

Pirates, Privateers and Politicians

*British Eagerness and Dutch Reluctance towards
Privatisation of Maritime Security, 2006-2013*



Private Armed Guards protecting onboard merchant ship – Source: pmcjournal.com

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September 2014

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A Thesis Submitted in

Partial Fulfillment of the

Requirements for the Degree of

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Abstract

This thesis attempts to explain the variation in anti-piracy policies between European trade-oriented nations. Over the last eight years most of these nations turned to the provision of private armed guards on board vessels to protect their commercial interests against Somali piracy. Whilst six years ago almost all European states with a big maritime industry prohibited the use of private armed guards (PAGs), today all of these nations do allow them, with one exception: the Netherlands. To examine this phenomenon a most similar system design analysis between the United Kingdom and the Netherlands is conducted. This research shows that neorealist International Relations theory cannot explain the difference in behaviour of both states.

By conceptualizing the phenomenon of maritime piracy as a socially constructed shared collection of representations and identities, constructivism offers an alternative theoretical perspective for analysing this matter. Following the theorization of Jutta Weldes (1996) enabled us to identify the attitude of state officials towards the piracy problem; the privatisation of security as a policy; and the private military industry (PMI) as a (new) actor in the international community. Using the method of Critical Frame Analysis, research is conducted on various key policy documents between 2010 and 2013. The results find that there is a significant difference in the way both nations have framed the problem and the involved actors. This difference can be identified as a decisive factor because this framing has influenced the way in which state officials perceived viable and appropriate policy options. Finally, this paper attempts to explain this difference in framing by uncovering a underlying layer of deeper values within both societies towards the private military companies and the Royal Navy.

Samenvatting

Dit paper poogt een verklaring te geven voor de variatie in het beleid ten aanzien van anti-piraterij beleid tussen Europese handelsgeoriënteerde landen. In de afgelopen acht jaar zijn de meeste van deze landen gebruik gaan maken van het plaatsen van gewapende particuliere beveiliging aan boord om zo hun commerciële belangen te beschermen tegen de Somalische piraterij. Terwijl zes jaar geleden bijna alle Europese landen met een grote maritieme industrie het gebruik van deze gewapende particuliere beveiliging niet toestond, vandaag de dag staan al deze landen hun gebruik toe, op een uitzondering na: Nederland. Om dit fenomeen te onderzoeken is een *Most Similar System Design* analyse uitgevoerd tussen het Verenigd Koninkrijk en Nederland. Dit onderzoek laat zien dat neorealistische theorieën binnen Internationale Betrekkingen niet kunnen verklaren waarom beide staten hebben gekozen voor ander beleid.

Het constructivisme biedt, door het fenomeen maritieme piraterij te conceptualiseren als een sociaal geconstrueerde gedeelde verzameling van representaties en identiteiten, een alternatief theoretisch perspectief om dit fenomeen te onderzoeken. Door gebruik te maken van de theorie ontwikkeld door Jutta Weldes (1996) stelt het ons in staat om de houding van rijksambtenaren ten opzichte van het piraterij probleem; de privatisering van veiligheid als een beleidskeuze; en de private militaire industrie als (nieuwe) speler binnen de internationale gemeenschap, bloot te leggen. Door het gebruik van een kritische analyse van frames is onderzoek uitgevoerd op meerdere cruciale beleidsdocumenten tussen 2010 en 2013. Geconcludeerd kan worden dat er een significant verschil is in de manier waarop het probleem en de betrokken spelers geframed zijn binnen beide overheden. Dit verschil is een doorslaggevende factor binnen het besluitvormingsproces geweest omdat het de manier waarop mogelijke beleidsopties als positief of geschikt werden gezien heeft beïnvloed. Ten slotte poogt dit paper om dit verschil in *framing* te verklaren door nog een onderliggende laag van diepere waarden binnen de maatschappij over de private militaire bedrijven en de Koninklijke Marine in beide landen bloot te leggen.

Acknowledgements

This thesis represents the transition from student to professional. It is the result of a extensive writing process, which I could not have fulfilled without the support and assistance I received when it was needed the most. For this reason I would like to thank my family and friends for being patient and supporting me; Hans Simons, personal friend and IR genius, for the guidance and coaching role he fulfilled with dedication; Het Koninklijk Instituut voor de Marine, for providing an inspiring workspace and enabling in-house research; Alexander Bon, for our relativistic talks and his extensive maritime knowledge; Daan Huberts, for his insights concerning the Critical Frame Analysis; and finally prof. BertJan Verbeek, for his detailed comments, vast ideas and assistance during the development of this thesis.

Nijmegen

September 10, 2014

List of Abbreviations

AIV	Advisory Council on International Affairs (Adviesraad Internationale Vraagstukken)
BMP	Best Management Practices (for Protection against Somali Piracy)
CFA	Critical Frame Analysis
DfT	Department for Transport (British)
EU	European Union
FAC	Foreign Affairs Committee (British)
FCO	Foreign & Commonwealth Office
GDP	Gross Domestic Product
GT	Gross Tonnage
HRA	High Risk Area
ICS	International Chamber of Shipping
ICC	International Chamber of Commerce
IMB	International Maritime Bureau
IMO	International Maritime Organisation
IR	International Relations
KVNR	Royal Association of Netherlands Ship owners (Koninklijke Vereniging van Nederlandse Reders)
NATO	North Atlantic Treaty Organisation
PAGs	Private Armed Guards
PASGs	Private Armed Security Guards
PCASP	Privately Contracted Armed Security Personnel
PMC	Private Military Company
PMI	Private Military Industry
PMSC	Private Maritime Security Company
UN	United Nations
UNCLOS	United Nations Convention on the Law Of the Sea
UK	United Kingdom
UKMTO	United Kingdom Maritime Trading Operations
VPD	Vessel Protection Detachment

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¹ Colours in tables and figures do not represent any theoretical or empirical claims. Colours are only added for lay out purposes.

Chapter 1. Introduction

1.1 Maritime Piracy

The use of civilians, mercenaries and other privateers in the army or in support of the armed forces is not new. It is a common feature underlying the history of states in general. Whilst the profession of being a mercenary may be as old as the history of warfare itself, we are witnessing a new 'golden age' for the soldier of fortune and everything that comes with it. Since the end of the Cold War, there has been a proliferation of mercenary activity across the globe. A whole new industry, the Private Military Industry (PMI), has arisen and made its big push in the last decades.

One of the reasons for this proliferation was the shift toward marketisation of the public sphere. One of the most popular policy decisions in the last few decades include the decision to privatise and outsource tasks that previously were carried out by government personnel. Even in traditional government policy areas such as defence, privatisation was perceived to be necessary according to a large number of states.

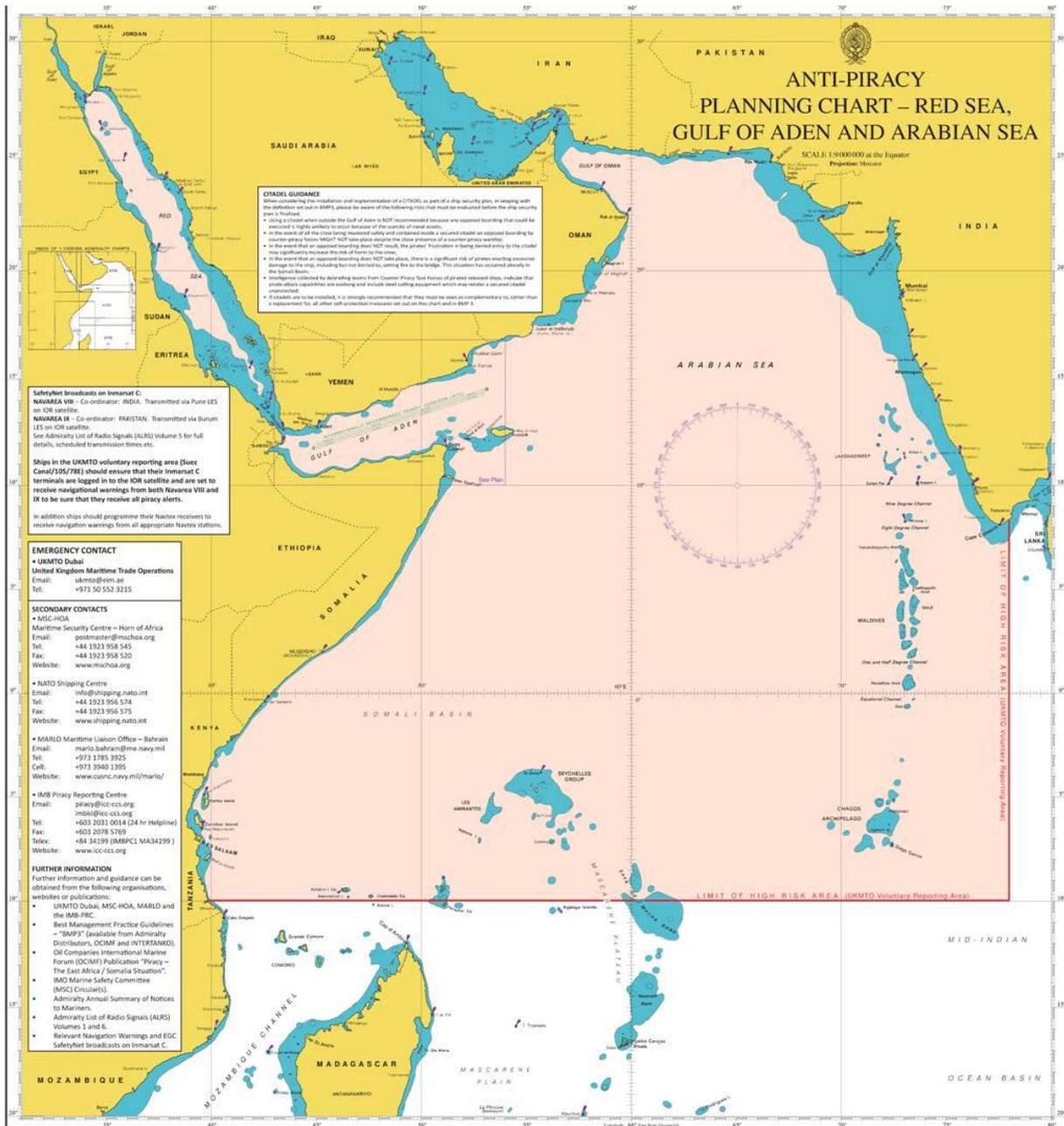
A topic which has not been a subject of much IR research, are the anti-piracy services that have developed over the last few years. Piracy is a phenomenon that dates back to ancient times but it has recently come onto the international scene and caught the attention of public opinion. It is amongst other regions, occurring at one of the most critically important commercial shipping lanes of the planet: the region bordering the Red Sea and the Indian Ocean around the Gulf of Aden. In this thesis referred to as the High Risk Area (HRA). In figure 1 the magnitude of the area is shown. The piracy problem in the Gulf of Aden is one of the largest piracy-problems in the world.

This piracy problem affects trade-oriented states, especially nations with a focus on distribution and transport of goods are affected to a great extent by this issue. States and international organizations have taken a number of measures to counter this threat. One such measure has been the deployment of naval units in the region. Up to August 2014, three naval task forces have been deployed in the HRA. Vessels of states participating in these operations are engaged in intercepting so-called "pirate action groups" and in escorting vulnerable merchant ships.

Although NATO, the UN, the EU as well as several individual countries have deployed a security mission in this region, which are all based on various UN resolutions², the risk of becoming a victim of maritime piracy is still present. The pirates operate up to a distance of nearly 900 kilometres (486 Nautical Miles) off the coast of Somalia. This area is so large that it is impossible to fully secure it with the current international naval operations.

² In total ten UN security council resolutions, dated from 2008 to 2011

FIGURE 1
HIGH RISK AREA FOR MARITIME PIRACY AT THE SOMALI COAST



Source: NATO shipping centre, 2009

To further defend the interests of trading companies another measure is increasingly being used, namely asking for help from the private military industry. Private Military Companies (PMCs) have also been hired by non-state actors for a wide range of services, namely: (1) risk assessment and consulting, (2) training of crews, (3) crisis response, (4) investigation and recovery of hijacked vessels and (5) the provision of armed guards on board vessels. This last service is the subject of this thesis. Over the last four years opinions and practices in the international community with regard to these armed guards on board vessels have changed drastically. Whilst six years ago almost all European

states with a big maritime industry prohibited the use of private armed guards (PAGs) and firearms on their vessels, today a large number of these states do allow them³. Up to this point it seems that all European sea-faring states are allowing private maritime security, with one exception: the Netherlands. Where it first seems that all states are facing the same problem, apparently different policies towards this threat are being formed.

The trend of states allowing for commercial shipping companies to hire private armed guards to sail on their ships in the high-risk areas to protect them from piracy brings a number of implications to the political arena and creates a great challenge towards the traditional perception of the role of the state. To clarify why this case is so remarkable, let us briefly discuss what we are actually talking about. In this case we are talking about a non-state actor (a commercial company) which gets permission from a state under whose maritime laws it operates⁴ to hire a private security company to provide armed services on board of their ships. To put it differently; a state gives permission to a company to hire a certain firm with armed men with the legal permission to use lethal force against a third party if necessary. Therefore, one could argue that a state gives away a part of its monopoly on violence by saying to certain companies: *'you are allowed to hire individuals with the right to shoot and kill – under certain circumstances – without us keeping the supervision over their actions'*.

The research question of this thesis covers the phenomenon in which states will or will not approve privatisation of – what used to be one of their traditional security tasks – maritime security. Therefore the research question of this thesis is:

'Under which circumstances does a government decide to allow private armed guards on board commercial vessels for anti-piracy services?'

Answering this question enables us to see which variables could have influenced the decision. By doing so, it tells us something about the underlying ideas and motives of a state when it comes to a rather controversial decision such as the privatisation of lethal force.

Many IR scholars have thought about why security has been privatised. Among International Relations scholars and especially within policy change and decision making theorists, there is a disagreement about the fundamental way to look at policy change. Most IR research in the area of privatising military and security tasks has its roots in neorealism (Waltz, 1979:91; Fredland, 2004: 205-219). In this thesis we will use this approach to answer the question to which extent this

³ European states which allow private armed guards on board vessels; Belgium, Cyprus, Denmark, Germany, France, Greece, Italy*, Luxembourg, Malta, Norway, Spain, United Kingdom.

*only allows PSC's if VPD's fall short (International Chamber of Shipping, 2013).

⁴ every sea-going vessel is obliged to sail under a nation's flag in which the ship is registered

theoretical perspective is capable of explaining this phenomenon. Especially the fact that two – at first glance – similar countries deal with this threat completely different is a challenge for neorealist thinkers.

1.2 The Netherlands and the United Kingdom

In this research the selected cases are the Netherlands and the United Kingdom. These two states fit into the Most Similar System Design model of case study. Two states that ostensibly have the similar characteristics within this context, but with a different outcome. Both states have a significant maritime interest as trade-oriented nations (their share of ships passing through the gulf of Aden is practically the same) and both have enough capacity to be able to deliver security for its commercial ships from within their own armed forces (both states have a more than sufficient amount of highly trained marines available). In Chapter four the selection criteria for these cases will be explained more extensively. While both nations have the same characteristics within this context, the government of the Netherlands is not allowing the provision of armed guards on board vessels while the government of the United Kingdom has allowed them since November 2011.

There is a need for research that focuses on this policy decision that is being made in the last few years in many countries. Most of the (very little) research that has been done on privatising maritime security focuses on either the effectiveness⁵, the legal position⁶ or the consequences⁷ of this decision. Little to no research has been conducted to explain why a state would choose to allow armed security on their nation's ships in the first place. This thesis aims to contribute to the analysis of foreign policy decision making by exploring the conditions under which states will approve privatisation of – what used to be – one of their traditional security tasks.

1.3 Neorealism

Neorealism is one of the most important schools within rationalist theory. Rationalists usually use methods in which they can test predictions based on theoretical assumptions. They assume that states make their policy decision based on cost-benefit considerations. Not all, but most rationalists focus on state-level analysis. Here, states are treated as rational and unitary (black-box) actors in the international system. Neorealism is one of those schools that indeed treat states as black box units that behave in a certain way because of the structure of the international system. The state is seen as a unitary actor who will always think rational about all foreign policy decisions and has as ultimate goal the survival of the state.

⁵ Homan, et.al. (2010), Barge (2013).

⁶ Tondini (2012), Zwanenberg (2012), Coito (2013).

⁷ Gilpin (2009), Hakala (2012).

The neorealist approach, as one of the founding schools of thought in the International Relations discipline, has to be taken into account when explaining this phenomenon. Many neorealist scholars attempted to explain a government's policy change, especially when it involved a policy change on the area of security and conflict. A neorealist would argue that privatisation of parts of what traditionally belongs to the state can be explained. When a certain (non-essential) task that previously belonged to the armed forces can be privatised, this will give them the space and potential to deploy their armed forces better and more efficiently, because of the extra 'hired' capacity. However, states will only do this when their relative power position compared to other states, is not affected by this privatisation. Whether in this case the decision to allow private armed guards on board commercial vessels will influence their relative power position needs to be examined in this research.

Next, a neorealist would argue that states shall only privatise certain tasks if the state can keep full control over all lethal force being used within their territory. A state will always want to keep control when force is used. Again to see whether this is the case when maritime security will be privatised needs to be examined in this research. Depending on these two outcomes, this thesis presumes that a neorealist could both argue to be in favour or against this privatisation of maritime security. Because this thesis expects neorealism only to be capable of explaining one of the two chosen policies, we predict there will still be uncertainty about what other circumstances have influenced this decision.

1.4 Constructivism

To counter this uncertainty we will also seek an explanation using a different theoretical perspective. We will use a theory which is associated with the constructivist perspective. Where neorealists claim that preferences are given and formed by the international system solely, thus that states always have the same preferences, reflectivists reject this idea. They use interpretive methods, and emphasize the role of 'intersubjective meanings' like discourse. This theory does not only look at the structure of the system or solely to the actors, but looks at both. Constructivists believe that all these significant aspects are historically and socially constructed. They are given their form by ongoing processes of social practice and interaction. As Wendt stated, '*the structures of human association are determined primarily by shared ideas rather than material forces*' (1999: 1). Finally, constructivists do not always believe in the rationality of each decision. In contrast to neorealists, constructivists attach great importance to norms, ideas and values, instead of solely looking at capacity and material forces.

Empirically there lies a great challenge in this research, if this research indeed shows that both states are similar on a number of crucial independent variables which a neorealist would look at, then it seems impossible for a neorealist to explain the behaviour of both states. In that case neorealism will only be capable of explaining the behaviour of one of these states. Therefore this thesis expects to need the extra constructivist perspective to solve this puzzle.

For this research a theory developed by Jutta Weldes will be used. She claims that for IR theories to be useful in accounting for state action, all theories should be reconceptualised in constructivist terms. In her theory she provides a constructivist reconceptualisation of 'national interest' in order to say something about state action. In this new concept she claims that national interest can produce different representations of international politics, through mechanisms of *articulation* and *interpellation*. The content of this national interest is, according to Jutta Weldes, constructed out of shared meanings through which the world and particularly the state interact. According to this approach, decisive for both states in making the decision whether or not to allow privatisation of maritime security could be their attitude towards privatising in general, or their attitude towards the private military industry as a (new) actor in the international community.

For this reason, in this research I will also look at the shared meanings and ideas within each state about privatisation and the PMI itself. Although according to neorealist principles both states are similar in a number of ways, the shared meanings and ideas of certain concepts such as privatisation could be very different from one another, and thus be explanatory for this difference in policy outcome.

1.5 Relevance

There is no single definition of sea piracy that is accepted by all states, organisations and scholars. This research adopts the definition of sea piracy of the International Maritime Bureau (IMB), namely that it is 'the act of boarding any vessel with the intent to commit theft or other crime and with the capability to use force for furtherance of the act'. To counter this piracy a state only has a few choices. Or it does nothing and all commercial ships sailing under their flag are open to the piracy threat, or it protects their ships with their own armed forces, or finally, it allows the ship owners to hire private military security companies (PMSCs) for the protection of their ships. Currently, a large number of states have gone for the latter option.

The trend of states being increasingly more reliant on contractor support brings a number of implications to the global world, some of which will be discussed in this thesis. Explaining the process of privatizing military tasks is crucial, as it concerns our understanding of sovereignty as well as our

understanding of modern conflict. The way in which states define their foreign policy is influenced by this phenomenon.

Although many scholars have addressed privatisation, almost all research has been done on cases where it is the state itself which chooses to privatise a non-lethal part of *its* military forces. Examples of this are the privatisation of training services, logistics, technical support or even the hiring of military provider companies who engage in actual combat or have the direct command and control of field units (Singer, 2003). Most PMCs that have been hired, however, are companies that deliver non-lethal assistance to a state's military forces. They provide food, logistics, training, consulting but do not engage in actual fighting (Singer, 2003).

From state-centric International Relations perspective, *non-lethal* assistance is not very interesting, because there appears to be no loss of sovereignty. These companies do not engage in actual fighting, which ensures that the monopoly on violence will remain fully with the state (Avant, 2005).

In the cases where hired PMCs *do engage in actual lethal combat*, the extent to which the state still holds the monopoly on violence could be questioned. Still, in these cases one can argue that, because the state will always be the contractor, and the contractor can always establish its own terms to the contract. He may ultimately fire the hired company or simply end the contract, therefore the ultimate power and control still lie with the state (Kinsey, 2006:95-96)⁸. In these cases the privatised services can be seen as a supplement to the traditional military forces. This is why it is arguable that the monopoly of violence ultimately lies with the government which hires the privatised services, and not with the military companies themselves.

More fundamental questions arise in the phenomenon of this thesis, where PMCs are being hired by non-state actors for *actual lethal services*. Can you still argue in this case that the monopoly on violence lies with the state? Or did these new 'actors' suddenly also obtain the legal right to use lethal force? These particular new non-state responses to global security form a critical challenge to the traditional perception of the role of the state. A situation where this role of the state is currently challenged can be found in the privatisation trend of anti-piracy services that has occurred in a large number of states.

This phenomenon fundamentally differs from the previously described outsourcing of military tasks by the state's armed forces themselves. Here a state finances a PMC to provide a certain service for

⁸ This claim is also made by Leander, A. (2005); Shearer, D (1998) 77-97; Singer, P.W. (2003) 49-70; Avant, D.D. (2005).

its military forces. This service is bound to contractual terms and can be controlled or ultimately terminated by the state itself. In all of these cases of outsourcing this fundamental *carte blanche* - that is given to the shipping companies and its private maritime security companies - is never given. The state always had the ultimate power to say '*stop it*', by ending the contract or by quitting payments to the PMCs. At first sight, this state power seems to have disappeared in this case, but the question of whether this really is the case will be examined in this thesis.

This research is socially relevant for multiple societal reasons. First because it will give us more insight in the circumstances that are needed in order for a state to decide to privatise a security task. Second, this research will not only say something about the decision in the Netherlands and the United Kingdom, but will also provide insight in all the decisions being made in the population of European maritime nations. Therefore, this thesis will contribute to the literature on the privatisation of maritime security, and less specific to the literature about the privatisation of armed security tasks in general.

Next to the societal reasons, this research will provide scientific insight into the general trend towards outsourcing of security tasks on the one hand and about the adequacy of traditional IR theories in explaining modern phenomenon such as the privatisation of maritime security on the other. The task of incorporating non-state actors, commercial interest and changing relations between public authority and private governance within a neorealist framework is a great challenge. Finally, the addition of the constructivist perspective to this thesis can create more insight in the challenges and opportunities of combining neorealist research with a constructivist component.

1.6

Outline

In this thesis we start with a theoretical framework in which we first discuss a neorealist approach towards the privatisation of maritime security. After discussing neorealism in general, we will zoom in on the assumptions and concepts relevant for this case. Here we argue according to neorealist principles under which circumstances the privatisation of maritime security can be explained. Subsequently we will discuss the most relevant criticisms against this school of thought and incorporate this within this thesis, before two neorealist hypotheses will be discussed. In the following section the constructivist approach to national interests as an alternative explanation will be introduced. After discussing this approach and its critics a constructivist hypothesis will be introduced as well.

The third and fourth chapter presents the operationalization of all concepts and explanation of the methods being used, and the selection criteria of the chosen case studies respectively. Finally, on the

basis of an analysis of both the Dutch and the British case a number of conclusions and implications, and an answer to the research question will be given in chapter five from a neorealist perspective and in chapter six from a constructivist perspective. In chapter seven this thesis will conclude by answering the research question and provide the reader with a number of recommendations for further research.

Chapter 2. Theoretical framework

In this chapter the two theories used in this research, neorealism and constructivism, are elaborated on. The chapter starts with an explanation of each theory, their origin and their place in the IR theoretical debate. Thereafter their claims and topics of disagreement will be discussed. Finally a number of theory-specific hypotheses deduced from the basic works of the relevant IR scholars will be introduced.

These two theoretical approaches create the opportunity to look at the puzzle from both the system-level and the intra-state level. With this approach it will be possible to analyse which of the circumstances that could influence decision makers are more or less influential when it comes to a policy change providing security for its people, territory and interests, as is the case in the phenomenon of maritime security.

2.1.1 Rationalism & Realism

Realism is one of the main approaches within the IR discipline and belongs to the rationalist school of thought. Rationalist theories adopt positivist ontological and epistemological assumptions. Rationalists usually use methods in which enables them to test predictions based on theoretical assumptions. They assume that states make their policy decisions based on cost/benefit considerations, i.e. they make rational decisions. Not all, but most rationalists focus on state-level analysis. Here, states are treated as rational and unitary (black-box) actors in the international system. Realism believes states act independently of each other and that the sovereignty of this states plays an essential role. Rationalists also includes sovereignty as a vital factor, but not as untouchable and 'sacred' as most realists.

Realist believe in a cause and effect ontology, whereby a certain phenomenon can cause a certain effect, this effect can be measured as a linear relationship. This is in contrast to other political theories such as constructivism, where the ontology of mutual constituency is mostly applied. Here one does not believe in a linear relationship between a cause and an effect, but that the reality lies somewhere in which both the 'cause' and the 'effect' have influenced each other to become what they are now. Another difference is the amount of generalizations that are made about the world. Where realist believe the world can be observed in a rather objective way, from which one can make generalizations about the behaviour or features of objects, constructivism does not believe in this objective reality. Because phenomenon are mutual constituted and every individual looks at the world from its own perspective, an objective worldview is not possible and therefore many generalisations and assumptions cannot be made, according to constructivism.

