persuasion. It is linked to legitimacy and consent, or to a recognition of the right of certain individuals or institutions to rule or exercise authority over a particular territory or issue area. But authority cannot be separated from coercion or from the idea that domination and persuasion exist as potentialities that can be used, should consent or trust be in doubt. For Leander (2005: 805-811) this leads to an understanding of authority as the ability to establish a presumptive right to speak and act, because PSCs contribute to the reproduction of a highly specialised security field in which “experts” authorise an increasingly technical, managerial and military understanding of security, which in turn empowers PSCs. The notion of power underlying many discussions about the significance of PSCs leads scholars to logically either reject or accept only a partial image of the power of PSCs in global politics. Power should be understood as the ability of PSCs to have an indirect influence on other actor's interests by influencing their understanding of security. Leander calls this ability to affect meaning in discourses epistemic power because it works
through and by affecting the knowledge of actors. By acknowledging its dependence on an audience or society whose norms and values recognise certain persons, institutions or statements as authoritative, this view of authority sees it as an effect rather than an entity (Abrahamsen and Williams, 2007: 240), which will be instructive for an understanding of how PSCs securitize piracy.

Leander (2005: 811-817) argues that the epistemic power of PSCs affects security discourses most directly when they gather, select and analyse intelligence. There are direct consequences from the privatization of intelligence for the relation between PSCs and security discourses in that it places firms in a position where they are involved directly with the production of these discourses. They provide a growing share of information that forms the basis of decisions on whether or not something is a security issue. This information is structured and selected by the firm that provides it. Through this process firms could have a significant impact on the routine grouping of information, which is in itself a way of creating threats and security concerns that might not previously have existed. These private firms decide what is told and what is left out, thereby mobilising and providing the foundation of decisions to be taken. In effect, firms and government agencies need to sell their products and need to convince decision makers that the product or service they sell is important for security and that it is more important than the products and services sold by their competitors. This could encourage firms or government agencies to try to shape the security understandings of their customers.

It is possible by using the nodal framework to examine states, the insurance industry, shipping companies, interests groups, and PSCs as nodes operating in a security governance network rather than a system of states. Before outlining the concept securitization in Chapter Two, and then situating this concept in a nodal securitization
framework in Chapter Three, I will first address the debates surrounding PSCs operating specifically in the maritime domain.

**Private Maritime Security**

PSCs have been employed to secure the world's maritime domain, with a particular focus on commercial vessels, yachts, cruise ships, oil platforms, container terminals and ports (Liss, 2006: 110). Berube (2007: 609-610) has argued that instead of the traditional, hierarchical organisational structures inherent to state navies, they offer a more virtual organisational alternative that can benefit from the globalised economy. Virtual organizations can bring the required personnel and processes together to accomplish a particular task. When the task is over, these resources can be released for other tasks. Enabled by networking, virtual organisations allow enterprises to take advantage of the potential gains in productivity that are associated with outsourcing as well as virtual collaboration and integration. In the final paragraphs of this chapter, I will focus on the rise, companies, services, competing nodes, legal issues, control of force of PSCs involved in maritime security in Southeast Asia.

*The Rise of Private Maritime Security*

A number of social, political, and economic factors shaping the Southeast Asian maritime environment have contributed to the growth of a privatized maritime security industry (Liss, 2007: 136). The demand for PSCs in the region comes mainly from the maritime sector, where the services provided are in the realm of militaries and local law enforcement agencies. Liss (2009: 392) argues that they are therefore an example of private organisations exercising political authority with the power to make and enforce rules over the delivery of
collective goods. While terrorism, separatism, fraud and piracy have existed in Southeast Asia for decades, a changed security environment after the end of the Cold War, and particularly since 9/11, created a crucial niche for PSCs to offer an increasing range of maritime security services. Governments became weary of the oceans due to heightened fears of a maritime terrorist attack. This lead to the introduction of new safety and security regulations in the maritime sector in the form of the International Ship and Port Facility Security Code (ISPS). A new security consciousness in the shipping industry ensued, accompanied by an increased awareness of the security improvements needed to adequately protect assets, investments and crews (Liss, 2007: 139). The new ISPS requirements acted as an incentive for the shipping community to turn to PSCs, because of the general difficulty for outsiders to deal effectively with local authorities and a lack of faith in these authorities. Employing PSCs contrastingly promises the use of highly motivated and experienced individuals working solely in the client’s interest, while employing local law enforcement personnel has led to accusations of corruption and human rights abuses (Liss, 2007: 142).

PSCs in the Maritime Sector

Many PSCs offering anti-piracy security in Southeast Asia are part of, or linked to, larger PSCs or transnational corporations outside the security industry. Many of the larger companies are based in the US or UK, although some have recently established branch offices in Asia. One example is Global Marine Security Systems Company (GMSSCO), (formed by Hart Group Limited, Tufton Oceanic Limited, and Energy Transportation Group, Inc), which has reportedly recently opened an office in Singapore. A number of smaller companies also operate in the region like Background Asia, with headquarters in Singapore. Many other companies that are based in other parts of world also offer anti-
piracy services in Asia. These include Gray Page Limited (UK), Trident Group (USA), MarineService GmbH (MSG) from Germany, G.S.SEALS (Israel) and the Australian National Security Service (ANSS). The British company Anglo Marine Overseas Services has employed Ghurkha escort guards onboard cruise vessels in high risk areas, while Trident Maritime, also a British company headed at the time by Colonel Tim Spicer (currently CEO of Aegis Defence Services Limited), were employed following the Tamil Tiger’s devastating attack on Bandaranaike International Airport in the Sri Lankan capital of Colombo in July 2001. After the attack, Lloyd's of London introduced a hefty war risk surcharge and suggested that the government hire Trident Maritime to conduct a security survey of the country's airport and seaports, and to implement any recommendations given by the company (Liss, 2006: 111-112).

Services Offered

To address challenges in the maritime sector, PSCs offer wide range services. These include consulting services such as ISPS training courses, risk and vulnerability assessment (Liss, 2006: 110-111) and more active security solutions that can be divided into two categories. The first category is the prevention of attacks where services include tracking commercial vessels, guarding offshore energy installations and ports, the employment of plain-clothed PSC personnel or (un)armed guards on ships, and providing escort vessels. The second category is crisis, post-attack and incident response, where services include the investigation and recovery of hijacked or missing vessels, stolen cargoes, negotiations concerning kidnapped crew members or employees, hostage rescue after failed negotiations, first aid and evacuation assistance in emergencies and accidents. These services address threats from smugglers, fraudsters, pirates and terrorists. They also prepare companies for accidents and natural hazards (Liss, 2007: 141). These services are not only
sought by clients based in piracy prone regions, but also by insurance companies and financial institutions located in major cities around the world (Liss, 2006: 111).