The discipline of realism is built upon the following set of assumptions. First, it is important to note that realists see the world as an overarching international anarchic system. With anarchic they mean that there is no higher power in the world which can control the behaviour of states towards other states. Second, states are always the most important actors in world politics. States are unitary actors, and only they are capable of conducting world politics at the highest level. Third, all actors in this anarchic system act rational. They think about their foreign policy possibilities, weigh the pros and cons against each other, and make the decision that is best for their ultimate goal. The ultimate goal of states is to survive, to not be destroyed and to live on.

Realism started with classical realists like Morgenthau (1948) who believed that this ultimate goal to survive of a state was embedded in our human nature. Classical realists believe that the desire to survive is within every human and because of that it is transferred to the will of the state. States are not bounded to behave themselves, because there is no higher authority in the world. For this reason every state is free to act in whatever way they feel is best for their survival and expansion. This leads to a situation in which you never know if other states want to conquer you to expand their power. This situation leads to a constant presence of threat for all states within the system (Morgenthau, 1978).

Structural realists, also known as neorealists, do not agree with the classical realists on this point. They believe that systemic pressures influence the way in which states act. While they agree that the ultimate goal of each state is survival, they differ on where this desire comes from and in which way this goal influences their behaviour towards other states. The following section will explain what this systemic pressure means for neorealists.

2.1.2 Neorealism

Neorealism is a systemic theory that believes states' behaviour is influenced by systemic pressures instead of by human nature, which is what classical realists believe. As Waltz claims *"The structure affects behaviour within the system, but does so indirectly. Agents and Agencies in the system act; systems as wholes do not. The effects are produced in two ways: through socialization of the actors and through competition among them"* (Waltz, 1979: 74). This means that the system cannot influence states directly, but only indirectly through the interaction with other actors. What matters is the relative power position a state has in comparison to other states in the system. The system can be summarized as follows: all states seek survival as ultimate goal, yet the system is anarchic so threats are always present, but the capabilities for power are scarce. Not every state can be the hegemon in a system.

With the fact that there is no higher authority in the system that is able to punish states for not respecting each other's sovereignty the security dilemma is complete. States are hesitant to cooperate because you can never fully trust one another. States will try to defend their own interests, and participation in any kind of cooperation may damage their relative power position. This results in a self-help logic because states do not want to rely on other states when it comes to their fundamental needs.

According to Waltz this security dilemma and self-help logic therefore lead to a system in which economic and military capacities of a state (compared to other states) give them a relative power position. This power position is an estimated position because no state can precisely know what the real capacity of other states is. They may exaggerate or hide their abilities, depending on their survival strategy.

2.1.3 National Interests

As mentioned previously, according to neorealism the main goal of a state is to survive in the international system, so its ultimate national interest is everything that has to do with this survival. The problem with the definition of the national interest as 'survival' is that it does not give information about how this survival needs to be reached. Its implementation can be achieved in many ways. So what is it that neorealists consider to be in the national interest in more detail?

Previous academic work by among others Alons (2010) and Van der Vleuten (2001: 50-51) tells us that this interest can be divided into three dimensions: (1) a security or political dimension, (2) an economic dimension and (3) an ideological dimension. The political dimension can be divided in a material and immaterial interest for the state. With the material interest we mean the actual capabilities a state has, such as military capacity, political stability, or amount of resources. The immaterial interest is the interest a state has to be perceived as a strong or reliable nation. The reliability of a state is very important, because the more reliable and credible a state is perceived to be by other states, the less it has to fear from other states (Alons, 2010). The economic dimension of national interest has everything to do with the amount of wealth and prosperity a state can have. Each state will always try to maximise this wealth in order to secure their survival. The last dimension of national interest is the ideological dimension. This refers to the cultural identity of the state: a state will always try to protect its cultural symbols and its national ideology.

Although neorealists can identify all three dimensions of national interest, two are clearly more important than the other one. The ultimate goal is still survival in the international system, and because of this reason the political (security) and economic dimension are more essential than the ideological dimension. Between these two, in accordance with most neorealists the political

dimension is the most important one. Only through military power a state can secure their position in the international system (Van der Vleuten, 2001). In sum, for the survival of the state the security dimension (political) is the most important, next comes the economic interests, and last comes the ideological interest of a state.

2.1.4 Relative power position and core-business

As stated before, the international system is an anarchic system. In this self-help system each state is responsible for its own survival. *“To say that a country acts according to its national interest means that, having examined its security requirements, it tries to meet them”* (Waltz, 1979: 134). If the balance of power in a system changes, the security requirements a state must meet will also change. Now we know how the national interest of a state can be interpreted by neorealism, it is possible to discuss what this tells us about the question whether privatisation of security tasks is a good idea.

The following two sections examine claims that neorealists would put forward. From these claims, two hypotheses are deduced that will be tested later. These claims stem from the idea that a neorealist would argue that privatisation of tasks that traditionally belonged to the state – such as certain security tasks – indeed can be explained. When a certain (non-essential) task that previously belonged to the armed forces is privatised, this will give them the space and potential to deploy their armed forces better, broader and more efficiently, because of the extra ‘hired’ capacity (Petersohn, 2010: 532; Spearin, 2003: 30).

As stated before, if all states seek is survival, it compels every state to monitor each other’s capabilities and to also keep up with new developments in military technology. Any failure to do so might result in a power gap and, in the worst-case scenario, may result in the extinction of the state (Waltz, 1979: 127). Due to this constant threat to survival, states are always looking for ways to be as powerful as possible in military terms. States imitate each other to be able to maintain their competitive edge against one another. Waltz for example writes that *“Since the theory depicts international politics as a competitive system, one predicts more specifically that states will display characteristics common to competitors: namely, that they will imitate each other and become socialized to their system”* (Waltz 1979: 128). When this reasoning of Waltz is extended, one will expect that if certain powerful states decide to privatise a part of their security, and are perceived to be successful, other states will follow.

Many other scholars have actually argued that privatization of particular military tasks gives the state a competitive edge. With the ‘help’ of third parties, states potentially have a better and bigger military. Buying services on the market therefore gives the military an advantage over opponents. (Carafano, 2008: 12). Petersohn writes in this regard that *“Military effectiveness may benefit from*

additional skills that the armed forces can purchase on the market and that are not available elsewhere” (Petersohn, 2010: 534). Singer even claims that this new availability of military power on the market will open up new realms of strategy and policy. He writes: “As nations seek ways to attain a surge capacity without the expense of sustaining a large peacetime military, and as they face difficulties recruiting from their own populations, contracting will be an attractive option for filling the ranks. Corporate armies, navies, air forces and intelligence services may be major actors in the 21st century armed conflict. This will open up new realms of strategy and policy” (Singer, 2003: 172).

According to Singer, power is more fluid than ever, which indicates that privatisation makes it even harder for states to estimate military power of others, and hence their own relative power position. Singer therefore states that *“Military privatisation means that military resources are now available on the open market, often at better prices and efficiencies. Coercive capabilities are accessible to all with the money and withdrawal to seek them and former barriers to military strength are lowered” (Singer, 2003: 171). When looking at how privatisation of military capabilities works, one can see that this new ‘capability to hire’ is not solely in the service of that nation. The PMC could be hired by the competing nation for the same price, or even switch sides if the competing nation offers more. This risk will deter states from privatising their entire armed forces. For this reason they will sooner privatise all *non-essential* parts of their military forces and security tasks, which do not directly influence their power position compared to other nations. Which security tasks or parts of their military forces can be seen as non-essential will be discussed below.*

The relative power position of a state is defined by Waltz as their combined capabilities in comparison to other nations. The economic, military, and other capabilities of nations cannot be sectorised and separately weighed. *“States are not placed in the top rank because they excel in one way or another” (Waltz, 1979: 131). Their rank depends on how they score on all of the following items: “size of population and territory, resource endowment, economic capability, military strength, political stability and competence” (1979: 131). Rational states will try not to endanger this relative power position. So, whatever nations decide, they will always try to keep these capabilities at maximum strength. In order to do so, only those tasks will be privatised which do not influence their relative power position, i.e. tasks that do not jeopardize their chance for survival. In this thesis all tasks that can directly influence the relative power position of a nation will be considered as core-business. For example, the control of social welfare or the provision of renewable energy will be considered as non-core business (*non-essential*), while the protection of the nations’ boundaries or national resources will be considered as core-business. When discussing privatisation of security tasks, neorealists would argue that the provision of food, logistics or negotiation could be seen as non-core business, while the security of a country’s airspace can be seen as core business. In chapter*

five we will elaborate on the question whether the provision of armed guards on board nation's commercial vessels will be seen as core-business according to these neorealist principles.

To summarize: Neorealists would claim that; (1) states will privatise parts of their security tasks if it benefits their military capacity, (2) it is more likely that states privatise more to enhance their relative capacity compared to other nations if other nations already chose to privatise, (3) states will only privatise non-essential parts of their security tasks in order not to risk losing capacity that can influence their relative power position. Claim one and three can be combined in one neorealist hypothesis. Therefore both the cases of Netherlands and the United Kingdom will be examined with the following hypothesis:

H1: A state will not privatise security tasks that belong to its core-business, which are essential and could influence its material power position.

The second claim is one that entails further research of the entire population of European countries with a maritime interest to examine whether the behaviour of either the United Kingdom or the Netherlands can be seen as the behaviour of 'copying'. What follows is the hypothesis:

H2: A state would privatise security tasks if other nations have already chosen to privatise these tasks and seem successful with that policy decision.

Because this thesis is limited to an analysis of the decisions made in the Netherlands and the United Kingdom conclusions that are derived from the limited information we have, cannot be substantiated with absolute certainty. Although this thesis does touch upon decisions being made in the population, the research does not include a decision making analysis of the whole population. still, based on the information that will be gathered in this thesis, it will be possible to say something about this hypothesis. Therefore, in chapter five this thesis will try to answer – with the limited information we have – the question whether the behaviour in one of our cases can be seen as copying behaviour. The hypothesis will be rejected if it is the case that, when we would expect a nation to carry out the behaviour of copying, but in the empirical data the nation does not show this behaviour.

2.1.5 Control of lethal force

It is not without reason that many scholars have written about the control on force by the state. Also for neorealism this phenomenon is a point of discussion. Survival is the most important interest of states. Not only does a state need to survive against the threat of other nations, but also from threats within the country. As Waltz stated, "*The most destructive wars took place not among states but within them*" (1997: 103). For a state to defend itself in the international system a sufficient

military capacity with lethal capabilities is necessary, but to defend the nation from threats within a different measure is needed. Within a state, the government must control this lethal force within its own borders. According to Waltz, the way to do so is to retain the monopoly on the legitimate use of force. *“A government has no monopoly on the use of force as is all too evident. An effective government, however, has a monopoly of the legitimate use of force,”* and legitimate here means that *“public agents are organized to prevent and to counter the private use of force. Citizens need not prepare to defend themselves. Public agencies do that. A national system is not one of self-help. The international system is”* (1979: 103-104). So according to Waltz, states will never privatise a part of their military forces which gives away their monopoly on legitimate use of force. In summary, neorealist would claim that states will only privatise certain tasks, as long as the state can keep full control over all lethal force being used within their territory. A state will always want to keep control about when force is used. However, at first glance, this does not seem to be the case when maritime security is being privatised.

As already argued by other authors about military outsourcing in general: *“it strips the principal – agent relationship of many of the structures and dynamics that states have traditionally used to control militaries”*. (McCoy, 2010:671)⁹. This is the reason why neorealists first would argue that privatisation of security tasks can be beneficial and a wise decision, but secondly would argue that it is only wise when the state will keep full control on all lethal force being used.

When the decision is made to allow private armed guards on board of commercial vessels it seems that this requirement of control will not be achieved by the state. Whether or not there can be an exception made for the maritime security companies, or if this requirement is insurmountable in this case, will be examined further in this thesis. Following from the neorealist principles stated above, the next hypothesis will be tested:

H3: A state will only privatise security tasks, as long as the state will be able to keep control on all lethal force being used.

Depending on the outcome in both cases on the two hypotheses stated above this thesis will reach a conclusion on the question of whether neorealism can explain either the decision to privatise maritime security in the United Kingdom, or the decision *not* to privatise this maritime security in the Netherlands, or that neorealism might be able, or fail, to explain both policy decisions.

Until now, the theoretical approach towards this thesis has been one of *national interest*. A cost/benefit analysis towards which policy option is best for the nations' national interest has to be

⁹ This claim is also made by Avant (2005) and Leander (2005).

undertaken. In essence, this has been broadly in line with the decision making model, from Allison's *essence of decision* (1971). In contrast with this rational model of national interest this thesis likes to make two claims, which make it necessary to add an extra theoretical explanation. First, we foresee the need for a second theoretical explanation to shed more light on the decision making process and to ultimately explain this phenomenon in both nations. With this approach of selecting two theories we attempt to create more insight into the general population of cases who have struggled with this decision. Focusing solely on the system or on domestic factors is not considered to be enough because both are believed to have influence (Lobell, Ripsman & Taliaferro, 2009: 3). So the first reason for applying the extra theory is that this thesis wants to look *inside* a state, in search for the explanatory variable.

Second, this thesis wants to follow the idea that this national interest is not a given, but is a product of interaction between different actors. Next to this explanation, we also believe that this interaction is not solely based on *pure facts* or *knowledge* 'out there', but on the competition of ideas. This results in a national interest that is the product of interaction between different actors where the dominant *group of ideas* – or discourse – will form the final composition of national interests. Therefore, in this thesis the realist (state-centric) theory will be complemented by a constructivist (within-the-state) theory.

2.2.1 Constructivism

Constructivism is seen by many scholars as the school of thought that tries to bridge the gap between the majority of IR scholars, such as realist and liberalist, and postmodernists. Constructivist share a largely common epistemology with rational choice theorists, while on ontological grounds they have more in common with postmodernists. This results in a school of thought which brought "*a breath of fresh air to thinking about world politics, in ways accessible to nearly all scholars.*" (Checkel, 1998:328). Social constructivism can be seen as a school of thought born from criticism on neorealism (and other rational choice theorists). Constructivism is concerned with underlying notions of how the social and political world works. As Checkel stated: "*It is not a theory but an approach to social inquiry based on two assumptions: (1) the environment in which agents/states take action is social as well as material; and (2) this setting can provide agents/states with understandings of their interests (it can "constitute" them)*" (1998:325-326). In other words, constructivism questions not all but many notions on which much IR work has been built.

Most social constructivist theory is what is called a systemic approach, this theory does not only look at the structure of the system or solely to the actors, but looks at both. The main points where constructivist differ from neorealist can be traced back in their dissenting interpretation of the

following three assumptions. First, they have a different conception about material structures: As neorealists believe that material structures are given, constructivist believe these material structures are given meaning by interpretation of the context. For example, the military capacities of a friendly nation are of lesser concern as the military capacities of a hostile nation. Second, they differ in their view on the formation of (national) interest. Again, neorealists see a national interest as a given, created by their belief in what is good for survival within a certain given international structure and constructivist believe interests are only created by interaction among nations, agents and structures (Wendt: 1995:73). Finally, their belief in the role of norms differs greatly. Where a neorealist believes that when a decision maker is confronted with various options, he picks the one that best serves its interests, constructivists on the other hand claim that norms and social structures have a great influence on this decision. *'Norms and beliefs about the objectives, relevant actors and relations among them restrict decision makers in their choices'* (Wendt, 1987:340-44).

Neorealism simply states that, because the international system has an anarchic character, it means that states distrust each other and therefore can end up in a conflict with each other. This has the consequence that states obtain the same structure and the same character, what leads to them being *like units* because they all need to do the same to survive (Wendt, 1999:248). According to constructivist, this does not seem to be correct in practice. Wendt argues that the concept of anarchy is *an empty vessel* (Wendt, 1999:249, 309). Anarchy only describes that in the international system there is no higher authority that can compel states to adhere to agreements but it says nothing about whether or not there would constantly be ongoing violent conflicts between states. It only claims that states should keep in mind that a conflict can occur at any moment.

This thesis adds a sociological perspective on the politics of national security. It argues that security interests are defined by actors responding to cultural factors. This means that indeed, as neorealists claim, power conventionally understood as material capabilities still is important, but that there is more than just material power to defend a nation's security (Katzenstein, 1996:2, 33). This thesis seeks to incorporate *'the political construction of identity'* into this analysis of national security and interest. This means that it starts with the material notions of a rational approach, but more explanatory variables will be added.

2.2.2 Constructing national interest

Weldes is a social constructivist scholar whose work focuses on national interests, foreign policy and security. For this thesis a theorization that is introduced by her in 1996 in the article *'Constructing National Interests'* will be used. In this article she argues that the concept of national interest, as how it is being used by among others neorealist, requires adequate theorization. The puzzle she puts

forward is that, although the concept of the national interest has great power and influence on the shaping of foreign policy and is therefore crucial to our understanding of international politics, it is poorly conceptualized by the majority of IR scholars. She describes the concept *national interest* as the lens through which policymakers understand the goals which should be pursued by a state's foreign policy. Furthermore, '*national interest is a rhetorical device necessary to generate legitimacy and political support for state actions*' (Weldes, 1996:276).

The realist conception of the national interest is wrong in at least two fundamental principles according to Weldes. First, the content of the realist notion of the national interest as the survival and security of the state is too broad and too vague. '*It has no substantive content and is therefore not very helpful in understanding concrete state actions*' (1996:278). Second, this notion is based on a questionable epistemology which ignores the role of interpretation. Realists can therefore, according to Weldes, not explain why certain policies are considered to be in the national interest (1996:279). She argues that one of the problems of the realist notion of the national interest is that in their concept there is an independent reality out there which can observe without obstacles. She does not agree with this and claims that the reality which officials and analysts observe depends on our interpretation. This reality acquires meaning through our *shared interpretations*. Reality does not present itself independently to observers. For example, something is a threat because we agree it is a threat.

Thus, Weldes argues that, in order to conceptualize the national interest we should understand it as a social construction. '*Adopting a constructivist approach allows us to...examine the intersubjectively constituted identities and interests of states and the intersubjective meanings out of which they are produced*' (1996:280). Weldes continues that therefore, the national interest cannot be considered as an observable object, but that it is socially constructed. Before state officials can act and shape foreign policy, they must interpret the situation they face and the possible policies they can choose. The content of what the national interest in that specific situation would be is produced or constructed '*as a meaningful object, out of shared meanings through which the world ... is understood*' (1996:277).

In her research three major questions are raised: how, why, and by whom is the national interest constructed? A question very simple to answer for a neorealist, he would consider national interest everything that supports survival of the state – even though he cannot specify on what that policy actually is – but a hard question to answer for constructivists. To conduct her research Weldes does one thing fundamentally different from neorealists and some influential constructivists such as Wendt. Because she considers intra-state interaction as a decisive factor – because of the value she

gives to the political and historical context of the situation – she opens up the black box, i.e. the state.

2.2.3 Representations and identities construct policy

Weldes argues that the construction of the national interest starts with state officials that create representations about a selection of ‘objects’. Each object is given an identity, which might be vague or certain. Second, these representations include ‘*well-defined relations*’ between the objects in the form of quasi-causal arguments (quasi because the argument does not have to be empirically valid) (1996:281-282). As a result, these representations of the world have already determined the national interest, because identities are the basis of interests. Once a situation has been described, the national interest has been determined. In examining the social construction of a the national interest of a state, we are thus trying to answer the question how a particular course of action was possible for the state officials to understand its national interest in one particular way rather than in another way. The representations are being constructed in a social process with two dimensions: *articulation* and *interpellation*. Both concepts lead to the creation of a representation of the international system (and thus to the construction of the national interest).

With articulation Weldes means that ‘*meaning is created and temporarily fixed by establishing chains of connotations among different linguistic elements*’ (1996: 285). This results in *associative chains*, which leads to specific representations of the world that are bound to a certain context. These associative chains are, however, not permanent and need to be constructed over and over again to keep the same meaning (1996:285). With Interpellation Weldes means the ‘*dual process in which identities are created and individuals are hailed into them*’ (1996: 296). This means that each representation of the world includes certain identities of relevant objects in that representation. This leads to different power relations between actors and different preferences and interests. State officials identify themselves with these objects and thus with the representations in which they appear. As a result, these representations appear to be common sense to the individual (1996:287). To conclude the explanation of Weldes’ constructivist theory, in figure 2 a schematic summarization of Weldes’s theoretical framework, as interpreted to fit as a suitable framework for this thesis, is presented.

FIGURE 2**THEORETICAL FRAMEWORK CONSTRUCTED NATIONAL INTEREST (ACCORDING TO WELDES)**

Step 1: representation of context and actors involved is constructed by state officials

Step 2: for each involved actor a certain identity and opinion is constructed

Step 3: all representations influence what state officials consider valid policy options
+ it gives a connotation/value to all policy options

step 4: it influences what is to be considered as the 'best' or chosen policy option.

2.2.4 Weldes and privatisation of maritime security

The question which remains is what this new theorization of the concept national interest implicates when it comes to the privatisation of maritime security. In any case it brings us the notion that the process of interpretation, which is done by state officials to give meaning to all objects in the international system, has great influence on the chosen policy by this state officials. First, in the process of articulation, a meaning is created by connotations of linguistic elements about the context of the matter. This includes all actors involved as well as possible management strategies and so on. This results in a shared idea of specific representations in the world. In this case, this means that a representation of the piracy-problem, with all possible scenarios, involved actors and possible solutions is constructed. Next, the process of interpellation starts. In this process identities are created and individuals (or groups) are hailed into them. More specific, for this case it means that an identity and opinion is formed about the Somali pirates, the private military industry, private maritime security companies (PMSCs), the commercial shipping industry and the armed forces (more specific: the marines). All these representations of the context and identities of actors involved can positively or negatively influence the preference for a certain policy. Third, state officials come to identify themselves with the subject-positions of the representations in which they appear. These representations can differ among nations, and thus can influence a decision whether or not to privatise maritime security greatly. According to this theory, the general attitude of state officials towards privatisation as a policy and, correspondingly, towards the private military industry, the commercial shipping industry, the armed forces and so on could have been decisive towards the decision to allow or not to allow for privatisation. It could have limited what state officials even considered as valid solutions to this matter, or it could influence the connotation and value that is given to a certain policy option. Following from this constructive reasoning, built on Weldes's theoretical framework, the next hypothesis will be tested:

H4: A state will only privatise security tasks if the representations and identities within the state towards privatisation of security are positive.

The above stated hypothesis will test whether there is a difference between the representations and identities among the nations being analysed. It will answer the question what the dominant discourse about the privatisation of security is within a nation. Theoretically we claim that there will always be one or a few dominant discourses, which win the competition of discourses, and which ensures that other possible discourses do not become *popular* or supported by the majority.

However, it still does not say anything about how these representations and identities are formed and why they actually influence what is to be considered the 'best' or chosen policy option. Why is this particular discourse on privatisation of security dominant in that nation? To answer this question we need to search for deeper values within a nation that could explain the different ideas they have about certain phenomenon. For this part of the research we will see whether the dominant discourse in a nation fits well to certain deeper values within that nation. If these deeper values of a nation towards a phenomenon like privatisation or towards certain actors involved in this privatisation process are very positive, this will ensure that the discourse that is supportive to more privatisation will become dominant. Given the above formulated considerations, the following hypothesis is constructed and will be tested:

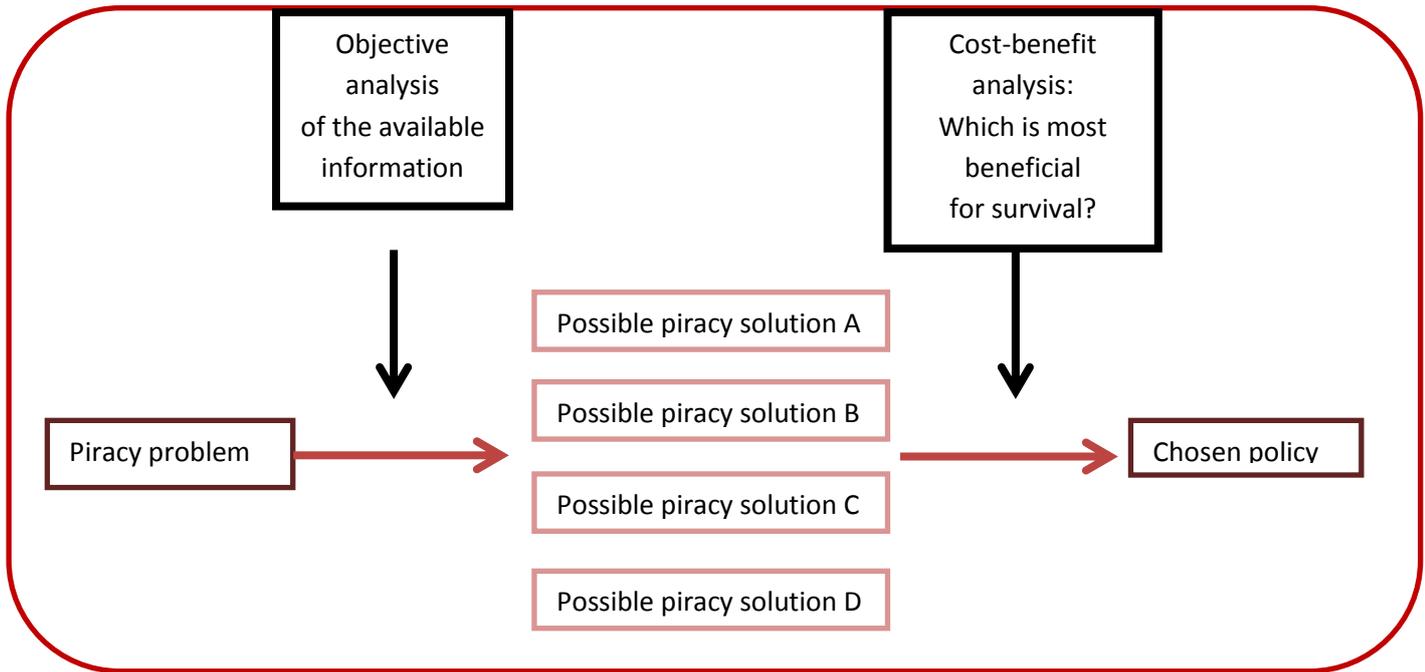
H5: If a certain discourse on privatisation of security connects with positive deeper values of a nation, this discourse will become dominant.