**Competing Nodes**

PSCs are in competition with other nodes in maritime security networks. In Southeast Asia these include local authorities and institutions like the IMB's Piracy Reporting Centre. A number of government offices, NGOs and other institutions offer political risk analysis, and the IMB regularly publishes reports on piracy and armed robbery at sea and has a proven track record of assisting victims in the recovery of hijacked vessels and stolen cargo. The IMB also has the advantage of providing these services at a considerably cheaper rate than that offered by PSCs. Illustrating this competitive factor, the Director of the IMB Captain Mukundan, has argued that the employment of armed or unarmed guards onboard ships, is likely to have only a very limited effect in deterring pirates or terrorists. The extra costs for employing armed guards may therefore not be justifiable in the eyes of ship owners who have to stay commercially competitive (Liss, 2006: 116), unless as we shall see in chapter three, the presence of armed guards onboard ships brings down insurance costs.

**Legal Issues**

PSCs conducting anti-piracy services are not employed by governments in Southeast Asia and thus arguably operate in a legal grey zone, with little or no government control over their activities (Liss, 2009: 394). However, in theory companies need to comply with the laws and regulations set by the states in which they operate. This can be a challenging task, particularly when commercial vessels are protected by PSCs, as the vessel not only moves
between different states and jurisdictions using the right of innocent passage, but also often sails under the flag of yet another state (Liss, 2007: 146). This right of innocent passage derives from Article 19 of UNCLOS, which states that the legitimate monopoly over use force in matters of security lies with state, and not with ships passing through those waters. Ships passing through territorial waters are bound to International Law relating to innocent passage and transit passage, neither of which seem to cover armed escort operations (Muhibat, 2007: 251). As Liss (2009: 397) has argued, PSCs operate with the 'approval' of local military and/or law enforcement personnel, but without official authorisation from governments. This tacit 'permission' clearly differs from official permits, which are for example issued by the Malaysian Ministry of Internal Security (Liss, 2007: 146).

A central issue in the debate over whether or not PSCs have permission to operate within Southeast Asian countries, their respective territorial waters or EEZs, is the fact that PSCs sometimes conduct work that requires their employees to be armed. The rules and regulations concerning the use and baring of arms by private companies vary from country to country. It is for example almost impossible for PSCs to be granted permission for employees to carry weapons in Singapore, despite being based there. Other than applying for permits to employ armed personnel in other countries in the region, PSCs find other ways to conduct armed services, for example by employing staff from local security companies, who not only have the required permission but may also have additional local knowledge (Liss, 2007: 146-147).

Both Muhibat (2007) and Osnin (2006) have pointed out that while littoral states have claimed that the actions of PSCs are illegal, they have been either unwilling or unable to enforce their own laws. Similarly, by arguing that PSCs impinge on their sovereignty, littoral states have achieved little more than to highlight their own inability to exert authority over their territorial waters. Liss (2009: 402) argues that PSCs in maritime sector therefore operate “in the shadow of international or national governmental
authority”. While some links to government agencies exist at a local level, PSCs largely conduct their work parallel to the state.

Maritime Control of Force

The use of armed guards, poses not only legal problems, but also those concerning the control of force. Representatives from the Federation of ASEAN Shipowners' Association, the IMO and various other maritime organisations have argued that armed escorts could escalate an already volatile situation and that the exchange of fire on an oil or chemical tanker could prove disastrous. The level of violence used by PSCs in the maritime sector remains ambiguous. Alex Duperouzel from Background Asia has demonstrated the willingness of his company to use arms in a newspaper interview, where he claimed, "Just like a cop who has to defend his own life, our men will not shoot to kill. It is a series of escalating events. If we can take out an engine, we'll do so. We will also go for the knees. But if we are forced to engage, we will engage to win." This shows that some PSC employees are prepared engage in armed conflict, which highlights the importance of oversight over PSC operations. However, oversight of weapons use in the maritime sector is hampered by the fact that operations often take place on ships or oil and gas installations at sea, and thus far removed from the eyes of the observer (Liss, 2007: 147).
CHAPTER 2: THE SECURITIZATION OF PIRACY

While discussions of security networks have focused on how nodes compete to maximise their positions in these networks, and create new auspices to authorize the provision of security against particular issues, the process by which this is achieved has never been explicitly examined. By situating the concept of securitization in a security network, I will show how this process can be explained. The concept of securitization was developed by the “Copenhagen School” at the core of which are Ole Wæver and Barry Buzan. Buzan and Wæver have developed three conceptual tools of analysis to facilitate the study of security: namely sectors of security, regional security complex theory and the securitisation framework (Floyd, 2007: 329). The first two were developed by Buzan, while the term "securitization" was first coined by Wæver (1995: 55) who described it as a process whereby "[by] uttering 'security,' a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it". Buzan and Wæver (Buzan et al., 1998) have built on this foundation by developing two central concepts: firstly, the trident of speech act, securitizing actor, and audience and secondly, three "facilitating conditions", that determine the success or failure of a securitizing move.

The speech act is drawn from language theory and is used to describe the process of securitization. Thus "...it is the utterance itself that is the act. By saying the words, something is done" (Buzan et al., 1998: 26). Speech acts therefore describe the articulation of an issue posing an existential threat to a designated referent object. Referent objects are things that are seen to be existentially threatened and that have a legitimate claim to survival. While the referent object for security has traditionally been the state, securitizing actors can in principle attempt to construct anything as a referent object, for example sets of principles such as "the liberal world economy" and "free trade". Securitizing actors are
those actors who securitize an issue by declaring a referent object existentially threatened. A securitizing actor can be an individual or a group, who performs the security speech act. These actors are typically political leaders, bureaucracies, governments, lobbyists, and pressure groups. The audience are those whom the securitizing act attempts to convince to accept exceptional procedures because of the specific security nature of some issue. Securitization should therefore be understood as an intersubjective process, because a successful securitization is not decided by the securitizer, but by the audience of a security speech act. Audience acceptance is not conceived as a dominance-free feature, it can rest on coercion as well as consent. (Buzan et al., 1998: 21-41).

The conditions facilitating a successful speech act can be summarised as (1) the demand internal to the speech act of following the grammar of security, (2) the social conditions regarding the position of authority for the securitizing actor, in other words the relationship between the speaker and audience and thereby the likelihood that the audience will accept the claims made by the securitizing actor, and (3) features of alleged threats that either facilitate or impede securitization (Buzan et al, 1998: 33).

While Ong-Webb (2007: 82-88) has outlined two "waves" of piracy securitization in Southeast Asia and Young and Valencia (2003), Bradford (2004) and Mak (2006) have analysed these processes in detail, the concept of securitization they employ does not account fully for the many criticisms that have been levelled against the Copenhagen School. A central critique for conceptualising a nodal securitization framework is Doty's (1998) argument that the Copenhagen School frames securitization in a state-centric logic, which precludes the possibility for multiple sites of security. By showing that the state is just one of many possible sites of security and insecurity (Doty, 1998: 82), she opens up the possibility to situate a theory of securitization in a network security framework, which follows a different security logic than that found in a system of states, with nodes as the site of security. In the following paragraphs of this chapter I will provide an overview of
existing debates surrounding the securitization of piracy in Southeast Asia and outline the various criticisms levelled against Copenhagen School securitization studies. These criticisms and insights from Chapter One will then be used to develop a nodal securitization framework in Chapter Three.