Of course, many other deeper values within a nation can be influential when it comes to the competition of discourses. Therefore this research does not claim to give the *one and only* explanation towards this phenomenon. It is possible, when further research has chosen a different *value* or *tradition* as central to his research, it might as well give a part of the theoretical explanation. Further explanation on the *deeper values* chosen to be central in this research will follow in the next chapter.

2.3 Schematic display theoretical frameworks

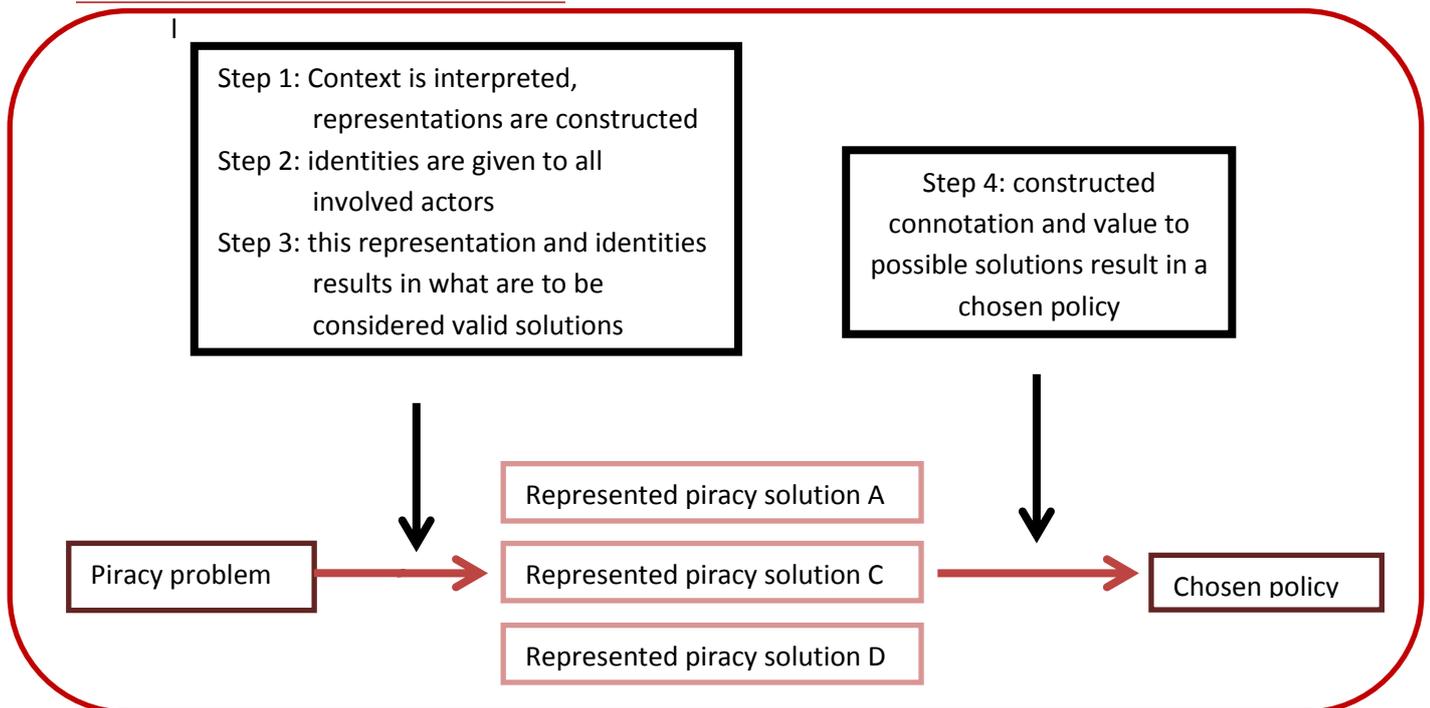
To illustrate how the decision making process works according to the two different theoretical frameworks, a schematic illustration of both models is displayed in figure 3 and 4.

FIGURE 3
NEOREALIST MODEL



In the neorealist approach in this thesis the puzzle lies in the second black box, with regard to the question: Which solution/policy is most beneficial for survival of the state? This thesis argues that privatisation will only be considered to be beneficial if it does not negatively influence their material power position or if no control on lethal force will be lost by the state. A state will answer all this questions when it is making this cost-benefit analysis of all possible solutions / policy options.

FIGURE 4
CONSTRUCTED NATIONAL INTEREST MODEL



In the constructivist approach of this thesis the puzzle lies in both black boxes of Weldes' theoretical framework. With this approach this thesis argues that the representations and identities given to the problem, the involved actors and the policy options greatly influence the decision that is being made by state officials. Hereby it is important to note that, in this model, the representations and identities given to all these objects can differ in each nation. State officials in the United Kingdom could have a completely different conception of the problem and objects involved than those in the Netherlands, which if the case, could explain the difference in their final policy decision.

2.4 The spatial and temporal bounds of the theoretical framework

The theoretical approach used in this thesis implicates a few restrictions to the scope of this research. First, in this thesis we use a neorealist approach, this implicates that this thesis does not make any claims about the abilities of other realist theories. The same principle goes for the constructivist approach chosen for this thesis. The theoretical framework of Weldes is applied to the puzzle in this thesis, therefore this thesis does not claim to generalise any conclusions to the entire constructivist school of thought.

Second, this thesis claims to say something about the privatisation of security in European nations, which means that conclusions that may be drawn from this research can only be about that population. Other nations in the world, especially the United States and a number of nations in Southeast Asia, also deal with this issue of privatisation of maritime security, and yet this thesis do not claim to say anything about their policy decision making process. This is because of the varying political and cultural context in other regions. Finally, this thesis does not aim to say anything about warfare in general, the so called new security threats – one of which is piracy – or the control against the concept of '*new wars*' (Kaldor, 2006:11-12). Therefore, no claims related to these topics, can be derived from this thesis.

Chapter 3. Methods and Operationalisation

3.1 Case selection

“Case study analysis focuses on a small number of cases that are expected to provide insight into a causal relationship across a larger population of cases (Gerring, 2007:86). According to principles put forth by John Gerring, in this thesis the cases of the United Kingdom and the Netherlands are chosen as case studies. The population of cases is in this research all European nations with a considerable maritime interest east of Africa. All these nations have to some extent a similar democratic form of government; did not have a law that allowed for private armed security on board vessels before 2000; all had a discussion within the government about the provision of a law that would allow this private armed security; they have a to some extent shared European history; and are more or less affected by the piracy problem in the region of the Gulf of Aden.

In case study research the sample of cases is small by definition, so choosing by randomization is problematic. Even if one chooses randomly, the sample might be representative for the population, but uninformative to the research question. For this reason this thesis uses the model of Gerring to select two cases for this research question.

To answer my research question this thesis will be using Gerring’s Most-Similar System Design model. The most-similar method is one of the oldest recognized techniques of qualitative analysis, referring back to J.S. Mill’s classic study, *System of Logic* (first published in 1834) (Gerring, 2007:138). Within this model one is supposed to select a representative sample of two (or more) cases from the population. In its purest form, the chosen pair of cases is similar in all respects except the variable of interest (Gerring, 2007:131). Of course in a case with many involved explanatory variables it is not possible to select two perfect similar cases, but this thesis argues that the choice of cases in this research will come close to this perfection. This selection is theoretically defensible from a neorealist perspective. We argue that both nations have a similar maritime interest in the region, a similar contribution to the international anti-piracy missions, a comparable national interest (as in, survival of the nation), and both nations have enough capacity to be able to deliver security for its commercial ships from within their own armed forces (both states have a more than sufficient amount of highly trained marines available). Although all these variables are similar or comparable, the variable of interest (the dependent variable) differs. In this type of research, cases must be coded dichotomously, in this case the dependent variable can be encoded as (1) and (2), where 1 is pro-privatisation and 2 is against privatisation. In the case of the United Kingdom and the Netherlands,

the scores would be the United Kingdom as (2) and the Netherlands as (1). In order to indicate the position of the two cases in the population Table 1 has been constructed.

TABLE 1
OVERVIEW MARITIME PRIVATISATION IN EUROPE

	Pro-privatisation (1)	Against privatisation (2)
Maritime Interest* SMALL Mil. Capacity** INSUFFICIENT	N.A.***	N.A.
Maritime Interest SMALL Mil. Capacity SUFFICIENT	N.A.	N.A.
Maritime Interest LARGE Mil. Capacity INSUFFICIENT	DENMARK BELGIUM CYPRUS MALTA ITALY* NORWAY (GREECE + SPAIN****)	
Maritime Interest LARGE Mil. Capacity SUFFICIENT	UNITED KINGDOM FRANCE GERMANY (GREECE + SPAIN****)	NETHERLANDS

* The manner in which maritime interest is operationalised and measured will be discussed in 3.3.1.

** the manner in which military capacity is operationalised and measured will be discussed in 3.3.2.

***All European with a non-existing to very small maritime interest (due to a lack of shipping industry), are not included in this figure. Because of the lack of interest, the question whether or not to favour privatisation of maritime security has not been discussed in government

**** On account of the information gathered for this thesis, it is not possible to claim with certainty whether Greece or Spain have enough military capacity to protect their own commercial vessels, therefore displayed in two boxes.

Source: Ginkel, B. et al. 2013, International Chamber of Shipping, 2013, IHS Jane’s Sentinel, 2013

On a constructivist account it is debatable if this most-similar system design is also applicable to these two cases. However, in this thesis where the prediction that neorealists cannot explain the variation in the dependent variable is made, it is the aim of this research to search for the *extra* explanatory variable. This explanatory variable can possibly be, as stated in the previous chapter, the different representation and identities that state officials in both nations give to objects within this matter.

Finally, it is important to note the time span of this research. Both cases will be examined from a timeframe starting in 2008. Although 2006 was the year in which the International Maritime Bureau reported that ten vessels were attacked by Somali pirates, the issue arrived on the political agenda in most countries only in 2008. The analysis runs until 9 April 2014 for the Dutch case – when it became clear that there would definitely be no majority in parliament in favour for privatisation of maritime security¹⁰ – and until February 20, 2012 for the UK case – the date when final legislation about the use of private armed security guards on UK flagged ships was launched (House of Commons, 2012b). This time span ensures that in both nations the recognition of the problem, the day the final decision is being made, and everything in between will be taken into account in the analysis.

3.2.1 Methods

When conducting this research a number of methods will be used complementary to each other. Various data will be collected and used to complement each other in order to reach an as complete as possible image of the phenomenon we are researching. In political science, this method is known as process tracing. In short, this method works by extracting all of the observable implications of a theory. By tracing the causal process from the independent variable of interest to the dependent variable, it may be possible to identify potentially intervening variables in imperfectly matched cases (King, Keohane & Verba, 1994). This is exactly what this research hopes to establish, to find potentially intervening variables that influence the decision that is being made in the United Kingdom and the Netherlands. Process tracing aims to ascertain the causal process linking an independent variable(s) to the outcome of a dependent variable, particularly in small-n studies (George & Bennett, 2005:6).

First, to test the three hypotheses drawn from neorealist theory, a neorealist theoretical argumentation will be given. This thought process enables us to reconstruct the cost/benefit analysis conducted by ‘rational’ actors. With the information conducted from different data, all available information will be included in the analysis of the puzzle, before the rational actor – i.e. the state –

¹⁰ Article from the NOS, titled: *Geen privebewakers op schepen*

comes to a decision according to the previously discussed neorealist principles. In this process or argumentation the first three hypotheses can be tested.

In the second – constructivist – part of this thesis a research method will be used which enables us to draw conclusions from interpretation of written and spoken data. The method that is used in this thesis is ‘discourse analysis’, and more precise ‘frame analysis’. The name discourse analysis is a general term for a number of approaches to analyse written and vocal language and is derived from works of among others Michel Foucault (1969). He became one of the key theorists of discourse. Foucault defines a ‘discourse’ as ‘a way of speaking’. According to this logic, we could find the underlying opinion of the author or speaker given towards a certain phenomenon from the words being used.

The method of frame analysis, as derived from Verloo (2005), suits well in the constructivist approach of Weldes, because both are built upon the same assumption. In her study of framing of gender inequality, Verloo notes that *“Frame analysis starts from the assumption of multiple interpretations in policymaking and seeks to address such implicit or explicit interpretations, in this case, the concept of gender equality, by focusing on the different representations that sociopolitical actors offer about the problem of gender inequality and about the solutions to the latter”* (Verloo, 2007:31-32). In section 3.3.5 and 3.3.6 the use of discourse analysis and critical frame analysis (CFA) will be further elaborated on, when the concepts of representations and identities will be discussed.

3.2.2 Sources

Within this research the various data consists of economic data, figures on military capacity, figures on maritime content, speeches, debate reports, parliamentary papers, statements by ministers and an expert-interview. First, most maritime data is collected by the IMO, a specialized agency of the United Nations, known for their extensive data collection efforts. The IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Next to their active implementing role, they also collect all sorts of data concerning the shipping industry. Second, the economic data mostly finds its origin in databanks from the World bank and UNCTAD, both institutions with a high reputation of reliability. For the constructivist element of this research data is mainly collected from government sources. This includes legislative texts, expert-reports, parliamentary debates, parliamentary questions and answers and political and ministerial statements. All of these documents come from official ministry websites such as rijksoverheid.nl for Dutch documents and gov.uk for British documents. These websites only contain official governmental documents, therefore their reliability is guaranteed. In section 3.3.5 the selection criteria and considerations for these documents is further explained. Finally also a number of non-

governmental documents are selected in order to identify a possible alternative discourse. These documents come from different sources. First, Institute Clingendael, a well-known institute for (Dutch) International Affairs, and second their British counterpart, the Chatham House. Both Institutes are known for their independent and rigorous analysis of critical challenges and opportunities and their reports are used extensively by state-officials and scholars. Therefore they can be seen as reliable sources of information. The selection criteria for these documents are further discussed in section 3.3.6.

3.3 Operationalisation

3.3.1 Maritime interest

Maritime Interest is defined in this thesis as the share of the maritime industry in a nations' economy. To complement this definition, we will look at the interest of the specific branch of this industry that is most affected by the piracy problem, namely the transportation sector, therefore also the number of international vessels is included in the construction of what we call *Maritime Interest*. In this thesis *Maritime Interest* is conceptualised on the basis of four different figures. First, we looked at the share of the complete maritime industry as part of the nations' economy. Data is collected from the year 2011 from different sources¹¹. First, it was remarkable that there is a significant difference in the representation of numbers between different actors involved. The reason for this are the different methods being used. We chose to use the figures with direct and indirect added value combined, because this gives us the most complete image of the impact of the maritime industry. This enables us to gain a clear understanding of the difference between both nations. Second, the number of international ships that sail under the nation's flag, compared to the world fleet is interpreted. This is done by comparing the number of ships above 100 gross tonnage (GT), the number of ships above 1000 GT and finally the share of both nations on the world fleet, measured of all ships above 100 GT vessels. These numbers will be interpreted and averaged from 2008 until 2013. Third, the estimated number of ships from both nations sailing in the HRA is included in the analysis. This estimation are made by government agencies from both the United Kingdom as the Netherlands. Finally the number of attempted attacks over that year is included, solely as an indication to show that maritime interest is jeopardized to an increasing extent by the piracy problem from 2006 onwards. Therefore, these numbers are not included in the construction of the *maritime interest*. When all four dimensions are collected and compared to each other, a balanced overview of a nation's interest in this phenomenon can be given.

¹¹ In the year 2011 most negative effects from piracy were experienced, in addition to this, most significant policy decisions in both cases were made in this year.

3.3.2 Military capacity

In this thesis, *military capacity* is measured bearing in mind the task that must be accomplished, this means that not the overall capacity of a nation's military is included. Although the protection of ships, its personnel and load is a security task, that could be conducted by the military forces, it is not a task which necessitates an immense manpower or military capabilities or machinery.

When examining both the protection of commercial ships by marines and their private counterparts, the number of deployed personnel per ship for the protection against piracy lies between three and fifteen men. This is evident from both the protection of commercial ships that is conducted by a nation's military forces, and by private maritime security (Ministerie van Defensie, 2011b). The amount of armed guards on board vessels depends on the size of the ship; the accessibility of the ship; the speed at which the ship sails and can possibly manoeuvre; and finally also the number of so-called 'high-risk-entry-points' - areas on the ship where the bow is low and the ship is easily accessible. Next to trained men that are able to fight if necessary, a few light calibre weapons and perhaps some extra pre-emptive protection material – such as barbed wire, foam machines and additional radar-equipment – are necessary. Therefore one can conclude that not much *military capacity* is necessary for the protection of a commercial ship.

For this reason, military capacity will not be measured and calculated in absolute terms. It is clear that not all military capacity is necessary, or even suitable for this particular security task. The components of the military forces that are most suitable and particularly trained and equipped for this type of tasks are marines. Both the United Kingdom and the Netherlands have a Royal Marine Corps, both incorporated in their Royal Navy and most suitable for this task. For this reason we will measure the military capacity of each nation according to the size of their marine corps. An interpretation will be given to the actual number of needed marines, the estimated *available* number of marines and the amount of marines *necessary* for this task. In order to do so this thesis will make an approximation, according to official ministry of defence budgets, annual reports, and an expert-interview with a high-ranking (Dutch) marine officer. In total, for each nation we will get three different numbers; the number of marines, the estimated number of *available* marines and the estimated number of marines *necessary* for the protection of their commercial ships. With this data we can make a claim about the available military capacity of both nations for the years 2011, 2012 and 2013. Only in these years vital questions about whether or not this security should be privatised were raised in government.

3.3.3 Core-business

In neorealist terms, as explained in the previous chapter, the ultimate interest of a nation is survival. Following this logic, everything a state does is finally always in the service of this interest. A state will not make a decision that could harm its survival. If we look at *core-business* as defined in the first hypothesis of this thesis, it actually tells you the same. Every task a nation has that can influence its chance of survival is what we call *core-business*. Among these tasks are for instance not the provision of a good educational system or the development of technical goods. Tasks that can directly influence a states' survival – such as the protection of its borders or airspace – are the states' biggest security tasks. In this thesis the question will be asked whether the provision of maritime security is among these biggest security tasks. To answer this question we will use a neorealist argumentation. In the next chapter we will argue, according to the principles described in the foregoing sections, first, whether the protection of a nation's economy is also necessary for survival, second, if so, whether the nation's economy is in significant danger from the piracy threat, and third, if the piracy threat can make a nation weaker in comparison with other nations in the international system. The previously discussed three dimensions of national interest – political, economical and ideological – will be included in the study.

Repeating the hypotheses provided in paragraph 2.1.6 we will test:

H1: A state will not privatise security tasks that belong to its core-business, which are essential and could influence its material power position.

On the basis of the outcome of this hypothesis we will argue whether the protection of maritime security will be considered by neorealists as *core-business*. If this is the case, the claim of this thesis is that a neorealist would then argue that the privatisation of this task would be a non-rational thing to do for a state. Therefore, hypothesis one will be confirmed if providing maritime security will be seen as core-business by a rationalist, but privatisation has still occurred. This hypothesis will be rejected if providing maritime interest will *not* be seen as core business, but a state still chooses not to privatise this maritime security.

Hypothesis two will be operationalised according to the same neorealist principles, developed by Waltz (1979). The second claim is one where the question whether the behaviour of either the United Kingdom or the Netherlands can be seen as the behaviour of '*copying*'. As already mentioned, this thesis does not include an analysis of all policy decisions being made by the whole population of states, therefore conclusions that are derived from this claim cannot be answered with absolute certainty. Yet, on the same basis as hypothesis one and three, we will argue in accordance with neorealist principles whether or not the behaviour of the Netherlands or the United Kingdom can be

seen as *copying*. In order to do so, we will first briefly discuss the most important decisions being made in other nations from the population on privatisation of maritime security. If we mapped these decisions on a modest timeline, it is possible to judge whether the behaviour of both nations in research can be explained as copying behaviour of other nations.

The hypothesis we will test is:

H2: A state would privatise security tasks if other nations have already chosen to privatise these tasks and seem successful with that policy decision.

The United Kingdom made the decision to privatise their maritime security in 2011 and 2012. If it is proven that other (comparable) European nations with a maritime interest already made this decision earlier and seemed successful in their approach, the hypothesis can be confirmed, as long as it meets a number of basic conditions. If it turns out that the United Kingdom was the first to privatise, the selection of this case cannot confirm or reject the hypothesis, because '*copying behaviour*' is not observed. In the case of the Netherlands, a nation that only decided early 2014 definitely *not* to privatise their maritime security, the hypothesis can be confirmed in two different scenarios. First, if it would have appeared that other nations also did not privatise and were significantly more successful than the nations who chose differently. Second, if it appears that other nations who chose privatisation have been damaged significantly by their policy decision. This could show that the Netherlands chose *not* to copy because the shown policy option has apparently *failed* according to them. Whether a policy has failed will be tested according to two principles. First, if many 'scandals' have occurred surrounding the work of these private maritime security companies, or second, if you could argue that the relative power position has damaged significantly after the decision of privatisation has been made. The hypothesis will be rejected, if it appears to be the case that the decision to privatise by other nations seemed successful and yet the Netherlands still did not copy their behaviour.

3.3.4 Control on lethal force

To conceptualise and being able to measure the phenomenon of control on lethal force, we first have to clarify how we can see and measure this control by a state on 'something'. To do this, this thesis uses the conceptualisation of control as described by Deborah Avant (2005) Deborah Avant is a scholar who is specialised in the PMI and issues about the control on force that brings this industry to the political arena. She claims that control can be identified in different dimensions. She considers three different dimensions of control: (1) "political control" relates to "*who gets to decide about the deployment and services*"; (2) "functional control" concerns "*what kinds of capabilities will be present*" or "*to which extent forces are capable of meeting current challenges*"; and (3) "social

control” has to do with “*the degree to which the use of force is integrated with prevailing international values*” (Avant, 2005:5-6). Avant starts from a neorealist framework, which she complements with a constructivist component; this component is found in the third dimension of control she adds to her framework. On the basis of the first two dimensions we will measure the extent to which the control on force of the state will change when this maritime security will be privatised, from the neorealist perspective. Social control is a type of control a neorealist would not consider, for them ‘values’ and ‘norms’ are not a relevant variable to take into account. Later in the research, when we discuss the constructivist principles this thesis could choose to come back to this third dimension.

To reach a conclusion, two different ‘degrees’ of privatisation will be investigated. First in the case of the Netherlands, we will investigate if the state keeps full control on all force when marines are deployed for this protection, or that for instance some power will be transferred to the ships’ master. Second, in the case of the United Kingdom we will investigate to what extent the state keeps control on all force with their current legislation that allows privatisation. This legislation was put into effect for two reasons; first to allow shipping companies to hire private armed guards, and second; to impose certain terms and conditions, to regulate and control this privatisation of force. This legislation, developed in 2012, will be examined and tested according to neorealist principles.

Repeating the hypotheses provided in paragraph 2.1.7 we will test:

H3: A state will only privatise security tasks, as long as the state will be able to keep control on all lethal force being used.

According to the two different scenarios, and the degree to which the different dimensions of control on force is influenced, we can make a claim about whether a state could privatise maritime security without losing the ultimate control on force. For this thesis this means that in the case of the United Kingdom, the hypothesis will be confirmed if their legislation ensures that the state keeps full control on all lethal force being used. The hypothesis will be rejected if it appears that this control cannot be guaranteed. In this respect the conclusion would be that neorealism cannot explain the policy decision made by the United Kingdom government. In the case of the Netherlands, the applicability of this hypothesis to the Dutch case is different. Because the Dutch did not privatise their maritime security, this hypothesis cannot be fully tested. Still, it is useful to apply the logic towards this case because if there would still be a loss of control on lethal force when the protection is conducted by marines – as is the case in the Netherlands – then this control can also not be guaranteed when this policy option is chosen. Therefore this would mean that whether or not privatisation has occurred, full control can never be guaranteed. If it appears that in the Dutch case, the control on all lethal

force *can* be guaranteed, and in the British case it *cannot* be guaranteed, the hypothesis will be confirmed. In this case a neorealist would expect a state not to privatise maritime security. If this control on all lethal force *cannot* be guaranteed in the Dutch case, neorealism is not able to explain the behaviour of the Netherlands, because in that case, whether or not you choose to privatise, the control on force will still be lost when a team of marines is deployed on merchant ships.

3.3.5 Representations and identities

For the piracy problem, different interpretations of the problem are possible within a constructivist framework, and therefore the representation of the most suitable solution can also be interpreted differently among state officials. As argued before, the piracy problem is substantially similar for the United Kingdom and the Netherlands, but according to the theory that is applied here, the interpretation of the problem may differ in both countries. This thesis aims to explore and expose these differences in interpretation.

This thesis will make use of a method that is called ‘critical frame analysis’ (CFA). This is a methodology that originated in social movement theory. In this section the theoretical and methodological framework of frame analysis will be briefly conceptualised, according to the principles explained by Verloo and Lombardo (2007). For this thesis we seek to measure and categorise how representations and identities of privatisation (of security) as a policy are formed, what they look like, and how they influence policy decisions. Although it is a complicated process to grasp all the nuances of a complex concept such as that of privatisation of security, this method provides us with the tools in order to carry out an in-depth analysis of the different dimensions of a policy discourse.

Frame analysis starts from the assumption of the presence of multiple interpretations in policy-making and seeks to address such implicit or explicit interpretations by focussing on the different representations that actors have about the problem and possible solutions (Verloo, 2007:31-32). According to Verloo, a ‘frame’ can be understood as an interpretation scheme that structures the meaning of reality. Verloo defines a policy frame as an *“ongoing principle that transforms fragmentary or incidental information into a structured and meaningful problem, in which a solution is implicitly or explicitly included”* (Verloo, 2005:20). This definition refers to the various dimensions in which a given policy problem can be represented (Verloo, 2007:33). According to Verloo, policy frames have concrete and material consequences that set the conditions for future actions and realities. For this reason, it is important that we analyse these frames, and see whether they could have influenced the decision to privatise maritime security in the United Kingdom, or, the decision *not* to privatise in the Netherlands. In her article, Verloo quotes the German philosopher Hans Georg

Gadamer (1960) who explains how our understanding of reality is always filtered through '*prejudices*', which he defines as '*conditions for understanding*'. He argues that these prejudices can shift our attention towards certain aspects of reality, while at the same time they can make us ignore others (Verloo, 2007:33). As a result, actors may provide a representation of a given policy problem that is more biased towards a certain direction or solution.

The problem in many comparative research is that the construction of a coding method against which data can be measured is often problematic. Constructing a coding method in advance of the analysis would require '*an extensive preliminary analysis of positions and frames*', which would already influence the actual analysis (Verloo, 2005: 21). The solution embedded in CFA is to replace this coding with an analysis of the different *dimensions* of which frames are made up. In order to understand the complexity of a policy frame, two key dimensions need to be distinguished; "*the 'diagnosis' (what is the problem?) and the 'prognosis' (what is the solution?) of a problem*" (Verloo, 2007:33). For the privatisation of maritime security this means that we should also separate the diagnosis (the way policy makers see the piracy problem) and the prognosis (the possible solutions policy makers see and how they judge this solution). These main dimensions can be analysed by reading, or coding a certain policy document through *sensitizing questions*, such as the template constructed by Verloo (2005). To analyse the selected sources, Verloo has developed a template, which she calls a 'supertext'. A copy of this template can be found in Appendix A, and will be used in the analysis of, in this case, texts about the piracy problem. Each selected text will be analysed according to a number of *sensitizing questions* (such as: What is represented as the problem? Who is seen as responsible for the problem?) about the framing of the problem and possible solutions. These questions will give us an idea of the overall framing in the text and answers the question whether the privatisation of maritime security as a solution is framed positive, negative or neutral. After the analysis of these texts we can claim if there is a difference between the framing in the United Kingdom and the Netherlands that can explain the difference in chosen policy. The template as formulated by Verloo will be partly adjusted towards the context of maritime security and to make the template applicable to the data that is being analysed¹². In some documents that are selected all questions can be answered, and for other documents only few can be answered because only fragments of the diagnosis or prognosis are present. To get a good image of the actual representation of the problem and its possible solutions in some cases we need to analyse multiple sources to gain the required information and not a full template can be applied to a single document.

¹² See Appendix 2 for the full CFA template with sensitizing questions used in this thesis. This template, originally designed by Verloo (2005) is adjusted to the context and applicability in this research.

The idea of discourse analysis implies that discourses can be seen in a population of a constantly expanding availability of other discourses which continues constantly and is not a fixed 'box' of information. Therefore, different discourses may be found in an infinite amount of texts. Studying every text within a clearly outlined field is obviously impossible, meaning that choices have to be made as to which texts to choose for analysis. Publicly available policy documents are the primary source material, which have "official" status or are official responses to questions or criticisms. Previously in this thesis it was argued that identity and policy are linked to each other. Policy documents, from this point of view, then become the location where identity is produced and reproduced. In such official documents we may find an understanding of how governments envision the problem, as well as national interest and responsibilities. For identifying possible *alternative* discourses within a nation, also statements from involved interest groups and (objective) research agencies are interpreted

The period of study goes from 2010 to 2012 in the United Kingdom and 2013 in the Netherlands, both the year in which the government reached a final decision on the privatisation matter. The selection of documents is based on key moments that stimulated debates on this phenomenon in each of the selected nations. Starting from these key moments, texts were added until no new information was added in the texts. The type of texts included in the analysis are legislative texts, expert-reports, parliamentary debates, parliamentary questions and answers and political and ministerial statements. Finally, for identifying possible alternative discourses statements from interest groups and reports from objective research agencies were added. The selecting of documents started on the basis of a few 'key words' which are important in the lead up to this policy decision, such as, *state or private protection, vessel protection detachments* and *private armed guards*. The empirical analysis will attempt to identify dominant discourses. For this hypothesis we will first focus on the dominant discourse in place, and although we do give an overview of possible alternative hypothesis, in this stage of the analysis we will not make any claims about how this particular discourse became dominant.

Repeating the abstract hypothesis provided in paragraph 2.2.4 we will test:

H4: A state will only privatise security tasks if the representations and identities within the state towards privatisation of security are positive.

According to how both nations view upon the piracy problem, we can make a claim about the extent to which this constructivist theory can explain the difference in policy outcome among both nations. In the case of the United Kingdom, we can confirm this hypothesis if it appears to be the case that their ideas, conceptualised in their representations and identities, towards privatisation of security

are positive. The hypothesis will be rejected if after the examining of government sources it appears that their overall outlook on privatisation of security is rather negative or neutral, but still they decided to privatise maritime security. In the case of the Netherlands the hypothesis can be confirmed if it appears that the representations and identities of Dutch state officials are negative towards the privatization of security, and it will be rejected if it appears that their representations and identities about privatization of security are rather positive. If the latter is the case, then the chosen constructivist approach cannot explain the behaviour of the Dutch government.

3.3.6 Deeper values and the dominant discourse

Theoretically we claim that there always is one dominant discourse, which wins the '*competition of discourses*', and which ensures that other possible discourses do not become *popular* or supported by the majority. By researching the previous hypothesis we get an overview of the *dominant discourse* in both the Netherlands as the United Kingdom, and a partial image of a possible alternative discourse. With this image we can partly answer the next question. Within this research we aim to explain how these representations and identities are formed and what underlying factors may be responsible for making this discourse became dominant. This thesis argues that an explanation for this preference can be given by analysing *deeper values* – so-called traditions or customs – of the nation in question.

In this thesis we argue that the dominant discourse in the United Kingdom can only be positive towards privatisation of security if it fits into the traditions and customs of the United Kingdom. In other words, there has to be a historical and cultural foundation towards this preference. On the other hand for the Netherlands, the dominant discourse can only be negative towards privatisation of security if other traditions or customs are given more value by Dutch politicians than the deeper values towards privatisation. When this phenomenon is researched we find that the identity given to two key actors within this puzzle plays an important role. With key actors we mean the Private Military Industry from which Private Armed Guards can be hired, and the Royal Navy who deploys VPDs. The role and identity given to the Royal Navy and the role and identity given to the Private Military Industry within a nation is mentioned frequently in the analysed documents. By searching for differences between the dominant discourses we expect to find a different representation of the identity given to these key actors. We claim that the identity given to these two actors can be significant in determining which discourse became dominant and that this identity can only be formed from deeper values within a nation towards them.

To analyse if these *deeper values* indeed have the influence as stated above, we will first identify and briefly describe the *deeper values* – traditions and customs – of both actors in both nations. By doing

this, we can make a claim about the difference or similarity between the dominant discourse and their deeper values on the same topic in both nations. Second, we will link these traditions and customs of both the Royal Navy and the PMI to the representations that are given to them in the dominant discourse. In this way we will see whether the dominant discourse in a nation fits well in the specific deeper values within that nation towards the same phenomenon.

Therefore first we argue that if the positive deeper values towards a certain actor are more clearly present, this will determine which discourse becomes dominant. If the positive deeper values towards the Royal Navy as *'protector of commercial interests'* – or towards the Private Military Industry as *'reliable professionals'* – is present, the discourse that is supportive to involving this actor will become dominant. Given the above formulated considerations, the following hypothesis is constructed and will be tested:

H5a: If the positive deeper values towards the Private Military Industry are more clearly present, the discourse that is supportive to privatisation of maritime security will become dominant.

H5b: If the positive deeper values towards the Royal Navy are more clearly present, the discourse that is reluctant to privatisation of maritime security will become dominant.

Finally, it is important to note that many other deeper values within a nation can be influential when it comes to the competition of discourses. This research does not claim to uncover the *one and only* explanatory variable towards this phenomenon. This thesis chose the *most obvious* deeper values that may have influenced this decision, and not necessarily the *most influential* deeper values. It is therefore possible when further research will be conducted with a different *value* or *tradition* as explanatory variable, it might also be influential.

Chapter 4. Comparability of the cases

4.1.1 Comparability of the United Kingdom and the Netherlands

To argue that the United Kingdom and the Netherlands are comparable in the context of this thesis, both nations are compared on the two most important independent variables. When it comes to the provision of maritime security, it is important for both cases to be comparable on both *maritime interest* and *military capacity*. In this thesis *maritime interest* is defined as the share of the maritime industry on a nation's economy, whilst *military capacity* is defined as the available military capacity suitable for the provision of maritime security of a nation. In the next section this thesis will argue why the United Kingdom and the Netherlands are comparable on the basis of their *maritime interest* and *military capacity* and therefore suitable for this research.

4.1.2 Maritime interest

To measure and compare the *maritime interest of a nation* we look at three different figures, which combined give a good sense of the actual *maritime interest* we aim to analyse. If one would only look at the share of the maritime industry of a nation's economy, one would not be able to know for sure whether the piracy problem is really detrimental to a nation's economy. It could for instance be possible that the whole industry revolves around the Atlantic ocean solely, and that vessels from this nation never sail through the Gulf of Aden. For this reason it is necessary to take all figures displayed below in to account.

First, the 'maritime share' on the national economy, displayed in Table 2 and 3, shows that depending on the figures you choose to interpret, the conclusions you can draw are divergent. In figure 5 only the direct added value from the maritime industry is considered, while in figure 6 also all indirect and induced impacts of this industry in a nation's economy are included. It is clear that the direct added value from the industry is higher in the Netherlands, but if you also take the indirect added value into account, the British shipping industry also is of significance. For this research the choice is made to include both the direct and indirect added value in our analysis, as shown in table 3, because this gives the most complete overview about its contribution to the economy.

TABLE 2

MARITIME DIRECT ADDED VALUE

	GDP (in million USD)	Maritime direct added value (in million USD)	Maritime share on GDP (in percentage)
United Kingdom	2,522,261	6,331	0,25%
The Netherlands	800,173	14,646	1,8%

Source: Worldbank 2011 GDP report, Maritieme Monitor 2012 (NL), UK marine alliance 2011

TABLE 3

MARITIME DIRECT AND INDIRECT ADDED VALUE

	GDP (in million USD)	Maritime direct + indirect added value (in million USD)	Maritime share on GDP (in percentage)
United Kingdom	2,522,261	45,349	1.8
Netherlands	800,173	20,159	2.5

Source: Worldbank 2011 GDP report, Ministry for business and enterprise 2011, KNVR annual report 2012.

Second, the market share of British and Dutch ships on the world fleet are displayed in Table 4. This information shows us that although the United Kingdom has more vessels above 100 Gross Tonnage (GT), the Netherlands has significant more vessels classified as above 1000GT. Finally the share in percentage is displayed in both the above 100GT and above 1000GT categories. All numbers are collected from 2008 until 2013 and averaged. In appendix B data from each individual year is included (Appendix B, Table 1). With this information we can conclude that the share of both nations on the world fleet is highly comparable, and even could be considered similar. It even is that case that of all other European seagoing nations, no other nation is this similar than these two fleets.

TABLE 4

SHARE ON THE WORLD FLEET

	No. of vessels above 100GT	No. of vessels above 1000GT	Share on the world fleet above 100GT (in percentage)
United Kingdom	1,608	360	1.52
The Netherlands	1,302	563	1.25

Source: UNCTAD Review of Maritime Transport '08, '09, '10, '11, '12, '13

Third, the number of sailings that are conducted through the Somali region – that includes the Gulf of Aden and the western section of the Indian Ocean – on a yearly basis by British and Dutch flagged ships are interpreted. These figures are approximated by institutions close to the nations' shipping industries. As no exact numbers of sailings through the HRA is available, the figures are estimations of the number of sailings done in that region by both nations. These numbers are based on data from 2010, 2011 and 2012. Approximately 350 to 400 vessels flagged in the United Kingdom pass the Somali coast on a yearly basis, for the Netherlands this number lies between 300 and 350 vessels (*UK Chamber of shipping 2011, Daily mail 2011, KVNR annual report 2012, 2013*). From these numbers we can again conclude that the *maritime interest* of the United Kingdom and the Netherlands are comparable and can be considered to be rather similar.

On the basis of these three figures, we conclude that, although the British maritime industry is slightly larger than the Dutch industry and although the Dutch industry has a larger share on the nations' economy, both nations are comparable and to a significant degree also similar. When a brief overview of the population is taken into account, there are no nations that are as similar to one of our selected cases as these two. For this reason we claim that the selection of these two nations as similar cases on the basis of their *maritime interest* is successful.

Finally, to briefly reinforce this claim, we would like to point out that the overall interest of a nation in this phenomenon is also influenced by the number of (possible) attacks against *its* ships. The bigger the risk of casualties, the larger the public attention on this phenomenon will be. Also here the saying, *every loss is a loss*, is applicable. When a country has suffered injustice, it does not matter how big or small that country is, especially when casualties occur, every loss is a loss. For the years 2007 until 2012, the number of ships from the United Kingdom and the Netherlands that suffered from attempted attacks in the Somali region varied from 0 to 5 a year. In total, between 2007 and 2012, 12 British and 11 Dutch ships were attacked, which gives us an average of 2 British and 1,8 Dutch ships which suffered from attempted attacks (*ICC- IMB Piracy and Armed Robbery Against Ships Report, Annual reports 2006 – 2013*). In Appendix B (figure 1 and 2) a map of all attempted piracy attacks in 2011 and 2012 are included, as well as in table 2 an overview of all attempted attacks on Dutch and British ships. Although this is not an indication for a nations' *maritime interest*, it does give a good illustration about the similarity when the amount of suffering both nations have encountered by the Somali' piracy problem.

4.1.3 Military capacity

Within this variable, not the full military capacity of a nation will be considered, because simply having a number of fighter jets or army tanks will not help you with the protection of commercial shipping against piracy. To measure and compare the *military capacity of a nation* we look at three different indicators, which combined give a good sense of the actual *military capacity* we aim to analyse. This capacity is only focussed on what it takes to protect commercial vessels. Therefore capacity measured in defence budget, number of tanks, airplanes or other military equipment is irrelevant for this research. The goal of this analysis is to enable us to see whether the *military capacity* of both nations is comparable. It is important to note that this comparability is not measured in absolute terms, but in terms of sufficiency. It is not the question how many ships a nation can protect with their own armed forces, it is the question whether they are capable to protect the ships *necessary* to protect. For this reason we will compare (1) the number of marines per country, (2) the estimated *available* marines, and (3) the number of marines that are necessary to secure the approximate number of vessels that will request protection. Apart from the absolute and precise number of Marines per country, the data is an approximate estimation, based on an interview with a high-ranking marine officer, information from government statements, combined with figures from Ministry of Defence annual reports.

First the number of marines per nation will be compared. The United Kingdom has a Marine Corps of just over 7000 active Royal Marines¹³ (Naval Service Monthly Personnel Situation Report, 2013), while the Netherlands has approximately 2300 to 2800 Royal Marines (Ministerie van Defensie 2014) (interview Marine Officer X)¹⁴. When the national budget for Defence is taken into account, these numbers are not a surprise. Although the Defence budget in the United Kingdom is clearly larger than the Dutch budget, both Marine Corps have a significant position within the national armed forces.

The second indicator that we need to interpret to claim something about a nations' *military capacity* is harder to estimate. With the available information it is impossible to include absolute figures about the availability of a nation's armed forces. For the simple reason that, first, a Ministry of Defence does not release information about the exact number of soldiers it send to a certain mission, and even if these figures were available, it is impossible to interpret how many of the personnel that has not been on a mission is really *available*. For this reason this indicator needs to be approximated with the use of a number of annual reports from both Defence ministries and the expert-interview with

¹³ For the following years the Royal Marines Corps consisted of the following number of active marines for the years: April, 2010:7060, April, 2011:7060 and April, 2012:7380.

¹⁴ Interview conducted with undisclosed officer from the Dutch Marine Corps, Rank Lieutenant-Colonel, NATO code OF-4 in July, 2014. Due to the classified nature of this information, this individual will be referred to as Marine Officer X.

Dutch marine officer X. The approximation of how many marines are occupied in 2011, 2012 and 2013 – the years that the key decisions have been made – by other defence tasks need to be estimated with details we have about the missions conducted in that year.

Looking at the annual reports of the British armed forces in 2010-2011, 2011-2012 and 2012-2013 we see that in these three years the Royal Navy participated in the tasks as displayed in Table 5 (Ministry of Defence, Annual report and accounts, 2010; 2011; 2012, The Royal Marines Vision, 2011). This information does not tell the amount of marines being deployed for this mission. However, the following information does give us an indication. In their annual reports the percentage of total navy personnel that has been deployed over this period of time is given. In 2010-2011 this was 16 percent of all navy personnel, in 2011-2012 it was 14 percent and in 2012-2013 this number was 28 percent (Ministry of Defence, Annual report and accounts, 2010; 2011; 2012). Although the navy consists of more personnel than only royal marines and royal marines are deployed for a range of other tasks, it does give us an indicator of the deployment rate of the corps. As is applied in all armed forces, on average maximum one third of the total capacity will be deployed for current tasks. The other two third is busy with their work-up process or training for future tasks (Marine office X). Given this information the actual deployment rate of the British Royal Marines will actually be somewhere between 15 and 33 percent.

TABLE 5
TASKS BRITISH ROYAL NAVY

2010-2011¹⁵	2011-2012	2012-2013
Afghanistan	Afghanistan	Afghanistan
North African coast	North African coast	North African coast
Atalanta (EU)*	Atalanta (EU)*	Atalanta (EU)*
Ocean Shield (NATO)*	Ocean Shield (NATO)*	Ocean Shield (NATO)*
National Assistance	National Assistance	National Assistance
Individual missions	Individual missions	Individual missions
International training missions	International training missions	International training missions
Libya		
Yemen		

Source: *Ministry of Defence annual reports 2010 -2011, 2011 – 2012, 2012 – 2013, The Royal Marines Vision 2011.*

*anti-piracy missions

¹⁵ UK annual reports give an overview of the 1st of April to the 31st March instead of from 1st of January until the 31th of December.

When this information is interpreted, we could claim that of the approximately 7000 marines, an approximate of maximum 33 percent was already deployed for other missions, there would be an approximate 4690 marines not deployed. Of this number of Marines, many had other tasks or there may be various reasons why these marines are not suitable for deployment. Even when this number is taken into account, we claim, using the estimation from Marine Officer X, it is reasonable to assume that a significant number of marines were *available* for the protection of a number of nation's commercial vessels. After the next paragraph this estimation will be linked to the estimated number of marines necessary for the protection of all vessels requesting assistance.

Looking at the annual reports of the Dutch armed forces in 2011, 2012 and 2013 we see that in these three years the Dutch Navy participated in the tasks displayed in Table 6. (*Ministerie van Defensie, Inspecteur-Generaal der Krijgsmacht, IGK jaarverslagen 2011, 2012, 2013*). Again, this information does not tell us the amount of marines being deployed for this mission. The Dutch Ministry of Defence also does not give official information about the percentage of military personnel that has been deployed over the last years. However, our expert-interview with Marine Officer X gives us clarity on this issue. He estimates that the percentage of Dutch navy personnel that has been deployed over the last three years lies somewhere between 25 and 35 percent. This number can be slightly higher for the Dutch Marine Corps, because of their extensive activities in Kunduz (Marine Officer X). For the years 2011 and 2012 this number may even be up to 40 percent. If we apply the same reasoning as used on the British case, we can interpret that of the 2700 Dutch marines, if taken the 40 percent, an approximate 1620 Dutch marines would be not deployed over those years. Even when we take the various reasons of non-deployment into account, we can also make a significant claim that over this years there has been a sufficient capacity of marines *available* for the protection of Dutch flagged vessels. Alongside with this reasoning, the Dutch ministry of Defence does take into account that they have to protect up to 175 transports on a yearly basis (Ministerie van Defensie, April 2013). With this estimation they claim to have sufficient available capacity in order to meet that demand. Lastly, Marine Officer X also estimates that even if the Dutch marine corps would be understaffed at some point, there is hardly any chance they would not be able to meet the demand for the protection of commercial shipping. According to his analysis, this type of *small tasks with a low difficulty level* can be executed alongside the current Dutch standards and legislation without a problem by the Dutch Marine Corps, *Het Korps Mariniers*. Also for the Dutch case, this reasoning will be linked to the estimated number of marines necessary for the protection of all vessels requesting assistance.

TABLE 6
TASKS DUTCH ROYAL NAVY

2011	2012	2013
Atalanta (EU)*	Atalanta (EU)*	Atalanta (EU)*
Ocean Shield (NATO)*	Ocean Shield (NATO)*	Ocean Shield (NATO)*
VPD's	VPD's	VPD's
Afghanistan	Afghanistan	Afghanistan
Individual missions	Individual missions	Individual missions
Netherlands Antilles	Netherlands Antilles	Netherlands Antilles
National Assistance	National Assistance	National Assistance
International training missions	International training missions	International training missions
Libya		
Tunisia		

Source: Ministerie van Defensie, Inspecteur-Generaal der Krijgsmacht, IGK jaarverslagen 2011, 2012, 2013.

*anti-piracy missions

Thirdly, estimations made by the British government in 2011 show us that it would roughly take 500 marines to provide VPDs (Vessel Protection Detachments) for the estimated 350 to 400 UK ships going through the high-risk area (House of Commons, 2012b: 8). Important to note is that not all ships sailing through this area require protection: some vessels simply sail too fast, have very high decks or sail in convoys, which makes it impossible for Somali pirates to attack them (International Maritime Organisation, 2011).

The information from the British case corresponds with the conclusion we draw from the Dutch case, where the Ministry of Defence estimates to protect up to 175 transports per year, which corresponds with the 300 to 350 Dutch flagged ships going through the high-risk area (Ministerie van Defensie, April 2013). In the Dutch case, a group of 11 to 14 marines are fully responsible for the protection of the vessel they board (Tweede Kamer der Staten-Generaal, 2011a). A simple calculation gives us the information that for the Dutch case, even a lower number of marines is necessary for the protection of Dutch flagged ships on a yearly basis. According to Marine Officer X and annual reports it is also the case that the actual number of vessels that meet the requirements for protection is much lower than the number of vessels that actually qualify to be deployed with a VPD, therefore an approximate number of 400 marines will certainly be sufficient for the Dutch demand.

Finally, with all information interpreted above we claim it is reasonable to assume, taking into account the military capacity in both nations, the remaining military tasks conducted by both nations

and the estimated number of marines necessary for the protection, that both countries have a sufficient military capacity to protect their nations' flagged vessels. On the basis of this information we claim that both nations are comparable on their *military capacity* as defined in this thesis. On account of this information about *maritime interest* and *military capacity* we justify the choice for these two cases in a most-similar system design research model.

Chapter 5. Neorealist Analysis

5.1.1 Is maritime piracy a threat to national interest?

The problem of maritime piracy is imposing costs on the global economy. According to international shipping organizations, insurance rates for ships have risen to \$30,000 per voyage in 2010 because of piracy, from an estimated \$500 in 2008. Also, avoidance via the alternate route around the Cape of Good Hope adds roughly 5000 kilometres (2700 nautical miles) to the journey (Petrig, 2013). The cost of this detour is particularly worrisome because of the high oil prices. Deterring pirates is also expensive; it costs an estimated 1.3 million USD to deploy a navy frigate for a month, and approximately 200 to 350 million USD to keep naval vessels in the Gulf of Aden sailing the whole year (Murphy, 2011). Estimates of the direct and indirect costs of piracy to the global trade range from \$1 billion to \$16 billion (Murphy, 2011). The human costs are also noteworthy. Piracy has resulted in loss of life and a number of traumas for hostages and their families. It also threatened to undermine human security in the Horn of Africa by disrupting hard needed development assistance to Somalia and neighboring countries. Targeting relief shipments worsens food insecurity in Somalia, where an estimated 3.2 million people (over one third of the population) rely on food aid and humanitarian supplies (Gilpin, 2009).

With this information in mind we could say that maritime piracy is affecting the international system and especially the trade within this system. Therefore within this logic, maritime piracy also affects a nations' economy. That it has the potential to affect to some extent economies such as the British and Dutch is also made clear in the previous chapter. However, the question we need to answer in this chapter is, according to a neorealist, whether it also affects an essential part of a nations' national interest. In order to answer this question we will outline three different neorealist dimensions of national interest and argue whether these dimensions are affected. Finally we will conclude by testing the first hypothesis and answer the question whether or not a neorealist would say that the protection of commercial vessels against this maritime piracy is one of the core tasks of a state.

5.1.2 Three dimensions of national interest explained

As described in chapter two a state's primary interest is to maintain its existence in the international system. This aim is its *national interest*. The *national interest* constitutes the framework in which a state formulates preferences and makes its decisions. The '*interest in survival*' as many IR scholars call the primary interest does not give us any information about how a state makes their decisions and about to which things a state assigns the highest preference (Waltz, 1979).

According to Van der Vleuten (2001) the national interest (in survival) has a security dimension, an economic dimension and an ideological dimension. The security interest of a state is to maintain their sovereignty and their territorial integrity (2001: 50). This dimension can be divided in a material – the actual capabilities of a state – and immaterial – reliability of a state – interest for the state. The economic interest of a state is about the maximisation of wealth. Each state will always try to maximise this wealth in order to secure funding for a military which is necessary for survival. The last dimension of national interest is the ideological dimension. This refers to the cultural identity of the state: a state will always try to protect its cultural symbols and its national ideology, and the international prestige of a state.

In accordance with neorealist principles, the economical and ideological interests are situated as an extension of a state's security interest. The ultimate goal is still survival in the international system, and only through military power a state can secure their position in the international system (Van der Vleuten, 2001: 51). In sum, for the survival of the state the security dimension (political) is most important, following by the economic interests, because without wealth, military power cannot be sustained. Last comes the ideological interest of a state. A deterioration of all of these dimensions could possibly lead to a deterioration of a nation's material power position.

Neorealist argumentation

When we apply this logic to the problem of maritime piracy we have to ask ourselves the following questions: first, to what extent can maritime piracy harm a nation's military capabilities? Second, to what extent can maritime piracy affect a nation's wealth? And third, to what extent can maritime piracy affect a nation's cultural identity or international prestige?