Two Waves of Piracy Securitization

By outlining previous endeavours to securitize piracy in Southeast Asia, we will be able to understand what other nodes PSCs compete with to authorize and provide counter-piracy services in the Strait of Malacca. It will also highlight what Holger Stritzel (2007: 369) has called a contextual reservoir of analogies on which securitizing actors can draw. Ong-Webb (2007: 82-88) has argued that the securitization of contemporary piracy in Southeast Asia, has lead to what could now be termed the rise of “postmodern” piracy: a phenomenon that has been reinterpreted and reconstituted outside of its traditional archetype to the point where it has been dislocated from its foundational, historical and sociological leanings. He outlines two waves of piracy securitization in Southeast Asia: "wave one" involved the initial securitization of piracy between the 1990s and 2001, while "wave two" involves the conflation of piracy and maritime terrorism from 2001 to the present.

Wave One: The Securitization of Piracy

The IMB has claimed that piracy is becoming an increasing danger to shipping in the Strait of Malacca, and that Southeast Asian states are not doing enough curb the problem. According to Mak, the IMB's aim was to securitize piracy (Mak, 2006: 66-67). Mak (2006: 71-73) argues that the IMB can be seen as an authority figure, because it currently provides the only source of continuous time series data, beginning from 1995, on piracy and as such has become a de facto piracy authority. The IMB therefore fulfils the Copenhagen School
criterion that an actor must be a recognized authority figure before it can engage in securitization. The IMB sees piracy as a state problem, and not one for shipping industry to handle. It also argues that only effective enforcement, primarily patrols at sea, can solve the problem. Consequently, the IMB considers socio-economic measures, such as poverty alleviation programs, of only secondary importance. Its primary strategy therefore is to pressure littoral states into taking action by highlighting piracy hot spots by using the media and by issuing its own regular piracy reports. The IMB is therefore engaging in a very clear speech act. By emphasizing enforcement as the key to the problem, the IMB has also adopted a state-centric approach, seeing governments as the main actors. In the IMB’s own words, it “seeks not only to list the facts, but also to analyze developments in piracy and to identify piracy-prone areas so that law enforcement agencies and crew can take preventive action”.

According to Mak (2006: 73-74), aware that piracy incidents are relatively few, the IMB has set out to securitize piracy in the Malacca Straits by resorting to scenario painting; pointing out that piracy poses potentially grave economic, environmental and even political dangers. A 1992 IMB special report pointed out that most pirate attacks in Southeast Asia the previous year took place in a 20-mile long stretch of the Philip Channel between Singapore and Indonesia, and that victims included laden tankers. In one instance, the bridge of a ship was left unmanned for 70 minutes after a pirate attack. Had this incident happened in the Philip Channel, pronounced the IMB, “a disaster would have been virtually inevitable”. The IMB then warned of a potential disaster on the scale of the infamous Exxon Valdes incident, except that instead of affecting a sparsely populated Alaska, the resulting pollution would extend into the Malacca Straits, and completely surround Singapore Island and the Riau and Bintan island groups of Indonesia. The IMB warned: "Quite apart from the pollution consequence, there is every possibility that the seaway would have to be temporarily closed to shipping and the fishing in the area would
be ruined for many years if not permanently." The IMB also emphasized that there would be no second chances with an oil-spill, and “a pro-active attitude” was necessary to prevent pirates from creating such a potential ecological, economic and political disaster. This theme was repeated regularly. From 1991 to 2003, IMB continued warn of the “existential threats” posed by ships set adrift, with crews immobilized by pirates. After September 11, 2001, the IMB extended its focus to include possible terrorist attacks.

However, Mak (2006: 81) argues that Malaysia did not accept the IMB's speech act with regard to piracy statistics on two counts. (1) It argued that the IMB's piracy statistics were misleading because they aggregated all crimes as sea piracy. (2) It pointed out that the IMB’s reporting did not distinguish between Indonesian and Malaysian waters in the Malacca Straits.

Bradford (2004: 484-485) argues that although the costs of piracy were considered to be low, since the mid-1990s a convergence factors has driven Japanese policymakers to securitize piracy as a threat and identify anti-piracy cooperation with coastal states as a critical policy interest. The primary motivation has been the identification of piracy as a direct threat to Japan's comprehensive security. As neither key coastal states nor other extra-regional powers were taking adequate steps to control the problem, Japan felt it had to assume a leadership position. The humanization of the problem as one with Japanese victims further raised the perceived value of confronting piracy. The shared interests of several influential policy groups in anti-piracy programmes not only increased their perceived value, but also influenced the shape of these initiatives.

The securitization of a policy problem was clearly apparent in newspaper editorials, television features, and the official commentary that immediately followed incidents. This discourse clearly identified piracy as a direct threat to Japan's security and called for extraordinary measures to be taken to counter that threat. Prime Minister Obuchi
implemented such an extraordinary measure at the November 1999 ASEAN+3 Summit in Manila, when he surprised the region by announcing his desire for Japanese Coast Guard (JCG) vessels to conduct joint patrols with Southeast Asian maritime forces (Bradford, 2004: 490).

**Wave Two: The Conflation of Piracy and Maritime Terrorism**

Mak (2006: 82-83) argues that after 9/11, the IMB pointed out a possible conflation between terrorism and piracy. In 2003 Mukundan urged coastal states to allocate more resources and patrol waters more effectively to counter terrorism. He cited the case of the French tanker *Limburg* that was rammed by a boat packed with explosives in the Gulf of Aden in October 2002, and warned: “post-Limburg, we cannot hope for the best and ignore the lessons”. The IMB's tentative conflation of terrorism with piracy resonated with various countries and organizations and resulted in what might be termed a “coalition discourse” of like-minded parties that attempted to conflate piracy and terrorism in the Malacca Straits.

At a key Asian security conference known as the Shangri-La Dialogue in June 2003, Singapore's Deputy PM and then Defence Minister Dr. Tony Tan acknowledged these forewarnings on maritime terrorism: "Some security analysts have warned that with the hardening of land and aviation targets, the threat of maritime terrorism is likely to shift to maritime targets, particularly commercial shipping." He also recognised the claims for nexus between maritime terrorism and regional piracy: "We have been dealing with the problem of piracy for some time, and there are methods and tactics associated with terrorism which we can identify, and put in place several preventative measures” (Ong-Webb, 2007: 84-86).
It would take the now infamous *Aegis Terrorism Report 2003* released by Aegis Defence Services Ltd. a few months after Dr. Tan's debut statement, for a more developed notion of a nexus to become adopted in subsequent regional threat assessments. In essence, the report claimed that the attack and boarding of the chemical tanker *Dewi Madrim* off the coast of Indonesia's island of Sumatra by ten "pirates", armed with machetes, guns, and VHF radios, who took the helm and steered the vessel for around half an hour before abducting the ship's captain and first officer, were actually "terrorists learning to drive a ship, and the kidnapping (without any attempt to ransom the officers) was aimed at acquiring expertise to help the terrorists mount a maritime attack. In other words, attacks like that on the *Dewi Madrim* are equivalent of the al-Qaeda hijackers who perpetrated the September 11th attacks going to flying school in Florida.” Following this incident, Dr Tan commented to the press that "Piracy is entering a new phase; recent attacks have been conducted with almost military precision. The perpetrators are well trained, have well laid out plans... The increased frequency of piracy, attacks, the changing pattern of how the attacks are carried out, lead us to fear the worst, that an operation is being planned, the preliminary preparation is taking place, and the vessels are being readied” (Ong-Webb, 2007: 86).