Keeping the above stated information in mind, we briefly discuss the above formulated questions. To begin with, we conclude that the military capabilities of a nation *are not* affected by the piracy problem because, first of all Somali pirates only attack commercial and private vessels, so no navy ships are among those who are attacked. Second, they attack in international waters, and do not harm territorial borders of a nation; therefore you could argue that the territorial integrity of a nation is not harmed. Finally, sovereignty of a state is not affected – when the strict definition is used: *'the full right and power to govern itself'* – in a direct way, because pirates do not involve themselves with politics or within-border issues of any kind.

An answer to the second question is not as easy to formulate. As explained in 5.1.1. it has influenced the global economy to a certain extent, and especially sea-going trade oriented states (as is the case in both our case studies) could be affected by this problem. If you look at the numbers in chapter

four, the maritime interest is responsible for 1.8 and 2.5 percent of the national industry. In this number the whole maritime industry is included. If one would only interpreted the possible *costs* of maritime piracy in the HRA, this number would be immense lower. Therefore, it is questionable if the piracy problem can affect the national wealth to a significant extent. Of course it is a major problem to Dutch or British shipping companies, but these companies contribute to such a small extent to the national economy, that these losses could be seen as negligible. So, also from an *economic interest* perspective, it is likely that a neorealist would not consider maritime piracy to be a significant threat to the material power position of the state. Therefore, it is likely a state will not have a problem to privatise maritime security in accordance with the interpretation of these two dimensions.

Finally, on the third question we can conclude that the piracy problem does *not* affect the cultural identity of a nation, for the same reason as it does not affect sovereignty. Maritime piracy does not extend as far as it may affect cultural and political atmosphere in a nation. This is also in no case the intention of these Somali pirates. About the international prestige a different argument can be given. The maritime industry of a nation can be part of its prestige, especially if it benefits from an image as sea-going trade nation. If vessels from this nation are frequently victims of piracy, this could also affect their prestige. Although it will likely not affect the international prestige of a nation in military terms, it can still change a more general opinion. Therefore on the basis of this dimension, one could argue that it could possible harm the ideological dimension of a nations' relative power position. On the other hand, also here the question if this threat is significant could be asked. A neorealist like Waltz would answer to this question that it is secondary to the political and the economical dimension.

We conclude with stating that when assessing the security dimension, a neorealist would not consider maritime piracy to be harmful for their national interest. When assessing the economical dimension, a neorealist would also consider maritime piracy to be not significantly harmful for a nations' wealth, so also not for their national interest. Finally, when looking at the ideological dimension, a neorealist would consider it to be harmful to some extent for their national interest, depending on a nation's image in the international system. From this we conclude that, following the logic of Waltz (1979) and Van der Vleuten (2001), that maritime piracy is no significant threat to a nations' national interest.

After this assessment, what remains is to argue why this analysis of the damage maritime piracy could do for a nations' *national interest* will affect their choice whether or not to provide maritime security by their own armed forces. In the next section we will link the conclusions drawn above with the question if providing maritime security will be seen as one of the core tasks of a state.

5.1.3 Can providing maritime security be seen as core-business?

We claim that a state will try to protect its national interest, and all the aspects that can influence this national interest, if needed. In chapter two we explained why a state would only privatise non-essential task, or in other words, *core-business*, and would choose to carry out essential tasks themselves.¹⁶

As explained in chapter two, when military capabilities are privatised, the ‘hired capacity’ will not always work solely in the service of that nation, and could ‘betray’ a nation for a better paying actor involved. This risk will deter nations from privatising all of their armed forces. For this reason they will sooner privatise all non-essential parts of their military forces and security tasks, which do not directly influence their power position compared to other nations. In order to do so, only those tasks will be privatised which cannot jeopardize their relative power position. In this thesis all tasks that can directly influence the relative power position of a nation will be considered as core-business.

Following from this reasoning, neorealists would claim that states will only privatise maritime security, if what they secure, i.e. the maritime industry and their nations’ vessels, are not to be considered a non-essential task for a their survival. This statement is also reflected in the hypothesis:

H1: A state will not privatise security tasks that belong to its core-business, which are essential and could influence its material power position.

Among IR scholars there is a discussion about how this hierarchy of the different dimensions of national interests should be interpreted. Some, like Moravscik, claim that next to the security dilemma, also the economic dimension is essential to the survival of the state (1998: 474). The dominant claim made by neorealists is that the security dimension is far more important than the economic and ideological dimension for the simple logic that only with strong military capacities a nation can secure their own survival. Neorealists do not deny the importance of the economic dimension, but argue that in case of conflicting interest, the security interest will always be decisive for a state’s policy decision (Van der Vleuten, 2001: 50-51)

Following this logic, maritime piracy does not pose a significant threat to the survival of the state. The security dimension, which is the most important dimension in neorealism, is not threatened by

¹⁶ The reasoning that a state will carry out all essential tasks themselves does not apply to states with an insufficient military capacity to provide for the protection of their nations’ vessels. A ground condition for this reasoning is a sufficient military capacity, which as seen in chapter four is the case in both the Netherlands and the United Kingdom. States that do not have sufficient military capacity to secure their own vessels, would very likely turn to the private market for security, because this is the *only* way to protect their economic interest. By doing so, possible risks and problems will be taken for granted, such as that nation probably also took the risks and problems of not having a substantial armed forces for granted. This logic can be applied to small sea-going European nations such as Malta and Cyprus.

the piracy problem. Therefore, it is not a great danger with respect to a nations' relative power position and therefore will not be considered as core-business.

Even if one would argue that the hierarchy as described above would be different, for reasons like the necessity for a certain level of wealth in order to survive or keep your military capabilities intact as a state. Not only few neorealist but also classical neo-liberalists that derive more from an economic school of thought, such as Friedrich Hayek (1973) could argue in favor of this theorization. They would then argue that the economic dimension is also essential. In that case the conclusion will still be that the protection of commercial vessels will be *noncore*-business. The economic contribution of the maritime industry sailing through the Somali region will be considered as too small to make a significant difference.

One may conclude, when taking all considerations in mind, that a state would likely not have any problem to privatise maritime security, because it will not be considered to be core-business. Therefore, the behaviour of the Netherlands cannot be explained by this hypothesis, while the behaviour of the United Kingdom *can* be explained. The Netherlands decided not to privatise, while according to this hypothesis a neorealist would argue that a nation would not have a problem with privatisation, thus the Dutch policy decision cannot be explained. In the case of the United Kingdom, they decided to privatise, which corresponds to what a neorealist would expect.

5.2.1 Copying privatisation

One of the phenomenon Kenneth Waltz discusses in his book *Theory of International Politics* is what in this thesis is loosely translated as *copying behaviour*. *Copying behaviour* means that states imitate each other to be able to maintain their competitive edge against one another. When states copy behaviour of other states that seem successful with what they are doing, states will display characteristics common to competitors: namely, that they will imitate each other and become socialized to the system (1997: 128). Therefore one might claim that the policy choices a certain state makes could be explained by simply copying behaviour of *apparently* successful states. All this *copying behaviour* occurs for the ultimate goal of survival, of fulfilling its national interests with as much minimization of the risk of extinction.

Our second hypothesis is devoted to this phenomenon of *copying behaviour*. With the following hypothesis we will, again, test the capability of neorealist theory in explaining the behaviour of the two selected states for this research:

H2: A state would privatise security tasks if other nations have already chosen to privatise these tasks and seem successful with that policy decision.

To enable us to accept or reject this hypothesis we need to answer the question whether or not the Dutch or British policy decision to, in the British case to allow privatisation and in the Dutch case to not allow privatisation, can be seen as *copying behaviour* from another *apparently* successful state. In order to answer this question we will first briefly discuss in section 5.2.2 what the current policy towards maritime security is in other European sea-going nations i.e. the population. Next we will discuss when these nations changed their legislation. It is known that before 2008 practically none of these nations allowed privatisation of maritime security, and that now, anno 2014, practically all nations allowed privatisation. Somewhere in these six years most of them changed their legislation, and in 5.2.2 we will explain how this policy change came about in order to get a grip on this process. Finally we will briefly discuss the British and Dutch process (or non-process) of changing their legislation.

5.2.2 Overview privatisation in Europe

Over the years 2011 and 2012 opinions and practices in the international community with regard to the use of private armed security guards on board of ships have changed a great deal. While six years ago practically all states prohibited the use of private armed security, the group of countries that nowadays allow for PAGs on board vessels include, among others, the UK, Malta, Spain, Norway, Greece, Cyprus, Denmark, France, Italy, Belgium and Germany.

Figure 5 presents an overview of changing policies towards the allowing of Private Armed Guards (PAGs) with details from the time span in which this legislation has changed in the population of cases.

FIGURE 5**TIMELINE LEGISLATION TOWARDS PRIVATISATION OF MARITIME SECURITY IN EUROPE**

* Italy only allows the hiring of private armed guards if their government VPDs cannot honour the request due to a limited capacity. Only then are ship owners allowed to turn to private maritime security companies.

Source: *Adviescommissie gewapende particuliere beveiliging tegen piraterij (2011)*, Ginkel, et.al. (2011), *Royal Belgian Shipowners Association (2013)*, *Republic of Cyprus (2012)*, *International Chamber of Shipping (2013)*

5.2.3 Can the United Kingdom's behaviour be seen as copying behaviour?

The information in Figure five tells us that the United Kingdom was the second European country, after Norway, to change its legislation towards the enabling of the possibility for ship owners to hire private armed guards. Before we reach a conclusion about whether this behaviour of the United Kingdom can be seen as *copying behaviour* from Norway, we will briefly explain how this policy decision in the United Kingdom came about.

British decision making process

Before 2010 government policy had strongly discouraged the use of private armed guards on board UK vessels. But ministers began to consider amending the position to combat piracy in "exceptional circumstances", from 2010 onwards. The Home Office looked at how to apply UK firearms legislation on board UK ships, and whether it was feasible to authorise and monitor the possession of "prohibited" firearms at sea in early 2011. Prime Minister David Cameron said he wanted to combat the risks to shipping off the coast of Somalia, and even said he was comfortable with giving private security operatives the right to "shoot to kill" if necessary (Armed Maritime Security, 2012). In October 2011 the prime minister officially announced the shift towards the allowance of PAGs on board vessels and in November 2011 first legislation in order to allow this, was drafted and approved. They released two documents: a guidance on measures to counter piracy and a guidance on the use of private armed guards. At this point the government did not explicitly recognise an

accreditation process and left the responsibility to choose and hire a PMSC to the shipping companies themselves (Ginkel, van et al., 2013). Throughout 2012 further legislation to monitor and control the hiring of PAGs was drafted and put into function (House of Commons 2012a, 2012b).

The information from figure five tells that there was only one nation that had legislation that allowed for private maritime security earlier than the British, namely Norway. Further it tells us that that British government already took the allowing of armed guards into consideration in 2010. If we take this information in combination with the highly rich (modern) history of private military contractors in the United Kingdom¹⁷ it seems unlikely to think that the United Kingdom copied the behaviour of Norway. First, Norway was just a few months earlier in changing their legislation, and the British government therefore, could not at this point have assessed whether or not this policy decision was successful. Second, as Waltz stated, a nation will only copy behaviour from a state that is to be considered as a *competitor* and with more or the less the same or higher relative power position (Waltz, 1997: 128). It is unlikely that a nation with a relative high power position in the international system – such as the United Kingdom – will copy behaviour of a nation with a relative small power position – as is the case for Norway.¹⁸

Therefore, if we apply the hypothesis: “*A state would privatise security tasks if other nations already chosen to privatise this security and seem successful with that policy decision*” to the case of the United Kingdom, we can conclude on the basis of the considerations given above that the hypothesis is rejected or at least not applicable. There is enough reason to claim that the policy decision made by the United Kingdom is not a policy decision that has been established by *copying behaviour*, therefore the hypothesis can be rejected in the case of the United Kingdom. If the behaviour of other states, such as Belgium, Germany and France – who changed their legislation in the end of 2012 and the beginning of 2013 - can be explained as *copying behaviour* is very well possible. Unfortunately in this thesis there is no room for assessing this claim, therefore further research can be useful before this neorealist assumption can be fully rejected.

5.2.4 Can the Netherlands behaviour be seen as copying behaviour?

The Netherlands is the only nation from the entire population of states considered in this thesis that did not allow privatisation. There could be two reasons for this decision. First, instead of basing their

¹⁷ More information about the history of the private military industry in the United Kingdom can be found in Heald (1988), Bos (1992), Whyte (2003), Singer (2005), Walker, et al. (2005), Krahmann (2006), Krahmann (2007).

¹⁸ Although Norway also has a considerable maritime interest in the Somali region, their military capacity – as is operationalised in chapter 4 – is significantly less compared to the United Kingdom. As shown in Table 1, Initial research shows that Norway has an insufficient military capacity to protect its own commercial vessels in the HRA.

behaviour on the behaviour of the majority, the Dutch government let themselves be guided by information from within the nation and did not base their decision on information from other nations. In this case there is no question of *copying behaviour*. The second possibility is that the Dutch government witnessed clearly *unsuccessful* behaviour by other states – which had already decided to privatise – which made the Dutch reluctant not to make the same mistakes. In order to judge if one of these scenarios is plausible we will first give a brief overview of how the decision in the Netherlands came about.

Dutch decision making process

In 2006 the Royal Association of Dutch Shipping Companies (*Koninklijke Vereniging van Nederlandse Reders, KVNVR*) indicated for the first time to be concerned with the piracy problem. This resulted in the start of a study by the governmental advisory board for international affairs (*Adviesraad Internationale Vraagstukken, AIV*). After the huge media attention in 2009 as a result of the hijacking of Dutch vessel *M/V Marathon* the then-minister of Defence Eimert van Middelkoop agreed to study the possibility of placing military protection teams on board Dutch vessels. After this report was published, the minister decided not to deploy military protection teams due to various ‘risks’. Due to the sustained pressure from the KVNVR, in 2010 the AIV presented a new advice about the possibility of security on board Dutch vessels (*Adviesraad Internationale Vraagstukken, 2010*). This advice entailed that the deployment of government VPDs should be possible, and it even claimed that in special cases there should be even a possibility for the placement of private armed guards. Subsequently this resulted into a discussion within the government and as a result of this discussion the government launched, in June 2011, the policy framework towards the deployment of VPDs (*Tweede Kamer der Staten Generaal, 2011b*). With this policy document, the possibility for private armed guards was dismissed by the minister of Defence as well. In January 2012, after continuous pressure from the KVNVR and after a new report from a commission specially formed to study the possibility for private maritime security the new minister of Defence, Hans Hillen, still stated that he did not want to work with private security companies (*Ministerie van Defensie, 2012*).

Analysing these documents, a number of conclusions can be drawn. First of all it seems that the Dutch maritime industry put a great effort in influencing the government in finding a solution for this problem. The Dutch government asked for advice from an advisory board several times. Although these advisory reports do not reject the idea of private security – in fact two of the three reports consider it to be a very viable option – the government never chose for this option. An additional analysis about why the government could have made this decision will be carried out in the next chapter, but for now we will restrict ourselves to the hypothesis we are testing.

In the first scenario stated above, copying behaviour from the Netherlands is simply not possible, because of the fact that all other European states at some point decided to privatise and the Dutch did not. Therefore on the basis of this first scenario the hypothesis could be rejected. The second scenario – where the Dutch may have witnessed unsuccessful behaviour and decided *not* to copy this – also does not seem plausible. When the deployment of private armed guards is examined with detail, solely positive conclusions can be drawn. The piracy activity declined significantly, no further attacks have been successful on vessels that were equipped with a team of privateers ever, no scandals or accidents – where privateers could have made a mistake or broken a law – have been reported. Therefore we conclude that the second scenario is also not likely to have occurred for the simple reason that the decision to privatise seems very successful up until now.

Bearing in mind the information given above, we can only conclude that the behaviour of the Netherlands cannot be explained by the phenomenon of *copying behaviour*; therefore the second hypothesis is also rejected in the case of the Netherlands. For an explanation of the Dutch policy decision, we need a different theoretical approach, which will be discussed in the next chapter. Therefore we conclude on the notion that the second hypothesis cannot be accepted when applied to both the case of the Netherlands and the United Kingdom.

5.3.1 Guaranteeing the control on lethal force

In this part of our research we analyse a neorealist assumption about the control on force, namely that a neorealist would claim that states will only privatise certain tasks as long as the state can keep full control over all lethal force being used within their territory. A state will always want to keep control when force is used. The extent to which this control on force – that can be used by the private maritime security companies – of the state will change when maritime security is privatised is investigated. First, in the case of the Netherlands, we investigate if the state keeps full control on all force when marines are deployed for this protection as a control case. Second, we will check to which extent the British state keeps control on all force being used by private armed guards with their current legislation. This legislation was put into effect for two reasons: first to allow shipping companies to hire private armed guards, and second to impose certain terms and conditions, to regulate and control this privatisation of force. This legislation, drafted and adopted in 2012, will be examined and tested according to neorealist principles. Here the following hypothesis will be tested:

H3: A state will only privatise security tasks, as long as the state will be able to keep control on all lethal force being used.

5.3.2 Dimensions of control

The level of control on force will be analysed from two different perspectives. For this the two realist concepts of control, described by Deborah Avant (2005), will be used. First she distinguishes the dimension of “political control”, which she relates to “*who gets to decide about the deployment and services*”, and, second, the dimension of “functional control” which concerns “*what kinds of capabilities will be present*” or “*are forces capable of meeting current challenges*”. So, in sum, the first dimension represents the amount of ‘power’ a state has over the tasks delivered by the PMI, and the second dimension represents the level of capabilities of the state’s own armed forces. The functional dimension can benefit from privatisation – when a certain ‘extra capacity’ is hired to complement the regular armed forces, which enlarges the armed capacity of a state – while at the same time the political dimension can be adversely affected because of the decreasing control over how tasks are executed by this hired capacity. Similarly, maintaining political control may cause losses in functional control in some instances. In this chapter we will use the concepts of control described above to analyse the level of control in the British and Dutch case.

5.3.3 Control in the Netherlands

The Dutch policy towards the protection of commercial ships is to place armed military forces on board to protect them against pirate attacks. Since 2011, the Netherlands has deployed several teams of marines on vulnerable merchant vessels flying the national flag. In 2008 the government adopted a (confidential) protocol for dealing with requests for assistance against piracy and armed robbery at sea (*Draaiboek Behandeling Bijstandsaanvragen bij Piraterij en Gewapende overvallen op Zee*) which was the precursor of what became the regulation of the deployment of VPDs. Some of the principle elements of this confidential protocol are: (a) a ship in need of protection must sail in international waters; (b) the ship-owner must have taken all feasible precautionary measures to protect the ship; (c) the ship cannot reasonably take another route which is not threatened by pirates; and (d) the characteristics of the ship make it vulnerable to pirate attacks (Zwanenberg, 2012). Only when these conditions are met, can a ship be considered for protection. The government announced that under certain circumstances the protection of private transports by sea was a responsibility of the government, and in June 2011 a new policy framework was sent to parliament (Ministerie van Defensie, 2011).

According to Marten Zwanenberg (2012), legal advisor to the Dutch Ministry of Defence, there is a lack of any legal basis for especially VPDs. The use of force by a VPD is confined to situations of self-defence. The limits for the use of force in self-defence are in turn to be determined by Dutch law. This is because the VPD is embarked on a ship flying the Dutch flag, so that in principle the

Netherlands has jurisdiction over the vessels and those on board (2012: 105). Dutch law about self-defence has strict requirements that the use of force must meet, namely the requirements of proportionality and necessity. If the amount of force being used to respond does not match the amount of force being used against them, or if the chosen course of action (lethal force) was not necessary for defence, the Dutch law can still punish the *defender*.

After a request of assistance has led to the deployment of a VPD, the conditions under which such a VPD will be deployed need to be agreed upon between the ship-owner and the Ministry of Defence. This is done with a contract which sets out the principal tasks, powers and responsibilities¹⁹. Normally, under Dutch law the ship master is absolutely responsible for the safety of the ship. He is given responsibility for maintaining order on board and is given authority over all persons on board. The persons on board are obliged to carry out orders of the master in relation to safety or the maintenance of order. Despite this *normal course of events*, in the case of a VPD things are different. Despite his responsibility for the safety of the ship, the master of a ship carrying a VPD is not given any decision-making responsibility over the use of force by the VPD. This power is given to the VPD commander. As Zwanenberg states: “*The VPD commander is a state agent and by giving him the authority to decide on the use of force this monopoly [on violence] is preserved*” (2012: 112). Finally it is worthy to note that, with regard to the financial aspects of the operations, the cost of a VPD is partly covered by the ship-owner and in part by the Ministry of Defence.

Given the above information, we can conclude that in the Dutch case, first, in light of the political control, there is absolutely no loss of control. All lethal force can still only be conducted by state marines and orders can only be given by state marine officers. Therefore no loss of control on force has occurred. In the case of functional control, one can argue that the state has ‘lost’ control, due to the fact that they lost a certain capacity of marines towards the deployment of VPDs, and that therefore this capacity cannot be deployed in other missions simultaneously. On the other hand, this argumentation is rather crooked, because apparently the protection of commercial ships is seen by the Dutch government as one of their responsibilities, so there cannot be spoken about a ‘loss of capacity’, because this task can be seen as just one of the tasks of the Dutch armed forces. Finally, even if this capacity is needed for another task, the government can still decide not to grant any ship-owner a VPD, but to deploy these marines for other purposes. This ultimate control is still in the hands of the state. All permits and certifications are irrelevant, because these are provided by the government itself. Therefore, if the Dutch case can be seen as a *control case*, in comparison to the

¹⁹ The author of this thesis had the opportunity in July 2014 to look into to a template of this confidential contract, which is drawn up by the Dutch Ministry of Defence.

British case, no control on lethal force is lost when a state chooses not to privatise, but to provide protection from its own armed forces.

5.3.4 Control in the United Kingdom

To clarify the current British legislation towards the regulation of the use of private armed guards on board vessels we looked at three documents published by the British government. The first two are published by the House of Commons and give a brief overview of the problems, policy responses and legal issues concerning anti-piracy efforts (House of Commons, 2012a, 2012b). The third document presents specific guidelines, and was published by the Department of Transport for the countering of piracy and the use of PAGs (Department of Transport 2012a). Finally an overview report published by the Foreign Affairs Committee will be analysed (Foreign Affairs Committee, 2012a). These documents give us a clear view on the extent to which the British government can keep control over all lethal force that can be used by these PAGs on board. The guidelines include recommendations on the selection of a PMSC, its size and composition, the equipment of the security team, the ship master's authority, storage and handling and the use of firearms, the rules of force, and post-incident reporting. In this section we will successively discuss the seven most important aspects of this UK regulation²⁰. Subsequently we will answer the question whether these aspects negatively affect the political or functional control of the state on the use of lethal force.

1. *Weapon permits and permits for armed guards*

In the UK the decision to use armed guards is the responsibility of the shipping company and the ship's master, but the Department of Transport must be informed of the decision. The PMSC should provide the shipping company with proof of relevant UK weapon permits, including trade licenses for their firearms. Thus, licensing is the responsibility of the PMSC (Department of Transport, 2012a).

2. *The scope of the application*

Armed guards may be employed for use on board UK flagged ships when the ship is transiting the HRA, and the latest best management practices (BMP) are being followed fully (Department of Transport, 2012a).

²⁰ This classification was created by Van Ginkel, et.al, 2013, page 30. The focus points of the Interim Guidance to UK Flagged Shipping on the Use of Armed Guards to Defense Against the Threat of Piracy in Exceptional Circumstances are partially based on their findings as well.

3. *Certification procedure*

The Government does not currently recognize an accreditation process for the hiring of a PMSC (Van Ginkel, et.al., 2013: 31). Yet, they do provide a *guideline* for selecting an appropriate PMSC. This guidance covers specific checks and requirements for the shipping companies to take notice of when hiring a PMSC (Department of Transport, 2012a).

4. *Threshold for the use of force*

First, the UK recognizes that guards may use force for self-defence against an imminent threat to life, but it can also be used for the purpose of the defence of others, the defence of property and the prevention of crime. This includes the possibility for using lethal force, and it can even be employed to prevent a crime that is in progress, for instance when a piracy attack occurs. Still, a person can only use force that is proportionate and reasonable in the circumstances as they genuinely believed them to be. If a person believes a threat is imminent, it is not necessary for them to wait for the aggressor to strike the first blow before using reasonable and proportionate force to defend themselves and/or others (Department of Transport, 2012a).

5. *Role of the ship's master*

The UK gives the master the authority to decide whether or not armed guards are used on a particular voyage. It also gives him or her control over the armed guards and the responsibility to use all available options before turning to lethal force to overcome a piracy threat. The armed guards should be headed by a security team leader who reports directly to the ship's master and is responsible for the operational control, deployment and discipline of the armed guards. The decision to use force must lie with the person using force. Neither the ship's master nor the security team leader can command a member of the security team against that person's own judgment to use force or to not use force (Department of Transport, 2012a).

6. *Insurance*

The ship owner should verify that the PMSC holds suitable insurance cover for themselves, their personnel, and third-party liability cover. The PMSC should provide evidence that they hold insurance (Department of Transport, 2012a).

7. *Reporting of incidents*

Following any pirate attack, the ship's master and the security team leader should send a detailed written report of the incident, in accordance with BMP, to UKMTO within 6 hours. It should also be

copied to the Department of Transport. Where a crime is committed, this report may serve as evidence. Post-incident evidence gathering should be in accordance with the guidance contained in the Crime Manual for Ships Security Officers for further investigation (Department of Transport, 2012a).

When all information summarized above is taken into account, we can draw the following conclusions with respect to the extent to which the hiring of private armed guards for maritime security with this legislation negatively affects the political or functional control of the state on the use of lethal force.

Political control

First, the fact that the government does not have a strict accreditation process in place creates a situation in which the government can never be sure that the quality of the PMSCs meets a certain standard. A ship owner can hire every registered UK PMSC. The only thing the government does is give a number of recommendations to look at when hiring a PMSC.

Second, these PMSCs still need to have licences and weapon permits, so the government can assess these companies when they apply for these licences (Foreign and Commonwealth Office, 2012). However, when these licenses and permits are given, the companies have free reign to be deployed by every shipping company. Therefore this can still negatively affect the political control on force.

Third, a lot of responsibilities that in the Netherlands, by contrast, lie with the government, are in this case transferred to the ship's master. He is in control of the ship, the cargo, the personnel and also the PAGs on board. In addition to this, the threshold for the use of force is formulated more broadly in the UK, than in other European nations (van Ginkel et al., 2013: 32). This results in the situation where self-defence is a concept applicable to a wide range of situations. While in the Dutch case the VPD commander needs to assess whether it is proportionate and reasonable to use force in a particular situation, in the UK it is the ship's master, and every armed guard individual who needs to decide this. The government does not have any control on this particular assessment that is being made on board. Consequently, this has huge negative consequences for the state's political control on force.

Finally, only after an incident in which a use of force has occurred, will the state become re-involved with the process. The government is re-involved when British law enforcement agencies start an investigation and advise the ship as to the most appropriate post-incident practice. With this measure the UK government ensures that they can fully investigate the force being used when an incident has occurred. One could argue that therefore a part of the control on lethal force has

remained with the state. Taking this analysis into account, this thesis concludes that when maritime security is privatised with legislation as is the case in the United Kingdom, the political control on lethal force cannot be guaranteed and will be negatively affected.

Functional control

When we look at the functional control of a state on the use of lethal force, we arrive at a very different conclusion. Due to the fact that the British government does not have to reserve a part of their marines for the protection of commercial vessels, they remain with a larger capacity for other military tasks. One could say that with the outsourcing of this task, the British government does not have to worry about the safety of UK flagged ships, and can focus on other tasks. These other tasks can be more essential to a nations' relative power position and therefore more important for national interest. Although this is a valid argument in favour of privatisation, as explained in Chapter 4, it can be put in perspective. As claimed in Chapter 4, the military capacity needed to secure all commercial vessels in the HRA for a whole year is not very large. With a capacity of more than 7000 marines, and a maximum needed capacity of 400 marines, when on average in the last three years less than 20 percent of all marines were deployed, this *extra* capacity that they gain from privatisation seems to be negligible. This small number of marines does not change the relative power position of the United Kingdom. In fact, if the immaterial interest of the state is taken into account, one could even argue the opposite. When the reliability, prestige and image of the state influences its presumed power position, one can argue that with deploying their own marines for a task like this, which is a high profile task with a lot of visibility and international attention, this could even benefit the prestige that will be given to the UK armed forces. This could eventually positively influence the presumed power position of the United Kingdom. Within this research there is not enough capacity to fully substantiate this claim, but it does give a sense of the other perspective from which a neorealist could assess the functional control of the state.

In summary, when compared to the Netherlands, the British retain with a slightly larger capacity of armed forces after choosing for privatisation. However, this is not without paying a price. This price is the significant loss of (political) control on all lethal force being used. One could argue that this loss could ultimately lead to a breakdown of the monopoly on violence. Within this research the argumentation will go as far as this, but it is indisputable that this does affect the control on violence of a state.

After having made this consideration, a neorealist would claim that the probability of a state choosing to privatise to be unlikely. Therefore, the neorealist theory that leads to the formulation of hypothesis 3 *can* explain the behaviour of the Netherlands, while it *cannot* explain the behaviour of the United Kingdom.

To conclude, an overview of the results of all neorealist hypotheses that have been tested can be found in Figure 6.

FIGURE 6
OVERVIEW RESULTS NEOREALIST HYPOTHESES

	United Kingdom	the Netherlands	Overall hypothesis
H1: <i>A state will not privatise security tasks that belong to its core-business, which are essential and could influence its material power position.</i>	Confirmed	Rejected	Rejected
H2: <i>A state would privatise security tasks if other nations have already chosen to privatise these tasks and seem successful with that policy decision.</i>	Rejected	Rejected	Rejected
H3: <i>A state will only privatise security tasks, as long as the state will be able to keep control on all lethal force being used.</i>	Rejected	Confirmed	Rejected

Chapter 6. Constructivist Analysis

6.1.1 Representations of privatisation and non-privatisation

To answer the question how the piracy problem is interpreted in both nations, and how possible solutions are framed and linked to this problem, this chapter analysed a number of governmental documents from the period between 2008 and 2012 in the United Kingdom, and 2008 to 2013 in the Netherlands. These documents are analysed with the use of a method designed by Verloo (2005, 2007). The way in which Verloo analyses a text is by answering a number of fixed questions which are wrote down in a template, which she calls a 'supertext'. All documents selected for this research are analysed with the use of this template.²¹ As explained in chapter 3, the template has been adjusted to improve the applicability for this thesis. Important changes include the removal of all references towards gender inequality and the adjustment of some less relevant aspects within the template in order to make the template viable within the limited capacity of this research. A copy of this template can be found in Appendix C.

Finally, after explaining both the representations of the problem, as well as the representations of possible solutions in both nations, they will be compared to each other in order to test hypothesis 4:

A state will only privatise security tasks if the representations and identities within the state towards privatisation of security are positive.

When a conclusion is reached about this hypothesis, this chapter will also make a claim about the explanatory potential of this constructivist theory. Initially, for the Dutch case, it analysed 8 documents, ranging from 2010 until 2013 and include parliamentary debate reports (2), expert advisory reports (2), ministerial statements (4) and parliamentary questions and answers (1). A complete list of analysed Dutch documents can be found in Appendix D.

For the British case, this chapter initially analysed 6 documents, dating from 2011 until 2012 and include an extensive parliamentary debate report (1), a reaction on this report from the government (1), parliamentary briefing documents (2) and speeches from the Foreign Office Minister and the Secretary of State for Transport (2). A complete list of analysed British documents can be found in Appendix E.

These extensive documents contain information and interpretations of the problem and its possible solutions, based on all discussions being conducted between 2010 and 2012 within the British and

²¹ Note: Not all documents include information about all aspects of the research problem, therefore a full analysis with the use and filling out a full template (supertext) was not conducted for all documents.

Dutch parliament and government. From these sources, enough information can be drawn in order to draw conclusions on the framing of the phenomenon. Within this chapter only conclusions of the overall CFA will be discussed. This will be done by a summary of the dominant discourse concerning this phenomenon, from both the United Kingdom and the Netherlands, based on the complete CFA analysis of all documents. The full analysis can be found in Appendix F for the analysis of British documents, and Appendix G for the analysis of the Dutch documents.

During the research it was decided to add a number of non-governmental documents to the CFA with the purpose of identifying possible alternative discourses which might have been present within the *struggle* for a certain discourse to become dominant. Within government sources mainly the *dominant* discourse is represented because one may assume that once the different policy options are being discussed within a certain platform, the struggle for dominance has already occurred (Weldes, 1996: 282). In order to enable us to still investigate if alternative discourses within this struggle can be identified, a small number of secondary sources were added. Therefore two additional documents were used for the British case, both expert-reports from an independent think tank, and two additional documents for the Dutch case, one expert-report from an independent think tank and one position paper from a maritime industry interest group. An overview of these documents can be found in Appendix D and E, and the complete CFAs of these sources can be found in Appendix F and G, after the governmental documents.

6.1.2 Representations in the United Kingdom

In the United Kingdom, the dominant representation of the problem/diagnosis is mainly framed in the analysed documents as *a major problem for the world economy* (CFA UK 2). It has the potential to *further destabilize an already precarious situation in Somalia and affect the surrounding region*, which could lead to a new threat of terrorism against the west. Finally it has *'a direct impact on the UK's security, prosperity and the lives of British people'* (CFA UK 1). This final argument is mentioned frequently, although more often it is placed in a global perspective.

Responsibility

The dominant representation of the policy options is framed in the analysed documents as follows: The British government is convinced that efforts that are being conducted by the government are already a very extensive and comprehensive approach. The government is already pursuing a number of tasks which successfully decreased piracy attacks. A 'real' long-term solution can only be found on land in Somalia. A comprehensive development approach is needed to solve this problem, but the responsibility for this approach does not lie solely with the British government. This is the responsibility of the complete world society, and the UK will only make its own contribution while

not taking the full lead. The responsibility for a solution is framed in such a way that it lies both with the government and the shipping industry. This is clearly listed in sentences such as ‘*We need to do all we can together to protect ships and their crews from attack*’ (CFA UK 1) and ‘*the strength of the commitment between industry and government in tackling the scourge of piracy*’ (CFA UK 5). In all documents where the responsibility is discussed, it is noted that both actors have a key responsibility for tackling the piracy problem.

The only viable solution

The possibility of deploying VPDs is framed as not possible: the British armed forces’ resources are framed as ‘*too limited at the moment*’ to provide VPDs for the commercial shipping industry (CFA UK 2, 3). When it comes to the privatisation of security the dominant framing is that it is the only viable solution for the protection of all commercial vessels that sail through the HRA. Although a number of risks and concerns of the PMSCs are extensively discussed, they are framed in a way that they are no fundamental objection against the deployment of PAGs (CFA UK 4). The framing that is done by the parliament is slightly different than the framing by the government. Where the Government is exclusively positive about their approach, the parliament frames the British policy as *comprehensive* and *extensive*, but with an amount of criticism towards the policy. Especially with respect to the legislation surrounding the deployment of PMSCs and the control on force, the government is being criticized.

Private Maritime Security Companies

Within the United Kingdom the ‘best’ solution for the immediate protection of all commercial vessels is generally framed as preferring PMSCs (CFA UK 2, 3). Not only is it framed as the ‘best’ solution, it is also framed as the *only* viable and feasible solution to the threat (CFA UK 2). Alternatives such as a VPD are framed as *impossible*, due to the ‘limited’ capacity of the British armed forces (CFA UK 3). Therefore the PMSCs are seen as a good solution. The deployment of PAGs is framed with a number of concerns, which are there after immediately refuted with arguments such as the spotless success record of these companies. When PMSCs or the PMI in general are discussed, they are generally framed as reliable, professional, big transnational companies with good track records and reputations. The alternative voice of privateers as ‘cowboys’ or ‘thrill seekers’ – often represented articles from scholars and the press – do not appear in the analysed sources.

It is difficult to make a claim about the process in which shape has been given to this discourse. Analysing the phenomenon and the development of policy occurred simultaneously whereby one influenced the other at the same time. This influence is mutually constituent, and representations of

the involved actors could only be formed when the question of whether or not they would be deployed was already being discussed simultaneously. Partly due to the limited data available prior to 2011 it is impossible to make a claim about the 'causal path' of discourse formation within the United Kingdom.

Alternative discourses

Bases on the information given in the previous paragraph, we conclude that within the analysed government sources possible alternative discourses cannot be identified. No significant variation on the identities and representations given to the involved actors and policy options are given. However, possible alternative discourses that may have been present in the United Kingdom may be found in other sources. When a 2009 report from Chatham House, an independent British think tank for International Affairs, is interpreted, one could argue that a different discourse can be identified (Chatham House, 2009). Within this document the problem is mainly framed as a two-sided problem. First as a problem for global security – *'piracy is only a symptom of much wider problems'* – where the connotation of possible labeling of piracy as terrorism is discussed, and second as a huge problem to sea-going vessels, their ships owners and their crew (CFA UK 7). When the question of private security companies is discussed this solution is framed as something that is already happening, but without any baseline rules about the use of force (CFA UK 7). Despite the fact that significantly more arguments against a possible privatization as a solution against piracy are given in this document when compared to the governmental documents, the overall arguments are all of a legal nature, concerning the use of force, the power of the ships' owner or master. All of these concerns may be resolved with the development of better legislation. Within the document no fundamental arguments, such as the possible loss of the monopoly on violence by the state, are mentioned. Finally, what can be seen as striking is that within this rather extensive document, the option of securing commercial ships with government soldiers – marines or any other kind of state soldier – is never mentioned or considered.

From the British commercial shipping industry a slightly different framing could be interpreted as well. They first claim that armed guards are regarded as *a necessary and effective deterrent to combat Somali piracy at its current level* but at the same time express concerns that *the success of private security may set a precedent for policy-makers, who might increasingly expect the shipping industry to combat maritime crime and pay for its own protection at sea*²² (CFA UK 8). From this information we may conclude they the British shipping industry is certainly happy they can use the

²² Claim made by Adjoa Anyimadu, a Research Associate with the Africa Programme at Chatham House, in the article *Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean*. Anyimady basis its conclusions on interviews with members of the shipping industry in London, 2012.

PMSCs, but when it comes to the responsibility of the protection of the ships, they also hope the government will contribute, at least financially, to the solution. However, despite the above discussed slight differences in focus, this thesis concludes that no significantly alternative and deviant discourse within the United Kingdom has been found during this research.

From the representation of the dominant discourse and a possible alternative discourse within the United Kingdom about the phenomenon of maritime security, we draw the conclusion that the privatisation of maritime security is framed as positive and not as something with a fundamental objection. It is framed as the only feasible and efficient solution towards the direct problem of piracy. Although few considerations are mentioned, all concern the limited legal framework where the PMSCs work in. None of these considerations are of a fundamental nature. Overall, we summarize this framing as *positive* privatisation of maritime security. Therefore, for the case of the United Kingdom, we conclude that the hypothesis - *A state will only privatise security tasks if the representations and identities within the state towards privatisation of security are positive* – can be accepted. The positive representation within British politics towards privatisation and positive identities given to the PMI could have led to the policy decision to allow PAGs on board British ships. The constructivist theory, as based on the works of Weldes and Verloo, has proven to be capable of explaining the behaviour of the United Kingdom in the decision towards maritime security.

6.1.3 Representations in the Netherlands

Within the Netherlands the struggle between different discourses is more clearly visible than is the case within the United Kingdom. Partly this is due to the method in which parliamentary discussions are archived, and partly this is due to a framing within the government in which a clear policy dilemma was discussed extensively. What follows is a representation of the dominant discourse, as was identified in the government sources. Thereafter the alternative discourse will be given and explained.

In the Netherlands, the dominant representation of the problem/diagnosis is only discussed rather briefly. Due to the relatively fast response that was needed to solve the problem, the Dutch discourse surrounding the phenomenon of maritime piracy has a clear focus on the prognosis of the problem. Nevertheless, the problem is framed as threat to world economy and to the interests of seafarers in particular (CFA NL 3, 5). Before policy was formed, it was clearly framed that the origin of the problem lies in the failed state of Somalia, which can only develop with international help. The problem is sometimes framed as problem to the global economy (CFA NL 1, 3), but mostly framed as a problem to the Dutch shipping industry (CFA, NL, 1, 2, 6, 7).

Responsibility

Within the Netherlands there is a clear representation of who is responsible for solving the problem, in this case, the protection of Dutch commercial vessels. At the initial debates it was already mentioned that in the first place it is the responsibility of the government to protect all Dutch citizens, assets and all (economic) interests. Second, it is the responsibility of the Ministry of Defence in particular to *'protect the interests of the Kingdom as stated in the constitution'* (CFA NL 1). Also the government itself claims that *'in some cases, the protection of commercial sea transports is a government's task'* (CFA NL 2). Within practically all documents there are several references to the responsibility of the Netherlands as a whole and the government in particular. The minister even emphasize that *'five hundred years ago the Dutch Royal Navy was created for this task'* (CFA NL 3). To conclude, when the Dutch framing is compared with the British, the responsibility is framed in a significantly different way.

Possible solutions

Where the British practically only see one feasible solution to the problem, within the Dutch discussions more policy options are described and considered. Firstly, almost all involved actors within this discussion agree on the idea that the deployment of VPDs is the best possible solution to the problem. There is not a single political party who disagrees with this fundamental decision. In all analysed documents the options are framed as *'Primarily there are marines on the ships. Secondly, there may be reservists. If all this is not enough, than thirdly armed private security guards can be considered.'* (CFA NL 7). The central point for discussion is whether the government can provide enough VPDs to protect all Dutch interests. Within this discussion some political parties believe the government cannot provide enough protection, and therefore they argue, *'the deployment of PMSCs should be made possible, if necessary'* (CFA NL 3).

Identities

The general image of the option for the deployment of private armed guards is framed as a *dangerous* option with many objections and possible pitfalls. A spokesperson of the Christian party even warned for *'Black-water in Iraq-like scenes'* if PMSCs would be deployed. So where the overall identity given to the PMI in the United Kingdom is rather positive, the overall identity given to this industry in the Netherlands can be considered as negative. The Royal Navy, however, is generally framed in the Netherlands as *'a powerful sword power'* with the capabilities of protecting any ship. Where, in the United Kingdom, the Royal Navy is also framed as a powerful organization, it is not associated with the responsibility of protecting individual ships. Taking all representations mentioned

above in consideration, the dominant discourse within the Netherlands sees the deployment of VOPDs by its own governments as the best policy option.

Alternative discourses

As already stated above, within the Netherlands a clear alternative discourse can be identified. The general frame in this discourse is dominated by the positive attitude towards the deployment of private armed guards. Different stakeholders within the Netherlands have a clear preference for private security instead of the state-provided security. This alternative discourse is clearly reflected in statements by, for instance the KVNR (the Royal Association of Netherlands Ship owners). They claim that the protection provided by the government is expensive, lacks flexibility, is not sufficient for all needed protection, and unnecessarily bureaucratic (CFA NL 10). This claim is supported by claims made by independent research unit and think tank *Clingendael* who states in an article about this phenomenon that the PMI is in fact a reliable industry and that many objections being made by the government and multiple political parties are unsubstantiated and not as crucial as they may claim (CFA NL 9). The liberal political party in the Netherlands supports the claim made by these two stakeholders and also believes that it would be better to make the deployment of PMSCs possible (VVD in CFA NL 3, 7). Although this alternative discourse was clearly present – and still is – within the Netherlands, this discourse has not become dominant among state officials and politicians²³. Reasons for this can be very diverse; it could for instance have to do with the lobbying efforts of certain stakeholders or certain deeper values within the Netherlands that favour a certain solution. In the next paragraph one possible reason for this choice will be discussed and elaborated on.

From the representation of the dominant discourse and a possible alternative discourse within the Netherlands about the phenomenon of maritime security, we draw the conclusion that the privatisation of maritime security is framed as highly problematic for the Dutch government. First the problem is, just as in the United Kingdom, framed as a threat to the whole world. The biggest difference is that where the Dutch frame the problem as mainly a commercial problem, the British frame it as a both a commercial and a security problem. Within the Netherlands a lot of emphasis is given towards the responsibility of the state in protecting commercial interests of Dutch industries. Additionally, the monopoly on violence by the state is framed as a fundamental feature of the state.

²³ Within the analysed documents after March 2013 (CFA NL 8) also within the government a shift has been made towards this alternative discourse. After the 2012 general elections a new cabinet has been installed. One of the positions that changed is the position of Minister of Defence, prior to 2013 on this position was a minister from a Christian party (CDA) and after elections a minister from a liberal party (VVD) took office. This could explain the shift towards this discourse. However, for the limited timeframe of this research this change will not be included in the analysis. Because no process tracing of discourse change has been conducted, this thesis could also not make any claims concerning this topic. Within the recommendations of this thesis attention will be given to this matter.

From this reasoning the consensus within Dutch politics is that therefore the Dutch government should protect commercial vessels. Best suitable for this task are considered the Marines, therefore they should provide adequate protection to all Dutch commercial vessels in need. The Dutch Royal Navy is framed as responsible for *this kind of tasks*. The option of privatisation of this security is also discussed extensively, but the overall framing of this option is negative. The PMI is framed as an unreliable industry that cannot be controlled in a proper way. Additionally a number of fundamental and legal concerns towards privatization of security are raised and within Dutch politics not adequately countered or eliminated by contradictory arguments. Therefore, we summarize the Dutch discourse towards privatization of maritime security as *negative*. For this reason, in the case of the Netherlands, we conclude that the hypothesis – *A state will only privatise security tasks if the representations and identities within the state towards privatisation of security are positive* – can be accepted. The negative representation within Dutch politics towards privatisation could have led to the policy decision not to allow PAGs on board Dutch ships. The constructivist theory, as based on the works of Weldes and Verloo, has proven to be capable of explaining the behaviour of the Netherlands in the decision towards maritime security.

After accepting hypothesis 4 in both cases, what remains is the question how precisely *this* discourse has become dominant in the United Kingdom and the Netherlands. What has caused that the possible solution of the deployment of marines has not even been considered extensively in the United Kingdom? What has caused that no fundamental objections against privatisation have been raised in the United Kingdom? What has caused that in the Netherlands the responsibility of the state is framed as much more important?

More specific, we can ask the question what determines that the dominant discourse in the United Kingdom is different from the Dutch discourse concerning the same phenomenon. Why is the identity given to the PMI on the one side and the Royal Navy on the other so different in both nations? This thesis will conclude in paragraph 6.2 with an explanation of the possible difference in discourse between both nations. Within this explanation the identity given to these both main actors are linked to *deeper values* which underlie the Dutch and British culture and society.

6.2.1 Deeper Values

In this paragraph we ask the question what determines that the dominant discourse in the United Kingdom is different from the dominant discourse in the Netherlands concerning the same phenomenon. As mentioned in the previous paragraph, one of the biggest differences in the framing of the phenomenon between both countries is the identity that is given to the two main actors involved in this matter, the Private Military Industry and the Royal Navy. This thesis seeks an

explanation for this difference by looking at historical importance and value given to both actors, as well as the position of both actors in the culture and societies. If, for instance, the role of the Royal Netherlands Navy within Dutch society is significantly different to the role of the Royal Navy in British society, then this can explain the different identities in which they are framed. We call these characteristics of both actors their *deeper values*. In order to see if these *deeper values* of both actors differ among the two nations we will outline what *deeper values* are given to both actors in each nation. Thereafter, we will draw conclusions if possible differences can explain the difference in discourse concerning the phenomenon of maritime security. In order to answer this *why*-question, not all explanatory variables can be examined due to the limited available time within this thesis. Therefore within this thesis only the *deeper values* towards both actors within each nation will be taken into account. The method of *bracketing* will be applied which enables us to solely focus on these variables, while all other (maybe also relevant) variables – such as for instance lobbying strategies or political systems – will be excluded from the analysis (Wendt, 1992: 369). In paragraph 7.2 we will further discuss other possible explanatory variables.

6.2.2 British Royal Navy

The British Royal navy has already existed for centuries. Dating to 150 years after the demise of the Classis Britannica we know that a fleet conquered the Isle of Man and Anglesey in about 620 and sent an expedition to Ireland with warships. In these days the fleet consisted of different Scottish, Irish and British navies. Since then it has fought wars against practically everybody. Between 1200 and 1815 the British Navy fought against the Vikings, the Dutch, France, Spain and America (Whinton, 2005). The first reformation of the Navy Royal, as it was then known, occurred in the sixteenth century during the reign of Henry VII. Many historians call this the official beginning of a British Royal Navy (Duffy, 1992). There was an Anglo-French war between 1543 and 1549, and in 1580 Spanish and Portuguese troops were sent to Ireland but were defeated by an English naval force. Henry VIII had ships built which had improved sea-worthiness and armaments, and in 1514, the Henry Grace a Dieu, the largest warship in the world, was launched. It was the first ship with heavy guns, and this led to an end of archers firing on ships and hand to hand fighting, and so developed a new technique of sea warfare (Duffy, 1992). The British Navy became the Royal Navy after the restoration of the monarchy under Charles II in 1660. This period of time can be called the foundation of today's British Royal Navy (Royal Naval Museum, 2004).

At the core of the power of the British Empire was the Royal Navy, the greatest and most advanced naval force in the world. For decades, the power and the glory of the empire and the Royal Navy shaped the character and provided the identity of the British nation (Black, 2005). According to Black, the historical role of the Royal Navy still plays a great role in contemporary British national identity.

In this thesis we argue that it is not strange that the British Royal Navy is identified as a strong power, a part of the armed forces that is established to fight wars and protect the home land. Because of their extensive battle history on sea, the image of the Royal Navy still has a high *fighting* component. Of course, the Royal Navy is also an important player in the United Kingdom's role as a seagoing trade nation, but it seems that within British society the overall value given to the Royal Navy is that of a well-organised and successful fighting force in order to protect the United Kingdom against invasion or loss of interest (Black, 2005). Considering this analysis, one could say that although the Royal Navy has clear present positive deeper values, these positive deeper values are not applicable when it comes to the task of protection commercial shipping, but rather to their *major fighting* capabilities.

6.2.3 British Private Military Industry

Within the United Kingdom the presence of a private military industry is relatively large. After the United States of America, most PMCs are registered in the United Kingdom (Singer, 2003). A list made in 2013 shows that of the thirty most powerful PMCs, eight of them are British and an additional six non-British companies provide services within the United Kingdom (Security Degree Hub, 2013). The United Kingdom has a rich contemporary history when it comes to private contractors. The British government employ military private contractors frequently in their military missions. For instance within the British operation Herrick in Afghanistan between 2008 and 2010, forty percent of all personnel were private contractors, in total this number exceeds six thousand contractors (Tiger Team, 2010). Many of these PMCs registered in the United Kingdom are multinational large companies with several branches that are also publicly very active. These are companies such as Aegis Defence Services and G4S (Security Degree Hub, 2013).

All this experience with private contractors and the large position the industry has within British society tells us that British state officials are not unfamiliar with dealing with PMCs. When one reverts to the ancient logic of '*ignorance breeds contempt*', the rather positive attitude towards the PMI within the United Kingdom can be explained. Only the fact that one is more familiar with a certain actor and the experience with this actor is rather positive, this will ensure the attitude towards this actor will be more positive than when this is not the case. It would have been a different story if the reputation of these British companies is filled with scandals, but it seems that up until now the only scandals with the PMI that have occurred have to do with American-based companies such as Blackwater (Portero, 2012). Therefore the positive attitude towards the PMI within the United Kingdom can be explained by the large presence of this industry and their rather professional reputation within the United Kingdom.

6.2.4 Royal Netherlands Navy

The role of the Royal Netherlands Navy within Dutch society differs from the British Navy. First of all, the Dutch Navy as we know it today originated 526 years ago and although many battles have been fought by Dutch ships and a huge number of cannonballs have been fired from Dutch ships as well, the Netherlands navy is known for a different reason. In 1488 Maximilian of Austria ordered an admiral with the task to *'protect sea trade on behalf of the state'*. This important task has since been carried out: the protection of fishermen from pirates in the fifteenth century, to the protection of ships with grain against Swedish naval vessels by De Ruyter in the seventeenth century, to combating piracy in the twenty-first century (Sicking, 1998). Summarized by historian Alan Lemmers in an article written by van Lange; the royal navy has been established to *'create a safe maritime environment so that trade can proceed safely'* (Van Lange, 2013). Even when one looks at the current website of the Ministry of Defence and search for the Royal Netherlands Navy, this is what is stated: *'The Netherlands has long been a maritime trading nation. The Navy has protected the Dutch maritime, coastal areas, ports and shipping routes for centuries and in particular, the marine protected international trade fleet. This is still an important task of the Royal Netherlands Navy'* (Ministerie van Defensie, 2014b).