Through the discursive speech-act, Dr. Tan articulated the issues of maritime terrorism and piracy as a security problem, to persuade relevant audience of its immediate danger and to legitimize the right to mobilize state power and move beyond traditional rules. This set the general tone for Singapore's maritime security agenda for the next few years, rearticulated through a host of other statements by Singaporean ministers and officials as well as by the country's media. Even subsequent investigations into the attack on the *Dewi Madrim* by the IMB and Carolin Liss in 2004, which both came to the conclusion that terrorists were not involved in the incident, had done nothing to change the tide and momentum of this second wave of piracy securitization. In fact, the article
"Terrorism Goes to Sea" by Luft and Korin (2004) referred to the Dewi Madrim incident as it originally stood in the Aegis report, and under the subheading entitled "A New Nexus" argued "piracy on the high seas is becoming a key tactic of terrorist groups" (Ong-Webb, 2007: 87).

Mak (2006: 87) argues that while the IMB initially suggested a possible link between piracy and terrorism, it never pushed the issue once Singapore embarked on its discourse to securitize the Malacca Straits. At the Fifth Tri-Annual IMB Conference on Piracy and Maritime Security held in Kuala Lumpur in June 2004, the senior adviser to the IMB’s parent body, the International Chamber of Commerce (ICC), de-linked piracy from terrorism. The official IMB report of the meeting's proceedings also quoted US terrorism expert Brian Jenkins as saying that “the increase in piracy attacks is no indicator of the increase in terrorist threat” and any terrorist-like consequences of such pirate attacks would be “inadvertent”.

The idea of a maritime terrorist threat in Southeast Asia and nexus between piracy and maritime terrorism generated controversy among Indonesia and Malaysia (which maintains that there is no credible evidence to suggest such a nexus), articulating charges of a Singaporean agenda of wanting to draw the support of external maritime powers - especially the USA - in patrolling the Malacca Straits which straddles the territorial boundaries of these littoral states. This is exactly what happened when commander-in-chief of U.S. Pacific Command Admiral Thomas B. Fargo’s testimony to US House of Representatives in March 2004 revealed that the Pentagon had been formulating the Regional Maritime Security Initiative (RMSI) to combat piracy, maritime terrorism, and sea trafficking in people and narcotics in the Malacca Straits (Ong-Webb, 2007: 87).
Criticisms of the Copenhagen School

Mak (2006: 68) concludes from his study on Malaysia's reactions to the IMB and subsequently Singaporean discourse on piracy that securitization discourse or the speech act is not a simple, straightforward diatribe between securitizing actor and target audience. It is located within a complex social environment and any discourse is usually moderated, developed and even modified as events unfold over time and as other actors affect the discourse or create alternative discourses. A particular speech act can also have multiple audiences, or affect various levels of actors ranging from individuals to the international system. He acknowledges that existential threats are essentially constructed, and to be effective, there has to be inter-subjective understanding, i.e. the target audience must share in the belief that the threat is indeed existential. In reality, the threat is often deconstructed and reconstructed by the target audience, resulting in outcomes contrary to that desired by the securitizing actor. In order to address the shortcomings of the Copenhagen School in relation to developing a nodal securitization framework, I will focus on criticisms that move beyond a state-centric security logic and the speech act, and toward an externalist understanding of securitization. I will not, however, focus on the many normative, moral and ethical dimensions to criticisms of securitization studies, such as those levelled by McDonald (2008), which as Rita Taureck (2006) has argued, fundamentally misconceive the analytical goal of securitization studies, which is namely to offer a tool for practical security analysis.

Beyond a State-centric Security Logic

A central critique of the Copenhagen School towards conceptualising a nodal securitization framework is Roxanne Lynn Doty's (1998) argument that Wæver frames securitization in a state-centric logic, which precludes the possibility for multiple sites of security. By showing
that the state is just one of many possible sites of security and insecurity, Doty (1998: 82) opens up the possibility to situate the concept of securitization in a network security framework, which, as has been shown in Chapter One, follows a different security logic to that found in a system of states, with nodes as the site of security. For Doty (1998: 71-72), "Securitization" is a process whereby the definition and understanding of a particular issue, its consequences, and the policies as well as the courses of action deemed appropriate to address the phenomenon are subjected to a specific logic. The logic driving the securitization of an issue leads to a certain type of politics that is associated with particular spheres of policy options.

While Wæver is right to argue that securitization is a tool that holders of power can use to gain control over an issue, an issue can also be securitized from dispersed and varied locales, for example by PSCs. States are therefore not the only entity with the power to label an issue as a security threat, and are not always the only or even most important actors (Doty, 1998: 73). The Copenhagen School implicitly assumes that a state-centric security logic is the only logic worth considering, which precludes considering that important and relevant logics that cannot be situated within the state security logic could potentially exist. By moving beyond a state-centric securitization framework, it is possible to conceptualise a different "structure of the game" (Doty, 1998: 79-80). This in turn will allow us to capture PSCs as securitizing actors in a third "wave" of securitization, overlooked by previous work on piracy securitization, in Chapter Three.

Beyond the Speech Act

An important barrier to building a nodal theory of securitization on the Copenhagen School approach is Buzan and Wæver's (1998: 26) argument that "The process of securitization is what in language theory is called a speech act...it is the utterance itself that
is the act. By saying the words, something is done”. Juha Vuori (2008: 73) builds on this approach, arguing that if security issues are constituted through a process of speech acts, they should be constituted through the same mechanism in all societies. He bases the application of securitization to a variety of political systems and cultures on the basis, following Austin and Searle, that speaking a language is rule-governed behaviour and that all human languages share a set of constitutive rules that lie beneath the conventional semantic structures of different languages. For Vuori, the ability to use language logically precedes different languages and cultures. Therefore, because human languages are intertranslatable, they can be regarded as different conventional realizations of the same underlying rules. Vuori argues that illocutionary speech acts, like securitization, are an example of practices that derive from these universal rules. According to Vuori, Austin argues that illocutions, unlike perlocutions, are contingent in that they are performed conforming to conventions. While these conventions are historicized and dependent on social and cultural factors, and even though security has different meanings in different societies, because the core fears of a group or nation are unique and relate to vulnerabilities and historical experiences, the constitution and perlocutionary effect of security are based on the universality of speech acts. These arguments surrounding the semantics of the speech act distract from the usefulness of securitization as a concept for studying contemporary security practices.

An important move beyond viewing securitization as a speech act is Didier Bigo’s (2002) conceptualisation of securitization as a process achieved through practice. This view incorporates routines and the everyday practices of bureaucracies as necessary factors for an understanding of how discourses function in practice. Securitization then, functions through technologies and the effects of power that are continuous rather than exceptional, as well as political struggles and institutional competition in particular. This means that securitization can explain competition between and within institutions over the
meaning of legitimate "truth". From this perspective, securitization explains the outcomes of confrontations between the strategies of public and private actors and global social transformations affecting the possibility to reshape political boundaries.

Thierry Balzacq (2005: 172) further argues that securitization should be seen not as speech act, but instead as a strategic (pragmatic) practice occurring within and as part of, a configuration of circumstances, including the context, the psycho-cultural disposition of the audience, and the power that both speaker and listener bring to the interaction. While the speech act seeks to establish universal principles of communication independent of context and the relative power of actors, Balzacq's concept of the strategic action of discourse operates at the level of persuasion and incorporates various elements towards its goal. The speech act is therefore concerned with fundamental principles or rules underlying communicative action, rather than the use of language to achieve a goal. If these rules are not followed, the communicative action will not be successful, or "felicitous" in Austin's terms. The concept of security as a speech act can therefore not account for the "discursive politics of security", which seeks to establish an intersubjective understanding of a threat that should be addressed in a particular way. Conceptualising security as a speech act reduces it to an institutional procedure such as naming a ship, in which all the 'felicity circumstances' must prevail for the act to be effective. It further assumes that one part of the securitization process - the illocutionary act - represents the entirety of the speech act situation, including locution, illocution and perlocution. Unlike a pragmatic security act, the speech act view of security does not account for the relationship between an actor's persuasive power and the creation of new intersubjective understandings of an issue (Balzacq, 2005: 176). Balzacq (2005) to my mind however misunderstand the Copenhagen School's concept of audience to mean “the public”, whereas as Vuori (2008: 72) points out, the audience does not have to be the general public.
Stritzel (2007: 366-367) criticises the Copenhagen School’s conceptualisation of the speech act event for claiming that by speaking security successfully, an issue is moved into a particular realist definition of a mode of dealing with it, which is marked by exceptionality. For Stritzel, this reduces securitization to a static event of applying a fixed meaning of security as exceptionality. This could be seen as empirically inadequate because as risk scholars have argued, contemporary security practices often deal with “threats” below the level of exceptionality. This is particularly relevant to the development of a nodal securitization framework, however, when we move beyond a state-centric security logic, applying a particular meaning to an issue does not have to be performative and the logic does not have to be one of realist exceptionality. McDonald (2008: 573) has argued that securitization should not be viewed as shorthand for the broader construction of security. Indeed, I argue that unlike the broad study of how threats are constructed in global politics, securitization should be seen as a process that can account for a pre-constructed static space, with a specific security logic, into which actors can shift issues and then deal with them legitimately under the logic of that pre-existing and delimited space. A nodal securitization framework should then, on the most fundamental level, account for the process whereby a node can move an issue (through discourse and/or practice) into a particular security governance auspice, so that this issue can then be dealt with according to the specific logic of that auspice.

Towards an Externalist Securitization Framework

A final obstacle to building a nodal securitization framework from the Copenhagen School approach is what Stritzel (2007) has called the internalist/externalist tensions inherent in their attempts to develop the initial securitization framework into a more comprehensive theory. This relates to the more poststructuralist performativity of the speech act versus the
more constructivist social embeddedness of the facilitating conditions, which form two autonomous centres of gravity. Siding with an externalist reading of the Copenhagen School, Stritzel (2007: 368-369) outlines a more embedded framework of securitization, conceptualised as a dynamic three-layered triangle of text, context and positional power. This approach acknowledges that actors always act within a structural context constituting them and providing a frame of constraining and enabling conditions and that structures require agents to translate their attributes into a dynamic of change and action. This is based on Colin Hay’s argument that actors are situated within a structured context, presenting them with an uneven distribution of constraints and opportunities. While actors influence the development of that context over time through the consequences of their actions, at any given time, the ability of actors to realise their intentions is set by the context itself.

Stritzel’s (2007: 370-372) securitization framework encompasses three central layers/forces of securitization: (1) the performative force of articulated threat texts, (2) their embeddedness in existing discourses and (3) the positional power of actors who influence the process of defining meaning. The first element of this framework deals with the structure of a security articulation (‘text’), understood as a durable product of linguistic and/or symbolic actions, and assumes that different semantic and/or semiotic threat structures generate different performative forces. Through this understanding, the concept of text goes beyond merely speech to include the symbolic language of images and sounds. Unlike for the Copenhagen School, the meaning of a threat text is not given but generated. According to an externalist understanding, textual structures are always temporally and spatially constituted, so texts cannot be isolated from both the contingent creativity of actors and their embeddedness in social and linguistic contexts.

The second element of Stritzel’s framework relates to the power of the existing (linguistic) discourse; a complex bundle of simultaneous and sequential interrelated acts.
This dimension concerns the interactions between the text and the larger discursive practices that it is embedded in. Texts often emerge from particular socio-linguistic contexts, so they often carry with them connotations from a historically evolved practice out of which and towards which a particular text was articulated. Sometimes texts therefore show traces of differing discourses and ideologies struggling for dominance.

For Stritzel’s third dimension of securitization, he argues that more sedimented forms of context can be merged with an agential notion of power into the concept of positional power. A certain power capacity can be defined as positional to the degree that relevant actors are placed in different positions within a given social environment to influence collective constructions of meaning. In certain extreme cases actors could have some sort of official, delegated or enforced, ability to define meaning so that they almost have a monopoly on power capacity. In other cases an actor’s ability to exercise power may be more indirect through their privileged position to influence a social and political structure or process that is particularly relevant for the construction of meaning. My nodal framework will rely to a large extent on Stritzel’s securitization framework.
CHAPTER 3: NODAL SECURITIZATION IN THE STRAIT OF MALACCA

In July 2005, Aegis Defence Services Ltd., a provider of both intelligence and physical maritime security services (see: http://www.aegisworld.com/index.php/security-operations/maritime-support-services [accessed 8 September 2010]), persuaded the Joint War Committee (JWC), comprised of the Lloyd’s Market Association (LMA) and the International Underwriters Association (IUA), to “list” the Strait of Malacca, citing an increased risk to shipping from piracy (Murphy, 2006). The listing of geographic areas by the JWC can increase the insurance rates ship owners must pay in order to be covered in this area (Liss, 2007). Increases in insurance rates are often correlated with the use of private armed guards onboard ships as well as the use of private armed escort ships (Cullen, 2008; Gjelten, 2009). In the following paragraphs of this chapter, I argue that this scenario can be described as an example of nodal securitization, which can be analysed using the framework below.