In addition to this *trade-orientated* image of the Royal Netherlands Navy, in Dutch foreign policy traditions one sees the same image. Voorhoeve once identified three major policy traditions within the Netherlands, one of which he calls the *'Maritime-Commercial Tradition'*. He describes this tradition as something that originated because *'trade was and still is in the life-blood of the nation'* (Voorhoeve, 1979:43). This tradition entails that the Dutch put a high value on open trade and expansion through trade. *'Navigation and commerce are the soul and inner substance of the Dutch state ... traditional over-emphasis on material, mercantile interests'* (Voorhoeve, 1979:44-45)

When both the image of the Royal Netherlands Navy and the maritime-commercial tradition are taken into account it seems that in comparison with the British navy, the Dutch navy has a far more *trade-oriented* position in Dutch society. Within this image the protection of commercial shipping is a task that suits the Netherlands Navy perfectly. The image of a navy that is protecting commercial trade and therefore protects what the Dutch consider to be a very important interest explains why the dominant discourse within the Netherlands puts such a high value on the Royal Netherlands Navy as a protector of the maritime industry.

6.2.5 Dutch Private Military Industry

When we compare the British PMI with its equivalent in the Netherlands, the first thing one notices is the lack of visibility of this industry within the Netherlands. When the same list of thirty most powerful PMCs is interpreted, no Dutch companies appear on the list. Further only one company provides services in the Netherlands, but this concerns only non-armed and non-lethal services (Security Degree Hub, 2013). Furthermore, within the Dutch military missions not much use is made of private contractors. However, the Dutch did contract an Israeli company for intelligence services in Afghanistan (NRC, 2009); this did not create a wave of media attention. The lack of PMCs within the Netherlands can already explain the low frequency in which they are hired because the hiring of foreign PMCs will almost certainly not occur when the Dutch monopoly of violence can be harmed by this outsourcing. News that does get through to the Dutch media about the PMI is often negative news, scandals such as Blackwater affairs in Iraq were at the time widely reported in the media (e.g. Algemeen Dagblad, 2007). Finally, where the British have a private contractor rate of forty percent in Afghanistan, the Dutch number would approximately have been below five percent (Interview Marine Officer X). The old Dutch saying *‘Wat de boer niet kent, vreet ie niet’* – what literally means *“What the farmer doesn't know, he doesn't eat.”*, which can be interpreted as the logic *‘ignorance breeds contempt’* can explain this attitude. When a short step into the social psychology is taken, and an interpretation stemming from Festinger's theory of *cognitive dissonance* is made, this claim can be substantiated. This theory argues that *‘when dissonance is present, in addition to trying to reduce it, the person will actively avoid situations and information which would likely increase the dissonance’* (Gleitman, et al. (2007: 457). When applied to this information about the Dutch PMI, it explains why the Dutch framing towards the PMI is rather negative compared to the British framing.

Three scholars from the Netherlands Defence Academy wrote an article on the Dutch military's reluctance to outsource. One of their conclusions was that *‘Generally speaking, the Dutch Armed Forces do not resort to the services of PMCs ... only the outsourcing of non-military tasks, like catering and IT services are acceptable within the Netherlands’* (Gielink et al., 2007: 149, 159). According to their research this is the result of two Dutch (rather neorealist) *deeper values*. First, the Dutch are reluctant because *‘the PMCs cannot be controlled in the same manner as the military’* (2007:160). Second, because *‘the government is not willing to renounce monopoly on the use of violence’* (2007:163). From the knowledge from the Gielink article combined with the information stated above, one may conclude that the negative attitude towards the PMI in the Netherlands can be explained by the lack of experience within Dutch society with this industry and the deeper lying reluctance towards military outsourcing in general.

6.2.6 Could deeper values have any influence?

For this thesis we investigated both the dominant discourse on the Private Military Industry and the Royal Navy, as well as the *deeper values* towards both actors within both nations in order to answer the question *why* the dominant discourse became dominant. This analysis tells us that indeed there is a correlation between the framing of a certain actor, and the (historical) position this actor has in a certain society. First, in the case of the United Kingdom where the connotation towards the Royal Navy focuses on the navy as a *fighting-power* and the lack of linking the navy with the protection of commercial shipping can be explained by the traditional role of the navy within British society. Second, the positive connotation given to the Private Military Industry can be explained by the large presence of this industry and their overall positive reputation within the United Kingdom. For the case of the Netherlands, where the connotation given to the navy emphasizes on their responsibility, can be explained by the traditional role of the navy as '*protector of commercial trade interests*'. In addition, the negative attitude towards the PMI can be explained by the lack of experience within Dutch society with this industry and the deeper lying reluctance towards military outsourcing in general. Further, when hypothesis 5a and 5b stated below are tested, in both the case of the United Kingdom and the Netherlands, 5a and 5b can be confirmed almost entirely²⁴.

H5a: if the positive deeper values towards the Private Military Industry are more clearly present, the discourse that is supportive to privatisation of maritime security will become dominant

H5b: if the positive deeper values towards the Royal Navy are more clearly present, the discourse that is reluctant to privatisation of maritime security will become dominant

The positive deeper values within the UK towards the PMI can explain the dominant discourse that is supportive to privatisation of maritime security. The same goes for the positive deeper values towards the Royal Navy in the Netherlands where it explains the dominant discourse that is reluctant towards privatisation of maritime security. Finally, in both cases the hypothesis can also be reversed; The negative *deeper values* towards the PMI in the Netherlands can also explain their reluctance to privatisation. However, when it comes to the United Kingdom's *deeper values* towards

²⁴ The author of this thesis is aware of the fact that claims being made in paragraph 6.2 on the basis of information about the history and image of both the navy and the private military industry are to some extent limited. Claims within this thesis are based on significant trends within history, therefore not all events are taken into account. In order to draw a conclusive overview of the social position of both actors within society an extensive historical analysis would be needed. Also the reason for the high amount of PMCs in the UK and the limited number in the Netherlands should be analysed. Within the time frame and limited space of this thesis, this extensive analysis is not feasible. In order to fully substantiate these claims about the deeper values of both actors within society, research that focuses on *why* both actors have this social position would be necessary. Therefore, although this research does give a good impression of the social position of these actors, the *why*-question can still not be fully answered.

the Royal Navy the conclusion differs slightly. The above stated hypothesis claims that '*positive deeper values towards the royal navy will lead to a discourse reluctance to privatization*', but this does not hold completely for the United Kingdom. Namely, although the British deeper values to the Royal Navy are rather positive, their image and identity is solely focused on their *battle skills*. When it comes to the task of protection commercial shipping, the Royal Navy is not seen as a relevant player by most state officials. In the United Kingdom their *deeper values* towards the Royal Navy as a '*fighting-power*' rather than a protector of trade, can explain their reluctance towards deploying marines for the protection of commercial shipping. Therefore, this thesis concludes that although their deeper values towards the navy are *positive*, they are not positive *in the relevant profession*. Finally, on the basis of a strict definition of the hypothesis as it was formulated in this thesis, one could argue that the British case can reject the hypothesis, but given the above argument, this thesis concludes that this is rather a flaw in the operationalization of this constructivist logic instead of a theoretical inexplicability.

To conclude this constructivist analysis, when one looks back at the model as stated in figure 4, based on Weldes' constructivist theory, we see that the whole model can be filled in with the information we collected within our analysis. Step 1 and 2 (the interpretation of the context, and the identities given to all involved actors) are explained in paragraph 6.1. Step 3 and 4 (the representations and identities result in what are to be considered valid solutions and what is to be considered the 'best' option) are explained in paragraph 6.2. For instance, the fact that the British government did not really see the possible solution of deploying royal marines can be explained by the representation of the Royal Navy, given earlier in the process. Finally, paragraph 6.2 explains how in step 1 and 2 the context is interpreted, how representations are constructed the way they are, and what actually lies underneath the given identity towards the involved actors.

To conclude , an overview of the results of all constructivist hypothesis that have been tested can be found in Figure 7.

*FIGURE 7**OVERVIEW RESULTS CONSTRUCTIVIST HYPOTHESES*

	United Kingdom	The Netherlands	Overall hypothesis
<i>H4: A state will only privatise security tasks if the representations and identities within the state towards privatisation of security are positive.</i>	Confirmed	Confirmed	Confirmed
<i>H5: If a certain discourse on privatisation of security connects with positive deeper values of a nation, this discourse will become dominant.</i>	Confirmed	Confirmed	Confirmed

Chapter 7. Conclusion

7.1 Conclusion

On May 10th, 2013 the IMO celebrated the fact that one year had passed since a ship was successfully seized by Somali hijackers. Pirates have been attacking vessels passing the Horn of Africa since at least 2005, but now it looks like piracy off the coast of Somalia has to some extent been successfully addressed. The efforts of forty countries working together, the IMO and due to the (*controversial*) adoption by some ship-owners of armed guards have contributed to the decrease of both successful and attempted attacks in the HRA. Until today the policy as developed by both the United Kingdom and the Netherlands concerning the protection of commercial shipping has remained the same. The British government is still content with their private armed guards, while the Dutch government still has the fullest confidence in the royal marines. In 2013 over sixty percent of all vessels sailing through the HRA had armed guards on board. But even though Somalia's piracy problem has died down somewhat (keeping in mind that there is no guarantee this will be permanent), piracy in multiple different parts of the world, such as in the Gulf of Guinea and all around the coast of Indonesia, is rising rapidly. For instance, in the Gulf of Guinea piracy the numbers of recorded piracy incidents rose from 21 incidents in 2010 to 62 in 2012. (ICC-IMB, 2013). The entire decision making process towards the Somali piracy problem has set the standard for further policy towards piracy worldwide. Therefore, if one would argue the Somali piracy problem is starting to become 'irrelevant', this thesis claims the opposite.

The underlying aim of this thesis was to see which theoretical approach was best capable of explaining a phenomenon such as the decision whether or not to privatise the protection of commercial vessels against maritime piracy. This thesis chose to work with a neorealist and constructivist approach on the basis of a number of theoretical considerations. First, this thesis started from a neorealist approach, based on the classic work of Kenneth Waltz. The underlying theoretical challenge within this thesis was to answer the question to which extent the two selected theoretical perspectives were capable of explaining the phenomenon of *'two – at first glance – similar countries that deal with the threat of maritime piracy completely different'*. First, the research question *'Under which circumstances does a government decide to allow private armed guards on board commercial vessels for anti-piracy services?'* was approached from a number of neorealist claims. In essence, a neorealist would claim that (1) states will privatise parts of their security tasks if it benefits their military capacity, (2) it is more likely that states privatise more to enhance their relative capacity compared to other nations if other nations already chose to privatise, (3) states will only privatise non-essential parts of their security tasks in order not to risk losing capacity that can

influence their relative power position; and (4) states will only privatise certain tasks, as long as the state can keep full control over all lethal force being used. On the basis of three hypotheses this thesis examined to what extent these neorealist claims also apply in the case of the United Kingdom and the Netherlands.

The conclusions we reached from this neorealist research can be summarized as *conflicting*. The neorealist theory does not appear to be able to explain the decisions being made in both states. One of the conclusions of this thesis is that a neorealist would not consider the protection of commercial vessels to be *core-business*. Therefore a neorealist would, on the basis of this assumption, expect a nation to be in favour of privatization. This means that the British case can confirm this hypothesis, while the Dutch case will reject this claim. Second, the behaviour of the two nations cannot be characterized as *copying behaviour*, therefore this neorealist claim is rejected in both cases. Finally, this thesis shows that the control on lethal force cannot be guaranteed when private armed guards are allowed on board commercial vessels. Because a neorealist would expect a nation never to allow this possible loss of control on lethal force, this hypothesis can only be confirmed in the Dutch case. Because the United Kingdom did choose to privatise, this hypothesis is rejected. In short, neorealism is not able to explain the choices being made by any of the two states. Therefore, the prediction in this thesis that an additional theoretical explanation would be necessary is fully confirmed.

In the second part of the thesis a constructivist approach – based on the work of various constructivist scholars such as Weldes and Verloo – is applied. Also with this theoretical perspective the aim is to identify which circumstances influenced the decision to allow private armed guards in the United Kingdom and the decision to not allow them in the Netherlands. This thesis started from a number of claims, based on various theoretical assumptions, which enabled us to look at intra-state variables that may have played a role in causing this variation in policy. Basically, what Weldes claims is that the meaning state officials give to all objects in the international system, has great influence on the chosen policy by this state officials. This logic translates into the assumption that the general attitude of state officials (displayed as the dominant discourse) towards privatisation as a policy and, correspondingly, towards all stakeholders, the private military industry and the armed forces, could have been decisive towards the decision to allow or not to allow for privatisation. To research this claim this thesis examined the dominant discourse in both nations using critical frame analysis (CFA). This analysis showed a significant difference in the representations and identities that state officials gave towards the phenomenon of maritime piracy, its stakeholders and possible solutions. In the United Kingdom the dominant discourse was characterised by first the framing of the problem as mainly a problem that is the responsibility of all the stakeholders. Not only the government has a responsibility, but certainly the shipping industry itself. By contrast, in the Netherlands the

responsibility of the government as '*the protector of commercial interests*' frequently came forward. Next, in the United Kingdom privatisation was framed as the only feasible and efficient solution towards the direct problem of piracy, while in the Netherlands a variation of options was widely debated. In addition, the overall identity that was given to the private military industry in the United Kingdom can be categorised as positive or neutral, while in the Netherlands the connotation given to the same industry can be categorised as negative.

Entirely in accordance with the theoretical assumptions of Weldes, it is very likely that this framing of the phenomenon had a decisive influence in the final policy decision that was made in each government. When the phenomenon of maritime piracy was introduced, state officials constructed a certain representation of the context which includes the construction of a certain identity towards all relevant actors. These representations influenced what were considered as valid policy options by these state officials. In the United Kingdom for instance the provision of protection by the royal marines was not even considered as a valid option, because of the identity given to the royal navy and their marines as a fighting force with other tasks and responsibilities. Finally the combination of all representations and identities also influenced what was perceived as the *best* policy option. In both cases these representations were fully consistent with the finally chosen policy.

These findings show that neorealism is not able to explain all foreign policy decisions that are being made. When a complex decision is being made as is the case with this phenomenon it is not enough to only include variables on the system level in one's analysis. If one would only apply the constructivist component of this research, the scholar will also fail to reach any conclusions. This thesis showed that you need to have a neorealist foundation from which one can select the cases for the analysis. This thesis is one more piece of evidence that the neorealist paradigm – as has been dominant over many years – needs adjustment and cannot ignore the constructivist additions to this world. A combination of *material facts* and the power which lies in words and opinions is what this thesis wants to convey, the way forward for IR research.

Finally what remained in this research was the question how precisely the dominant discourse has become dominant in the United Kingdom and the Netherlands. We know now that the way the problem is framed has influenced the final decision, but why did a nation frame the problem the way it did? This is the question this thesis attempted to answer in the last section of this thesis. In order to do so the link between deeper values within society (towards the private military industry and the royal navy) and the dominant discourse were analysed. The conclusion from this analysis was that indeed there is a correlation between the framing of a certain actor, and the (historical) position this actor has in a certain society. The positive deeper values within the UK towards the PMI can explain

the dominant discourse that is supportive to privatisation of maritime security. The same goes for the positive deeper values towards the Royal Navy in the Netherlands where it explains the dominant discourse that is reluctance towards privatisation of maritime security.

Because these *deeper values* are fluid just like the discourses within a nation, this thesis also tells us what needs to change before a state would or would not decide to privatise. Going back to the research question: '*Under which circumstances does a government decide to allow private armed guards on board commercial vessels for anti-piracy services?*', this thesis tells us that one of these 'circumstances' is the attitude towards the most important actor involved. In this thesis it appeared to be that the identity given towards the royal navy and the private military industry were decisive. Following this logic, an answer to this research question would focus on the positive deeper values, and the dominant discourse towards the actor that will be involved when this privatisation occurs, the private maritime security companies. If these values and the connecting discourse would be positive towards these companies, it is likely that privatisation will occur. This information can tell us something about what needs to be changed within a nation, if one would want this privatisation to occur. In the case of the Netherlands for instance, if an advocate of privatisation would try to push for privatisation he would be well advised to try to promote a positive attitude towards the PMI. If the deeper values towards this industry would be more positive, a preference for privatisation would be more likely. Second, this study has a certain generalizability to the population. First, as already explained in note 16, the insights we gathered in this study are generalizable to all European sea-going nations with a *sufficient military capacity*. A ground condition for this study to be applicable is that a state actually has a choice to privatise or not to privatise. States that do not have sufficient military capacity to secure their own vessels, would very likely turn to the private market for security, because this is their only choice if they want to protect their economic interest. Therefore the generalizability of this research does only reach to the nations with a sufficient military capacity. Further, what this thesis has shown is the power of norms, ideas and values, in short, the social construction that gives meaning to objects. If one would research this attitude towards the relevant objects in other nations within the population of cases, in combination with an analysis of their capabilities, a prediction towards their policy decision could be made.

Other theories that combine state-centric (system) research and intra-state research, such as neoclassical realism, would not be sufficient to explain this phenomenon. Although neoclassical realism does include variables from both levels, what they lack is the notion that the social construction of ideas and identities has a great impact. Neoclassical realism does focus on domestic actors, but only from a cost/benefit and rational perspective. With this approach the insight that the framing of a certain object within this matter has such a influence could never be reached. Therefore,

this study has shown that a combination of realist and constructivist research is necessary to explain a complex phenomenon such as the privatisation of maritime security. This paper is one more example of the essential character of a constructivist component in contemporary IR research. Therefore we believe that for any realist theory to have a future, the constructivist component should be integrated into their approach.

Of course the whole process of writing this thesis did not take place without any obstacles or theoretical restrictions. During this research a number of limitations with regards to the used method were revealed. In the next and final section a number of these limitations will be discussed and recommendations for further research will be made.

7.2 Recommendations

On the neorealist component of this research is no need to elaborate extensively. The shortcomings of this theory already mentioned in the final section of chapter five and the beginning of chapter six. It is clear that the neorealist theorisation in this thesis is not capable of explaining the phenomenon of privatisation of maritime security in the United Kingdom and the Netherlands. Before we continue with the constructivist component of this research, one aspect worth mentioning is the possible pitfall one comes across when conducting a neorealist reasoning. The limitation of the way in which neorealist theory is operationalised in this thesis is that there is a possibility for variation in interpretation of the given facts. Within neorealist research it is supposed to be very clear what kind of information is available, but during the research it appears that different interpretations towards 'reality' can be given, which can eventually change the whole conclusion. For instance the interpretation of the possible damage that maritime piracy can do to a nation's economy is in this thesis interpreted as *not significant* because the potential damage was below the two percent. Within neorealist theory there is no rule given about when a certain damage would be significant, therefore another neorealist could give a different interpretation to this information.

On the constructivist component of this research more limitations and recommendations need to be discussed. First of all the method of selecting sources for the critical frame analysis has certain deficiencies. Because of the almost infinite number of sources and the not fully prescribed selection criteria, there is a possibility that a different researcher would select different documents than were selected for this research. Not only the selection of documents can differ among researchers, also the interpretation given to these documents can vary within this theoretical and methodological framework. Although the CFA supertext will be followed by all researchers, their interpretation of what they perceive to be primary and secondary issues can still differ. In theory, when this variation is possible, it is also possible that a variation in conclusions could be possible.

Second, within this thesis the dominant discourse is analysed and described as a fixed collection of ideas and statements. In reality this collection of ideas and statements is far from fixed. One could even argue that this collection changes with every debate or every news article. Within this research for instance in the case of the Netherlands, there is a variation in framing between 2012 and 2013. The statements made by state officials from mainly the ministry of Defence seemed to have changed over time. The reasons for this difference may vary, but still, within this research and due to the limited time and space, this discourse could only be displayed as *fixed*. In order to overcome this issue in further research, a more extensive process tracing method should be used in combination with the CFA method.

Finally, on the method being used in the analysis of the influence of the *deeper values* within both societies a number of implications can be given. While on the one hand the question, why a certain discourse has become dominant over other competing discourses, is a very interesting and relevant question to raise, it also a challenging one. In order to answer this question we need to understand where a certain preference comes from. Unfortunately, to answer this question an extensive analysis is needed whereby the relationship between an identity of a nation and the relevant phenomenon can be analysed. If this relationship was one of cause-effect or linear of some sort, this should not be a problem, but when *'foreign policy discourses articulate and intertwine material factors and ideas to such an extent that the two cannot be separated from one another'* (Hansen, 2006: 1), this asks for an extensive analysis. Within the scope and available time for this research this question is not answered to the fullest. First of all, although a conscious choice for including the roles given to the royal navy and the PMI as explanatory variable, the interpretation given to these identities is not the only interpretation that could be given. As explained previously, arguments can be given that the research conducted in this thesis can be judged as not complete enough to fully substantiate all conclusions.

Second, as already mentioned in chapter three, although we believe in the explanatory power of the roles given to the royal navy and the PMI, these are not the only variables or *deeper values* that probably have influenced this decision. Other explanatory variables that are not taken into account for this thesis but could have influenced this decision just as much as the roles given to these two actors are, for instance, the difference in political system between both nations; the influence of the British neoliberal (*Thatcher*) background versus the Dutch *polder model*; the possible larger lobbying efforts of the PMI in the UK; the possible larger lobbying efforts of the Royal Navy in the Netherlands; or finally, the possible larger fear for diplomatic and legal scandals within the Netherlands. In short, to complete this research further research that also focuses on these variables should be conducted. To summarize, the *cui bono* question that could be raised about this phenomenon is not addressed

extensively. Various actors had a significant interest in one of the two decisions that could have been made. Every nation has its proponents and opponents of privatisation, and one can assume that all of them have tried to influence this decision. To really substantiate the claim about '*which deeper value is more influential*' further research towards these interests would be necessary. To conclude, despite the limitations of the method being used in the very last section of this thesis, this research contributes to the theoretical debate in fields such as the private military industry literature; foreign policy analysis literature; and the IR debate in general. Further it learned the author an innumerable amount of lessons and was a scientific journey for the author that started a hopefully long and versatile career.

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Appendix A.

Verloo's Critical Frame Analysis Supertext Template Original

original by Verloo, 2007

NUMBER/CODE/ TITLE (max 20 signs)

- Full title
- (In English and in original language)
- Country/Place
- Issue
- Date
- Type/status of document
- Actor(s) and gender of actor(s) if applicable
- Audience
- Event/reason/occasion of appearance
- Parts of text eliminated

Voice

SUMMARY

- Voice(s) speaking
- Perspective
- References: words/concepts (and where they come from)
- References: actors
- References: documents

Diagnosis

SUMMARY

- What is represented as the problem?
- Why is it seen as a problem?
- Causality (what is seen as a cause of what?)
- Dimensions of gender (social categories/identity/behavior/norms & symbols/institutions)

- Intersectionality
- Mechanisms (resources/norms & interpretations/legitimization of violence)
- Form (argumentation/style/conviction techniques/dichotomies/metaphors/contrasts)
- Location (organization of labor/organization of intimacy/organization of citizenship)

Attribution of roles in diagnosis

SUMMARY

- Causality (who is seen to have made the problem?)
- Responsibility (who is seen as responsible for the problem?)
- Problem holders (whose problem is it seen to be?)
- Normativity (what is a norm group if there is a problem group?)
- Active/passive roles (perpetrators/victims, etc.)
- Legitimization of non-problem(s)

Prognosis

SUMMARY

- What to do?
- Hierarchy/priority in goals
- How to achieve goals (strategy/means/instruments)?
- Dimensions of gender (social categories/identity/behavior/norms & symbols/institutions)
- Intersectionality
- Mechanisms (resources/norms & interpretations/violence)
- Form (argumentation/style/conviction techniques/dichotomies/metaphors)
- Location (organization of labor/intimacy/citizenship)

Attribution of roles in prognosis

SUMMARY

- Call for action and non-action (who should [not] do what?)
- Who has voice in suggesting suitable course of action?
- Who is acted upon? (target groups)
- Boundaries set to action
- Legitimization of (non)action

Normativity

SUMMARY

- What is seen as good?
- What is seen as bad?
- Location of norms in the text (diagnosis/prognosis/elsewhere)

Balance

SUMMARY

- Emphasis on different dimensions/elements
- Frictions or contradictions within dimensions/elements

Appendix B.

Overview world fleet share and overview attempted piracy attacks

Table 1.