The Nodal Securitization Framework

By bringing together the reflections on security governance networks in Chapter One and the criticisms levelled against the Copenhagen School’s concept of securitization in Chapter Two, I will frame nodal securitization as a process occurring on two levels (1) the intersubjective construction of a governance auspice around an issue, and (2) an increase in the positional power of the securitizing node. An important ontological question for a nodal securitization framework is at what point during the securitization process a non-state security auspice begins to exist as an intersubjectively understood static space. I argue that all non-state auspices of security are pre-existing in the sense that they are shaped out of existing state laws (see Shearing, 2004: 6-7). A useful analogy is Michelangelo’s idea that
an artist starts with a block of marble and cuts away from it until they reveal the sculpture inside. As Anthony Blunt (1962: 73) argues “[t]his statue is the material equivalent of the idea which the artist had in his own mind; and, since the statue existed potentially in the block before the artist began to work on it, it is in a sense true to say that the idea in the artist's mind also existed potentially in the block, and that all he has done in carving his statue is to discover this idea.” Non-state auspices of security exist in the same fashion within the legal systems of states, and are brought to light when nodes reveal them by capturing an issue within them. State laws can be said to “exist” intersubjectively, while diverging understandings of these laws are mediated in a structured fashion. This marks an important point of departure for a nodal securitization framework; whereas in the Copenhagen School approach, securitization moves an issue into an area above the law, an act of nodal securitization moves an issue into a delimited area within state laws.

I argue that to study a particular process of nodal securitization, one must follow three analytical steps: (1) Establish what nodes are operating in a particular security network and what their interests are based on their sedimented socio-political and socio-linguistically embedded contexts, (2) show how an issue is captured into an auspice through the intersubjective construction of meaning, and examine the particular security logic of this auspice by examining its consequences, and (3) examine changes in the positional power dynamics between nodes through historically evolved practices.

Illustrating Nodal Securitization Empirically

Although an empirical case study falls outside the remit of this predominantly theoretical study, by illustrating my nodal securitization framework using the scenario presented at the start of this chapter, we will be able to capture a “third wave” of piracy securitization, with the PSC Aegis Defence Services Ltd. as the securitizing actor. Stritzel (2007: 358) points
out the difference between a comprehensive theory and consistent framework. The main aim of a framework such as this one is to provide better guidance for systematic and comparative empirical analysis, yet leaving it to empirical studies themselves to work out in detail which element of the framework is most important. Comprehensive theories on the other hand, are more specific about how elements relate and more demanding with respect to their meta-theoretical (ontological and epistemological) consistency.

(1) Nodes and their interests

The first analytical task in outlining an instance of nodal securitization is to establish what nodes are operating in a particular security network and what their interests are based on their sedimented socio-political and socio-linguistically embedded contexts. Based on the discussions in the preceding two chapters, I propose that the following nodes are operating in the security governance network under examination: the IMB, the PSC Aegis Defence Serviced Ltd., both littoral and user states of the Malacca Straits, and the JWC. I will examine the interests of these nodes in terms of their preferences in auspice/provider arrangements in public/private security governance (see Bayley and Shearing, 2001), again based on the discussions in the preceding chapters.

The IMB favours private/public arrangements, where private interests shape security understandings and public bodies provide for these needs. Therefore, the IMB defines the threat but sees security provision as a state-responsibility, while still favouring sea-based deterrent security over long-term land based measures.

PSCs favour a private/private arrangement, where private interests shape security understandings and then provide the security to address them. While this approach does not rule out simultaneous public long-term land-based prevention, as we shall see in
Chapter Four, employing private force at sea can preclude the success of long-term measures.

Littoral states, in this case Malaysia and Indonesia insist in general on public/public arrangements where states define and provide security needs. Any other arrangement, including the provision of security by non-littoral states is presented as a threat to the sovereignty of littoral states. However, while littoral states are successful at defining security needs in more comprehensive land and sea-based terms, they are in general often less able to provide for them. This arguably gives heterodox actors like the IMB and PSCs their room for manoeuvre.

User states like Japan, the USA, are more ambivalent over the precise matrix of authorisation and provision. They often define and offer to provide security, but this provision is usually rejected by littoral states on sovereignty grounds. As a result, user states may be willing to turn a blind eye to private/private arrangements if they perceive that these will provide security for international shipping.

The Joint War Committee has no particular preference concerning auspice/provider matrixes, although under pressure from state regulation in the form of competition law (Lobo-Guerrero, 2008: 224), decisions taken by the committee have become a constituent element of a non-state security auspice.

(2) Capturing Issues into Security Auspices

The second analytical task in outlining an instance of nodal securitization is to show how an issue is captured into an auspice through the intersubjective construction of meaning, and examine the particular security logic of this auspice by examining its consequences. This part of the framework could also accommodate counter discourses by other nodes.
who would favour a different auspice provider matrix to that resulting from a particular intersubjective auspice construction, as was observable in the two preceding chapters.

The JWC comprises a group of underwriters from the LMA and members of the IUA, who write marine policies in various parts of the world (Lobo-Guerrero, 2008: 221). The foundations of the non-state security auspice in question were laid when in 2004, the European Commission made member states responsible for ensuring compliance with European Union competition regulation. In response the JWC decided to appoint an independent advisor to help them with their responsibilities regarding the “Hull War, Strikes, Terrorism and Related Perils List”. Aegis Defence Services Ltd. was then appointed to this position through a competitive bid process (Murphy, 2006: 7). Part of Aegis’ remit has been to monitor the world on a daily basis and provide the JWC with specific information that can lead to accurate timely hull risks underwriting (Lobo-Guerrero, 2008: 225). Banks insist that all ships insure against war risk. An annual global policy covers ships wherever they are except in “listed areas”. The “listed” areas are those that the JWC believes are particularly at risk and therefore where special rates should apply on a per voyage basis. While the JWC has no control over whether underwriters comply with the “list”, those underwriters who do not, could be liable, perhaps under US law more than other jurisdictions, to the managing agents and the capital provider if they subsequently incur a commercial loss as a result (Murphy, 2006: 2-3).

We will turn now to the intersubjective construction of meaning that allows an issue to be drawn into a particular security auspice. In 2005, Aegis Defence Services prepared a report for the JWC stating that there was a potential close link between piracy in the Malacca region and terrorist activities. It argued that the modus operandi and weaponry employed resembled those used by Islamist organizations in the area. “Pirates in the Strait are now largely indistinguishable from terrorists in terms of tactics employed, as well as their potential to cause significant damage to shipping”. It explicitly identified the Strait as a
potential target for the Jemaah Islamiah. The report concluded that sinking or damaging vessels in this sea-lane would seriously disrupt global maritime trade with significant economic and political consequences for the global economy (Lobo-Guerrero, 2008: 228-229). This report could arguably be conceived of as what Stritzel (2007) has termed a “threat text”, which influenced the consensually reached decision by the members of the JWC (who could here be considered the audience of a securitizing move), through intense negotiations (Lobo-Guerrero, 2008: 225), to “list” the whole of the Malacca Strait region in June 2005.

Examining the consequences of this act of nodal securitization will reveal the particular security logic at play in this newly created non-state security auspice, and how an act of nodal securitization can be further translated towards different intended or unintended outcomes. While the response to the Malacca Strait’s “listing” was overwhelmingly state-focused (see Raymond, 2009), as Liss (2007: 144) has argued, this new classification impacted on the insurance premiums ship owners are required to pay when vessels transit the Malacca Straits, which has significant consequences for the maritime industry. One particular consequence of interest here is that in some cases, the insurance premiums ship owners must pay will be lower if they provide their own onboard security (Gjelten, 2009). According to Patrick Cullen (2008), one London based private security company has teamed up with a brokerage firm to offer private security services designed to lower insurance rates. The PSCs ability to place an armed security team on board a client's vessel had convinced a number of insurance underwriters to offer preferred rates to ship owners that took advantage of these private armed guards. The consequences of the JWC’s listing of the Malacca Straits could therefore be conceived of as clear case of a PSC, using its epistemic power to increase global demand for its physical maritime security solutions, through a process that can be best understood as an act of nodal securitization.
(3) Changes in Positional Power Dynamics

The third analytical task in outlining an instance of nodal securitization is to examine changes in the positional power dynamics between nodes through historically evolved practices. As Murphy (2007) notes, and as we have seen in the preceding chapters, Aegis Defence Services have a history of producing what has come to be regarded as legitimate knowledge, which increased their epistemic and thus also positional power within security governance networks. As Lobo-Guerrero (2008: 225) has pointed out, during the JWC’s competitive bidding process, all tendering companies had significant experience in various areas of the world and had developed expertise on specific risks by having worked for various clients on these issues for a period of time. They were all well-established security consultancies selling information products to businesses around the world. Such expertise was taken into consideration as part of the selection criteria, in which Aegis Defence Services was ultimately successful. It is on this basis that these empirical observations have illustrated that nodal securitization occurs on two levels (1) the intersubjective construction of a governance auspice around an issue, and (2) an increase in the positional power of the securitizing node. They have also addressed my research query, which was to examine how PSCs could hypothetically securitize piracy as a threat to shipping in an effort to increase both their epistemic power as counter-piracy experts and demand for their armed anti-piracy services. Although an empirical case study has fallen outside the remit of this predominantly theoretical study, by illustrating my nodal securitization framework using the following scenario, I was able to capture a “third wave” of piracy securitization, with the PSC Aegis Defence Services Ltd. as the securitizing actor.
CHAPTER 4: PSCs AS COUNTER-PIRACY EXPERTS

I have criticised Muthien and Taylor (2002), for simply labelling PSCs as exercisers of illicit authority rather than engaging with the very legitimate non-governmental power they are able to create, and have criticised McDonald (2008) for simply levelling normative and ethical criticisms at the Copenhagen School at the expense of developing the concept of securitization into a tool for security analysis. However, having outlined how PSCs can securitize issues within a security governance network and thus increase their epistemic power as counter-piracy experts, the logical next step is to engage with some explicit and measurable outcomes from this process, which can certainly be interpreted in a negative light. I will deal first with Leander’s (2005) argument that the epistemic power of PSCs leads to the unnecessary militarization of security, before turning to Krahmann’s (2008) discussions surrounding the ensuing commodification of security. This will highlight the specific consequences of nodal securitization by PSCs.

Leander (2005, 819) argues that in the US after Vietnam and with the detente policies in Europe, we saw the rise of non-military understandings of security, as “security was too important to be left to the generals”. In the contemporary global order, the “privatization” of security helps to remobilise the re-militarization of its understanding. This contributes to the increased legitimacy of technical, military, managerial security discourses. It depoliticises security, moving it out of the public realm and thereby disempowers not so much the state or public, but rather 'civil' component of state and civil society advocates of non-military security approaches.

This has implications for where discourses about security are produced and by whom. Security debates are moving out of the public realm into a restricted sphere where executive, military, secret services and PSCs can decide how issues should be defined and
handled. Correspondingly, it diminishes the presence of governmental (legislative assemblies, diplomats and foreign affairs/state departments) and civil society (media, NGOs, think tanks) voices that would be expected to contest the consequent militarization of security issues (Leander, 2005: 820).

The increasing weight of the technical and managerial in discussions about security in the public sphere is the most tangible consequence of this trend. This shift reinforces the re-militarization of security as firms ground their claim to expertise in their capacity to offer technologically effective and economically interesting solutions to existing problems. However, when a problem is not a security problem or would be better responded too by way of diplomacy or economic aid or re-regulation of markets, the services of PSCs not needed. The growing weight of security experts and discourses in the production of legitimate knowledge risks overshadowing the kinds of “long term” solutions everyone sees the importance of. The dominance of private security discourses crowds out the prior question of whether or not a problem is really security problem, and if so, whether or not a military or law enforcement response is most appropriate (Leander, 2005: 824). As Ong-Webb (2007: 90) argues, piracy is non-traditional security threat that cannot be solved through military solutions, it requires better policing on land. Piracy should be rooted out by attacking pirates’ sources of strength on land, disrupting their organizational structures and isolating them from their sources of support. In particular, this means destroying their bases and hideouts, cutting off sources of capital, technology and recruitment; and crippling the middlemen and markets that allow them to dispose of their loot. A long-term solution would require governments to employ socioeconomic measures such as poverty alleviation and good governance in order deal with piracy effectively. Young (2007: 1) argues similarly that the remedies to piracy involve building the national capacities of regional states, emphasising long-term structural development, increasing operational policing capabilities, better information gathering, and international cooperation.
For Krahmann (2008: 380-383) the shift from states to markets in the provision of security has implications for both the theory and practice of security. She laments the lack of thought surrounding the “commodification” of security; most approaches assume privatization has few implications for the conceptualisation and implementation of security. However, this precludes differences between collective goods and commodities. Krahmann conceptualises this difference and how it affects the definition and provision of security by building on Ullman’s (1983: 129) argument that defining security "merely (or even primarily) in military terms conveys a profoundly false image of reality...it causes states to concentrate on military threats and ignore other and perhaps even more harmful dangers,” as well as Baldwin’s (1997: 13-17) point that at least seven questions shape our definition of security. These are security for whom, for which values, how much, from what threats, by what means, at what cost, and in what time period. From these arguments Krahmann deduces three distinct meanings of security in terms of intended outcomes that can be conceptually distinguished across levels of analysis and different types of threats. These meanings are typically logically related to the specific mechanisms for obtaining security: (1) Security as the absence of threat draws on a preventative concept. In this instance the achievement of security is possible if a threat is non-existent or diminished. This can apply to military threats as much as to natural disasters, and can concern individual, national, or international security. One characteristic of this meaning of security is that efforts to reduce insecurity are concerned with the causes of a threat. Ideally, security providers can eliminate these causes, for instance through the resolution of political differences before they erupt into conflict. (2) In the second meaning of security, existing threats are suspended in the realm of possibility. This is linked to the mechanisms of deterrence. Rather than trying deal with this threat by removing its causes, security based on deterrence seeks to hold off a threat from becoming an actuality. In short, a deterrence notion of
security is reactive. Since deterrence presumes an agent who recognizes and responds to it, this applies to human but not natural threats (Ullman, 1983: 138). This meaning is essentially concerned with changing the perceived cost of carrying out a threat. It works by leading agents of threats to believe that they will fail or that the consequences, if they carry out the planned threat, would be disastrous. (3) The third meaning of security is the survival of a threat that does not become a reality. This is reactive in that it does not concern itself with eliminating the causes of a threat, but, instead, with containing its consequences. A typical security concern under this meaning is the protection of an object of security from the effects of conflict or disaster when they materialize. This does not necessarily equate with being defensive. Protection against a threat can involve defensive as well as offensive means. The meanings/mechanisms of security are therefore configured as follows: absence of threat/prevention; suspension of threat/deterrence and survival of threat/protection.

In terms of security as a good, preventative security is a collective good, deterrent security is a club good, while protective security is a private good. There are two major implications stemming from the commodification of security. These are a change in the meaning of security from the absence or reduction of a threat to its survival, and a focus on excludable means of providing it, such as deterrence or protection. The commodification of security also affects the answers to all seven of Baldwin’s questions. (1) Security for Whom? Private security provision is an excludable good and is therefore particularly likely to shift the focus from the collective to the individual level, which in turn leads to the militarisation of civilian spheres. (2) Security for What Kind of Values? Since commodification and marketization not only entail excludability, but also literally profit from the rivalry of consumption, private security suppliers can be expected to promote individual over collective values. (3) How Much Security is Necessary? Profit oriented firms have an interest in the expansion of their market, so it is to their advantage to overstate the need for security.
They can generate demand and raise profits not only by identifying new threats and increasing risk perceptions, but also by individualising threat perception and security provision in order to expand their client base. (4) Security from What Kinds of Threats? There is a link between the growing attention paid to terrorism, transnational crime, proliferation and infectious diseases since end of the Cold War and the commodification of security (individual/excludable). (5) Security by What Means? There has been a change in the provision mechanisms of security. PSCs are more likely to offer deterrence or protection than the prevention of threats, and are more likely address security risks in terms of cost and consequences than their causes. (6) Security at What Cost? Commodification is likely to affect the cost of security. (7) Security in What Time Period? The commodification and marketization of security affects the period in which security is provided. The market is likely to offer only short-term security because it fails to address the causes of threats. This results in a long-term dependency on short-term private security provision (Krahmann, 2008: 386-395).
CONCLUSION

Taking the 2005 “listing” of the Strait of Malacca by the Joint War Committee (JWC), on the advice of Aegis Defence Services as a point of departure, I have developed a “nodal securitization framework” in order to examine how PSCs can securitize piracy as a threat to shipping in an effort to increase both their epistemic power as counter-piracy experts and demand for their armed anti-piracy services. Towards this end I have outlined the various debates surrounding the role of private force in global politics in Chapter One. This has involved looking first at Avant’s (2005) discussion of the “Privatization of Security” and what I have called “Nodal Security Governance”, developed by criminologists Bayley and Shearing (2001). The latter approach has shown that PSCs largely operate parallel to the state in maritime Southeast Asia. Siding with this approach I have argued that it is possible by using the nodal framework to examine states, the insurance industry, shipping companies, interests groups, and PSCs as nodes operating in a security governance network rather than a system of states.

In order to integrate this approach into a nodal securitization framework, I have outlined the Copenhagen School’s concept of securitization (Buzan et al., 1998), discussions of previous attempts to securitize piracy, and the many criticisms that have been levelled against the Copenhagen School in Chapter Two. A central critique for conceptualising a nodal securitization framework is Doty’s (1998) argument that the Copenhagen School frames securitization in a state-centric logic, which precludes the possibility for multiple sites of security. By showing that the state is just one of many possible sites of security and insecurity, she opens up the possibility to situate the concept of securitization in a network security framework, which follows a different security logic than that found in a system of states, with nodes as the site of security. Though siding with Stritzel’s (2007) externalist reading of the Copenhagen School, I argue that unlike the broad study of how threats are constructed in global politics, securitization should be seen as a
process that can account for a pre-constructed static space, with a specific security logic, into which actors can shift issues and then deal with them legitimately under the logic of that pre-existing and delimited space. A nodal securitization framework should then, on the most fundamental level, account for the process whereby a node can move an issue (through discourse and/or practice) into a particular security governance auspice, so that this issue can then be dealt with according to the specific logic of that auspice.

By bringing together the reflections on security governance networks in Chapter One and the criticisms levelled against the Copenhagen School’s concept of securitization in Chapter Two, I have in Chapter Three framed nodal securitization as a process occurring on two levels (1) the intersubjective construction of a governance auspice around an issue, and (2) an increase in the positional power of the securitizing node. I then argued that to study a particular process of nodal securitization, one must follow three analytical steps: (1) Establish what nodes are operating in a particular security network and what their interests are based on their sedimented socio-political and socio-linguistically embedded contexts, (2) show how an issue is captured into an auspice through the intersubjective construction of meaning, and examine the particular security logic of this auspice by examining its consequences, and (3) examine changes in the positional power dynamics between nodes through historically evolved practice. In July 2005, Aegis Defence Services Ltd., a provider of both intelligence and physical maritime security services, persuaded the Joint War Committee (JWC), comprised of the Lloyd’s Market Association (LMA) and the International Underwriters Association (IUA), to “list” the Strait of Malacca, citing an increased risk to shipping from piracy (Murphy, 2006). The listing of geographic areas by the JWC can increase the insurance rates ship owners must pay in order to be covered in this area (Liss, 2007). Increases in insurance rates are often correlated with the use of private armed guards onboard ships as well as the use of private armed escort ships (Cullen, 2008; Gjelten, 2009).
Having outlined how PSCs can securitize issues within a security governance network and thus increase their epistemic power as counter-piracy experts, the logical next step in Chapter Four, was to engage with some explicit and measurable outcomes from this process. Krahmann’s (2008) analysis of the commodification of security and Leander’s (2005) outlining of its concomitant militarization, have shown that in sum, private auspices are likely to rely on a commodified and thus excluding meaning of security. Provision will not correspond to security as a collective good. Security provision will be military and technical in nature and will not address long-term solutions to issue. This will create a long-term dependence on private security provision, because short-term solutions will create a constant state of insecurity. The increase in the epistemic power of PSCs has narrowed debate about how to achieve maritime security by conflating security with the use of force.

While combining the fields of “Nodal Security Governance” and “Securitization” studies may be useful in developing our understanding of securitization as a process that can operate outside the security logic of states, further work should determine whether the study of security governance networks has really benefited from this merger. It may be the case that this merger has simply complicated and conceptually stretched an already elegant and functioning theory, which could be construed as a limitation of this study. If it transpires, however, that this merger could be useful in the advancement of our knowledge of securitization and/or security governance networks, the nodal securitization framework should be developed into a theory and tested with a range of empirical case studies.
Bibliography