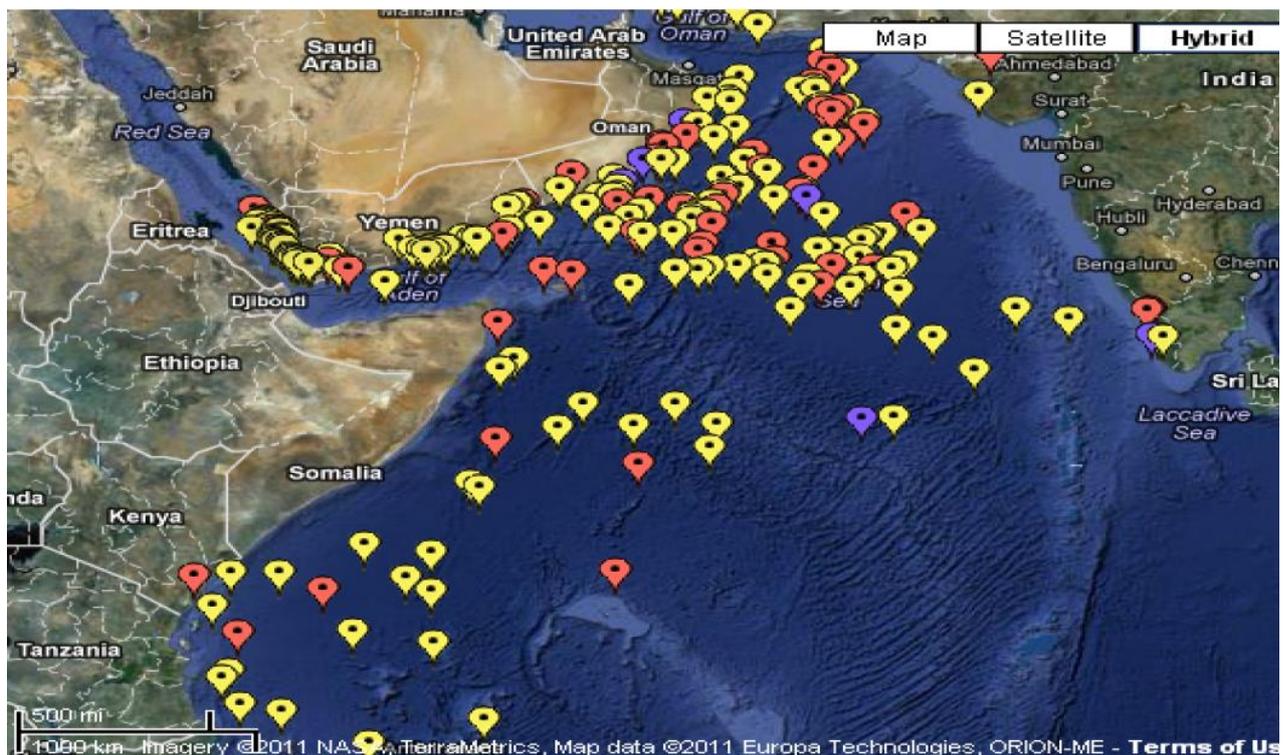
Number of vessels / share of world fleet

	No. of NL vessels above 100GT	No. of UK vessels above 100GT	No. of NL vessels above 1000GT	No. of UK vessels above 1000GT	NL share of world fleet total all above 100GT vessels	UK share of world fleet total all above 100GT vessels
2008	1 248	1 631	503	394	1.28	1.67
2009	1 296	1 676	491	398	1.30	1.68
2010	1 332	1 697	528	357	1.30	1.66
2011	1 302	1 638	522	366	1.26	1.58
2012	1 382	1 662	576	230	0.54	1.22
2013	1 250	1 343	757	415	0.53	1.30
average	1302	1608	563	360	1.25	1.52

Source: UNCTAD Review of Maritime Transport '08, '09, '10, '11, '12

Figure 1.

Total attacks High Risk Area in 2011



Source: ICC- IMB (2011) Piracy and Armed Robbery Against Ships Report – Annual report 2011

Figure 2.
Total attacks High Risk Area in 2012



Source: ICC- IMB (2012) *Piracy and Armed Robbery Against Ships Report – Annual report 2012*

Table 2.
Overview attempted attacks and attacks between 2006 and 2013 on British and Dutch vessels in the Somali region

*Vessel flagged as Netherlands Antilles, but counted with the Netherlands

**Vessel flagged as Curacao, but counted with the Netherlands

2006: Attacks: 0, Attempted attacks: 0

2007: Attacks: 0, Attempted attacks: 1 UK, 2 NL

16.	11.08.2007 1200 UTC Steaming Attempted	Parana Refrigerated Cargo United Kingdom 12348 8706777	01:46N – 052:59E, Somalia	Suspected pirates, in a boat, attempted to attack the ship underway. The ship altered course and the boat altered onto a collision course. The ship took evasive manoeuvres, increased speed and attempted to contact the boat on vhf, but without any response. After following for one hour, the suspected pirates aborted the attempt and moved away.
17.	23.08.2007 0555 UTC Steaming Attempted	Safmarine Cotonou Container Netherlands 21054 8417223	00:58N – 050:48E, Somalia	The ship, underway, spotted a suspected pirate boat at a range of 10 NM. The boat suddenly increased speed and headed for the ship. The ship increased speed and took evasive manoeuvres to maintain a CPA of not less than 5 NM with the boat. The suspected boat pursued the ship for around two and a half hours before giving up the pursuit.

3.	27.02.2007 0945 UTC Steaming Attempted	Rainbow Warrior Yacht Netherlands 555 5300481	21:11.47N – 059:33.70E, Oman	The yacht was contacted by a passing vessel asking for a weather report and number of crew onboard on vhf. Suddenly four suspicious speedboats with three persons on each boat emerged from the vessel and sped towards the yacht. One boat had a tripod mounted in the bow. Skipper raised alarm, crew mustered and activated fire hoses. A distress message was sent by vhf. A coalition warship responded to the distress call. Skipper doubled anti piracy watch. Suspicious boats moved away.
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2008: Attacks: 1 NL

12.	14.02.2008 0341 LT Steaming Boarded	Safmarine Cotonou Container Netherlands 21054 8417223	06:43.5S – 039:43.8E, 20 NM Off Tanzania Coast, Tanzania	Three pirates boarded the ship from a small wooden boat equipped with an out board engine. The ship was drifting, awaiting berthing instructions. Alert duty crew noticed the pirates and the alarm was raised, ship's whistle sounded, crew mustered and master increased speed. Pirates fled immediately. Upon inspection, two containers were found opened.
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Attempted attacks: 2 UK

9.	23.05.2008 0430 UTC Steaming Fired upon	Cape Merlin Bulk Carrier United Kingdom 77503 9056818	13:16.2N – 049:08.7E, Gulf of Aden	Four pirates armed with automatic guns and rocket launchers in a grey coloured, long speed boat approached the ship underway from the port quarter. They fired at the bridge and accommodation. Master raised alarm, increased speed, took evasive manoeuvres and crew mustered. OOW informed ships in vicinity via VHF Ch. 16. The pirates tried to board the ship without success and finally aborted the attempt. One, white
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37.	02.10.2008 0745 LT Steaming Attempted	Toronto Vehicle Carrier United Kingdom 61321 9302205	13:07.40N – 048:45.80E, Gulf of Aden	A suspected pirate mother vessel approached the ship underway. When the range was about 3 NM, the mother vessel launched a speed boat. As the speed boat approached, ship's crew noticed two pirates armed with guns and then saw another three coming out of hiding with a portable ladder. Ship took anti piracy measures and carried out evasive manoeuvres. The boarding was averted.
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2009: Attacks: 2 UK, 1 NL*

19.	23.10.2009 2300 UTC Steaming Hijacked	Lynn Rival Yacht United Kingdom - -	Enroute to Tanzania from Seychelles, Off Somalia	Pirates boarded and hijacked the yacht underway. They sailed the yacht to Somali coast where the yacht was abandoned and two crewmembers transferred to another hijacked vessel held along the coast of Somalia.
17.	07.05.2009 0605 UTC Steaming Hijacked	Marathon General Cargo Antilles Netherlands 1655 7529330	13:43N – 050:35E, Gulf of Aden	Armed pirates in skiffs attacked, boarded and hijacked the ship with eight crewmembers. One crewmember was killed and another injured when the pirates boarded and hijacked the ship. The hijacked ship proceeded towards the Somali coast where a ransom was demanded. The crew and ship was released on 23.06.2009. It is believed a ransom was paid for their safe release.
20.	28.12.2009 1449 UTC Steaming Hijacked	St James Park Chemical Tanker United Kingdom 7926 9072836	12:58N – 048:34E, Gulf of Aden	Pirates attacked and hijacked the tanker underway. The hijackers sailed the tanker to an undisclosed location in Somalia.

Attempted attacks: 2 NL, 2 NL*

13.	25.03.2009 0730 UTC Steaming Attempted	Explorer III Research Netherlands Antilles 356 9171656	00:24.1N – 056:01.5E, About 600 NM East of Mogadishu, Somalia	Two speedboats chased the vessel underway. Master increased speed and took anti-piracy measures. Later, the boats stopped and moved away.
39.	02.11.2009 1200 UTC Steaming Fired upon	Jo Cedar Chemical Tanker Netherlands 22627 8919049	07:52.7S – 047:42.9E, Around 600 NM SSE of Mogadishu, Somalia	One skiff with five pirates chased and fired upon the tanker underway while two more skiffs stood by in the vicinity. Ship increased speed and enforced evasive manoeuvres and moved away. Tanker sustained bullet holes.
10.	02.01.2009 0820 UTC Steaming Fired upon	Samanyolu General Cargo Antilles Netherlands 2050 7928768	14:18.9N – 050:52.0E, Gulf of Aden	Five armed pirates in a boat approached the ship underway. Master raised alarm, took evasive manoeuvres and contacted coalition warships. Pirates fired upon the ship with RPG and guns. Ship's crew fired rocket flares at the pirate boat which caught fire. The pirates were apprehended by a coalition helicopter which arrived and shot at the pirate boat.

14.	13.01.2009 0810 UTC Steaming Fired upon	Nedlloyd Barentsz Container Netherlands 66526 9189366	12:24.5N – 044:57.7E, Gulf of Aden	One boat with six pirates armed with guns and RPG chased the ship underway. Pirates opened fire with RPG. Two warships in the vicinity provided assistance to the ship. After half an hour the attack was abandoned. The Russian warship chased the pirate boat but was instructed by Aden port control
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2010: Attacks: 1 UK

1.	01.01.2010 1912 UTC Steaming Hijacked	Asian Glory Vehicle Carrier United Kingdom 44818 9070474	10:47N – 061:37E, About 620NM East of Somali Coast, Somalia	Pirates hijacked a ship underway and took her 25 crewmembers hostage. Pirates then sailed the ship to an undisclosed location in Somalia. It is believed a ransom was paid for the safe release of the crew and vessel
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Attempted attacks: 2 UK, 1 NL

5.	15.03.2010 1318 UTC Steaming Fired upon	Tortugas Vehicle Carrier United Kingdom 61321 9319765	11:02S – 046:57E, Around 775 NM South of Mogadishu, Somalia	Initial reports indicate pirates in skiffs armed with RPG and guns chased and fired upon the ship underway. Master raised alarm, increased speed and took evasive manoeuvres. The ship has managed to evade the attack. No injuries to crew. The ship sustained some damages.
77.	29.11.2010 0240 UTC Steaming Fired upon	Iver Exact Chemical Tanker Netherlands 29456 9307982	16:59.6N – 067:12.3E (Around 750 NM East of Salalah, Off Oman), Off Somalia	Five armed pirates in a skiff chased and fired upon the tanker underway with intent to hijack. Master raised alarm, increased speed, took evasive manoeuvres and instructed all crew except the bridge team to take shelter in the citadel. The pirates attempted to board the tanker several times and finally they managed to hang a ladder on the razor wire around the main deck. A pirate attempted to climb onboard, but was unsuccessful due to the aggressive manoeuvres. Later the skiff aborted the attempt and was seen heading back towards its mother ship.

79.	02.12.2010 0805 UTC Steaming Attempted	CMA CGM Wagner Container United Kingdom 65247 9280665	09:22N – 070:24E (Around 160 NM NW of Minicoy Island, India), Off Somalia	A container ship underway noticed two fishing vessels on radar at a distance of eight NM. Ship enforced all anti piracy measures. When the fishing vessels were four NM range, one fishing vessel released a skiff which approached the ship at high speed. The skiff approached the ship to about 300 metres and four pirates were seen armed with RPG and guns preparing to fire at the ship. Due to ship's speed and evasive manoeuvres, the skiff dropped back and later moved towards mother vessel. No shots fired.
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2011: Attacks: 1 UK

2.	03.01.2011 1039 UTC Steaming Boarded	CPO China Chemical Tanker United Kingdom 29636 9434204	15:48N – 059:49E (Around 330 NMESE of Salalah, Oman), Off Somalia	Pirates in two skiffs armed with automatic guns and RPG chased and fired upon the tanker underway with intent to hijack. Master raised alarm, contacted authorities for assistance, increased speed and took evasive manoeuvres. The pirates made several attempts to board the tanker and finally managed to gain access. All crew entered the safe room / citadel. Master informed the authorities that all crew safe in citadel and that they were able to
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Attempted attacks: 3 UK

1.	01.01.2011 1321 UTC Steaming Fired upon	Green Park Chemical Tanker United Kingdom 11590 9276262	13:09N – 048:49E, Gulf of Aden	Six pirates in a skiff chased, fired upon and attempted to board the tanker underway. Due to evasive manoeuvres and effective anti piracy measures, the hijack was evaded.
45.	22.07.2011 0942 UTC Steaming Attempted	Ever Ethic Container United Kingdom 76067 9241293	13:00.4N – 048:22.0E, Gulf of Aden	Six armed pirates in a skiff chased the ship underway. Master raised the alarm, took evasive manoeuvres, increased speed to maximum and contacted the coalition forces. The ship managed to evade the attempt.

47.	23.07.2011 0523 UTC Steaming Attempted	Ever Ethic Container United Kingdom 76067 9241293	13:41.3N – 042:57.4E (Around 40 NM NxE of Assab, Eritrea), Red Sea	Pirates in two skiffs approached the ship underway. Master raised alarm, increased speed, took evasive manoeuvres and crew activated fire hoses. The pirates chased the ship and later aborted the attempted attack. At 0646 UTC, another skiff rushed out from Abu-Ali Island towards the ship at high speed. Due to the razor wire rigged along the ship's side and the evasive manoeuvres the pirates aborted the attack. A mother vessel was sighted in the vicinity.
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2012: Attacks: 0, Attempted attacks: 1 NL, 1 NL**

5.	17.01.2012 0632 UTC Steaming Attempted	Flintstone Pipe Layer Vessel Netherlands 21401 9528433	13:32N – 055:44E (Around 93nm NE of Socotra Island, Yemen), Off Somalia	Armed pirates in a skiff approached the ship underway. The armed security team onboard showed their weapons and made their presence known. The pirates aborted the approach and moved away.
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33.	25.06.2012 1516 UTC Steaming Attempted	Etagas LPG Tanker Curacao 7314 8712570	25:15.0N – 057:16.4E (Around 48nm East of Fujairah, UAE/Gulf of Oman) Off Somalia	Pirates armed with guns, in two skiffs approached the tanker underway and closed in to 0.6nm from the tanker. Master fired warning flares and pyrotechnics, increased speed and manoeuvred the tanker to keep the skiffs right astern. Navies in vicinity informed. An Iranian Naval warship responded and escorted the tanker until the skiffs were clear. All crew safe.
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2013: Attacks: 0, Attempted attacks: 0

Appendix C.

Critical Frame Analysis template modified

adopted from Verloo (2005), for the analysis of the piracy problem

Critical Frame Analysis coding scheme

- **Title:**
- **Date:**
- **Type of document:**
- **Source:**
- **Author:**
- **Perspective of author:**
- **Audience:**
- **Perspective of audience:**

Diagnosis

- **what is represented as the problem?**
- **Why is it seen as a problem?**
- **Causality (what is seen as a cause of what?)**

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
- **Problem holders (whose problem is it seen to be?)**
- **Other active/passive roles in the context of the problem.**

Prognosis

- **What are represented as policy options?**
- **what is seen as the (best) solution to the problem?**

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**
- **Which groups benefit most from the action?**
- **Are there boundaries set to action?**
- **Is there a legitimization of (non)action presented?**

Summary

- **What is seen as good?**
- **What is seen as bad?**

Appendix D.

List of Dutch documents included in the CFA

Date	Number	Title
2010-12	No. 72	Advisory Council on International Affairs (AIV) Combating Piracy at Sea, A reassessment of public and private responsibilities. (not included in the CFA, but government reactions are taking into account, therefore reading of this document has been conducted)
1) 2011-03-15	32706-1	Letter from the Minister of Defence: security of maritime routes
2) 2011-04-01	32706-5	Government reaction on the AIV No.72 advise
3) 2011-04-18	32706-6	Report of parliamentary debate: security of maritime routes /VPDs
4) 2011-05-20	DVB/CV 140/11	Government follow-up reaction on the AIV No.72 advise
5) 2011-09-01	J-9249	Advisory board for private armed protection against piracy: Monopoly on Violence and Piracy (Committee Wijkerslooth)
6) 2011-10-07	32706-19	Government reaction on the Wijkerslooth report
7) 2012-01-09	32706-24	Report of parliamentary debate: security of maritime routes /VPDs
8) 2013-04-26	32706-44	Government position on VPDs (new cabinet)
9) 2013-02	Ginkel, et al. (2013)	Ginkel, B. & van der Putten, F. & Molenaar, W., State or Private Protection against Maritime Piracy?, Clingendael Netherlands Institute of International Relations
10) 2013-06-21	KVNR (2013)	Koninklijke Vereniging van Nederlandse Reders, Position paper KVNR en Nautilus Int bescherming tegen piraterij

Appendix E.

List of British documents included in the CFA

- 1) Foreign and Commonwealth Office (2011), Speech Tackling piracy: UK Government response, delivered by Foreign Office Minister Henry Bellingham to the British Chamber of Shipping, 12 October 2011
- 2) Foreign Affairs Committee (2012a), Piracy off the coast of Somalia, Tenth report of Session 2010-2012, By authority of the House of Commons, Published on 5 January 2012
- 3) House of commons (2012a) note SN3794, Piracy at sea: overview and policy responses, library House of Commons, Section Business and Transport, 28 February 2012
- 4) House of commons (2012b) note 6237, Preventing and prosecuting piracy at sea: legal issues, Library House of Commons, Section International Affairs and Defence, 28 February 2012
- 5) Foreign Affairs Committee (2012b) Tenth Report of Session 2010-12, Piracy off the coast of Somalia, Response of the Secretary of State for Foreign and Commonwealth Issues, March 2012.
- 6) Department of Transport (2012b) Speech Armed Guards to Tackle Piracy, delivered by Rt Hon Justine Greening MP, the Secretary of State for Transport, 16 may 2012
- 7) Chatham House (2009) Piracy and Legal Issues: Reconciling Public and Private Interests , Africa Programme and International Law, Conference Report, 1 October 2009
- 8) Anyimadu, A. (2013) Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean, Chatham House, July 2013, Africa 2013/02

Appendix F.

Full Critical Frame Analysis: British documents²⁵

1. Foreign and Commonwealth Office (2011) (CFA UK 1)

- **Title:** Tacking Piracy: UK Government response
- **Date:** 12 October 2011
- **Type of document:** Speech
- **Source:** Gov.UK, Foreign & Commonwealth Office and Henry Bellingham MP
- **Author:** Foreign Office Minister Henry Bellingham
- **Perspective of author:** representing the government, explaining governments' position, their response to counter-piracy and their interests.
- **Audience:** British Chamber of Shipping
- **Perspective of audience:** representing the shipping industry in the UK, interest: prosperity for the UK shipping industry

Diagnosis

- **what is represented as the problem?**
Somali piracy
- **Why is it seen as a problem?**
'the crimes committed on the high seas off the coast of Somalia have a direct impact on the UK's security, prosperity and the lives of British people. '
human impact of piracy *'the suffering of innocent seafarers must not be ignored'*
'piracy is a scourge that creates misery and must be defeated, we must work to make that happen'
'as a major trading nation and global maritime centre, the UK places great importance on shipping'
- **Causality (what is seen as a cause of what?)**
N.A.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
- **Problem holders (whose problem is it seen to be?)**
- **Other active/passive roles in the context of the problem.**
'our relationship with industry and our international partners are central to effective action'.

Prognosis

- **What are represented as policy options?**
The UK has done: (1) participate in the international contact group on piracy off the coast of somalia, (2) military: international navy missions (3) industries own BMP (4) private armed

²⁵ All of the text in italics within all CFA supertexts are direct quotes from the analysed documents.

security: 'I know this is an issue which matters a lot to the industry' (5) a number of fundings for UN programmes in Somalia (6) assistance in the region (7) solution on land in Somalia

- **what is seen as the (best) solution to the problem?**

'there is no doubt that private armed security provides significant protection' (together with every other effort the UK government is already doing)

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

'one of the most important duties of a government is to protect UK citizens, both at home at abroad.'

'The government is determined to respond robustly and comprehensively to the threat from piracy'

'The central role of the shipping industry'

'the problem is not something the UK alone can solve. We must bring our partners with us'

'we need to do all we can together to protect ships and their crews from attack'

'Ultimately it is down to the industry to analyse its own risks, decide what security it needs and who it wants to provide it.'

'piracy is a scourge that creates misery and must be defeated, we must work to make that happen'

- **Which groups benefit most from the action?**

N.A. not discussed, but it is clear from his speech towards the 'shipping industry' that they are the target group that needs to benefit from the government's policy.

- **Are there boundaries set to action?**

'you will all understand that the complex legal issues linked to use of firearms need to be considered very carefully, including the extent of any regulation necessary'

'we are planning for the arming of ships to be a temporary measure only'

'there are risks: there military must be told armed security is aboard, any use of force must be in compliance with the law and it is essential that armed security is not used as an excuse for the highly effective self-protection measures to be put to one side'

'but the key risk is quality, there are many providers out there, many of them have a good reputation but some are cowboys.'

- **Is there a legitimization of (non)action presented?**

N.A.

Summary

- **What is seen as good?**

Working together between government and industry

working together internationally

British efforts so far

- **What is seen as bad?**

Piracy and the problems piracy brings

2. Foreign Affairs Committee (2012a) (CFA UK 2)

- **Title:** Piracy off the coast of Somalia, Tenth report of Session 2010-2012
- **Date:** 5 January 2012
- **Type of document:** Report of parliamentary debate in the Foreign Affairs Committee
- **Source:** Foreign Affairs Committee, House of Commons
- **Author:** Foreign Affairs Committee
- **Perspective of author:** Members of Parliament from all political parties, representing the British people, monitoring of the government and ensuring the 'best possible' policy.
- **Audience:** All British citizens with an interest in the piracy issue
- **Perspective of audience:** varying

Diagnosis

- **what is represented as the problem?**
 - 'Over 3,500 seafarers have been held hostage, and 63 have been killed'*
 - 'The first three months of this year (2011) saw piracy attacks worldwide hit an all time high'*
 - 'The rise in attacks coincided with an increase in violence'*
 - 'It is not the traditional maritime piracy, it is hostage and ransom piracy'*
 - 'the recent abductions of European tourists and aid workers close to the Somali border is also problematic'*
- **Why is it seen as a problem?**
 - 'Somali piracy is a major issue for the world economy'*
 - 'Somali piracy also has the potential further to destabilize an already precarious situation in Somalia and affect the surrounding region'*
 - 'perpetuates instability in Somalia and threatens the economies and well-being of other states in that region'*
 - 'Somali piracy may also pose a potential threat to international security, there are fears that piracy may contribute to further conflict and acts of terrorism' but, 'there has been no evidence of a link between the pirates and al-shabab, the terrorists in Somalia'*
 - 'other witnesses and submissions drew our attention to the human cost of piracy'*
 - 'Piracy off the coast of Somalia has so far directly affected very few British citizens'*
 - 'Industry organisations argue that Somali piracy particularly affects British economic interests'*
 - Minister of 'overseas territories' Bellingham: *'the crimes committed on the high seas of Somalia have a direct impact on the UK's security, prosperity and the lives of British people'.*
- **Causality (what is seen as a cause of what?)**
 - illegal fishing and dumping of waste is named but not acknowledged and even negated, causes:
 - (1) *'Following the fall of General Mohamed Siad Barre's dictatorial regime in 1991, Somalia has been in a state of almost perpetual conflict. It now suffers from multiple and diverse challenges, including a government that has been unable to project its power.'*
 - (2) *ongoing conflict between the government and al-shabab which controls much of the southern region*
 - (3) *a famine that has put 4 million people in crisis*
 these three has lead to Somali being the most failed of the world's failed states.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
Pirates: *'simple maritime criminals'* or *'former fishermen who were forces to protect their waters from illegal fishing and dumping of waste following the breakdown or order in Somalia'*
- **Problem holders (whose problem is it seen to be?)**
'The threat is not primarily to UK ships as very few have been captured. Rather, the threat is to the UK's economy and security. Piracy affects the UK's banking, insurance and shipping industries, and threatens the large volume of goods which are transported to the UK by sea.'
Summary: (1) world economy, (2) surrounding states economy, (3) few British citizens, (4) international security, (5) British banking, insurance and shipping industry (6) UK's prosperity.
- **Other active/passive roles in the context of the problem.**
Al'shabab: terrorist organisation that maybe benefits from piracy revenues

Prognosis

- **What are represented as policy options?**
 - (1) The developing of the Best Management Practices (BMP) by the shipping industry themselves
 - (2) naval responses: (NATO Ocean Shield, EUNAVFOR Atalanta, US-led Task Force 151)
 - (3) Vessel Protection Detachments (VPDs): *'Industry witnesses expressed a strong preferences for VPDs over private armed guards', "The Minister acknowledged industry enthusiasm for VPDs but cautioned that resources are scarce: 'We have done it before. We have done it in different strategic areas. It is all a question of availability of resources. At the moment, our armed forces are very heavily committed. If a stage was reached when our armed forces were less committed, I am sure that the MoD would look at a request for providing VPDs.'*
Committee: *'VPDs are an attractive option, but we acknowledge that resources are extremely limited at present. We conclude that the government should engage with the shipping industry to explore options for the industry to pay for VPDs of British naval or military personnel on board commercial shipping'*.
 - (4) Private armed security guards (PASGs): *'Until recently, it was widely judged that the risks of PASGs on board ships outweighed the benefits, and the IMO, the UK government and industry organisations all discouraged their use. However, over the last 12 months the use of PASGs has become increasingly accepted by the mainstream maritime industry.'*
'Hitherto, UK policy has not allowed the use of PASGs on board British-flagged ships, but on 30 October 2011 the Prime Minister announced that this policy would be changed and on 6 December, the Department for Transport issued guidance on the use of private armed guards.'
Concerns: (1) The provision of PASGs could lead to an arms-race with the pirates which could lead to escalation of violence, (2) nautilus is concerned that smaller vessels will now have more risk of getting attacked, because they do not carry PASGs.

- **what is seen as the (best) solution to the problem?**

1 and 2 are already deployed and working like they should, choice between 3 (VPDs) and 4 (PASGs) is in favour of 4 (PASGs)²⁶:

'Despite the concerns, the continuing armed threat has, for some, shifted the balance in favour of using private armed security.'

'the undeniable success of armed guards gives considerable force to arguments in favour of their use.'

'We conclude that for too long the Government failed to respond to the urgent need for armed protection. However, we welcome the Prime Minister's recent announcement that the Government's position would be reversed and that private armed guards will be permitted on UK-flagged vessels. We agree that the evidence in support of using private armed security guards is compelling and, within legal limits and according to guidance, shipowners should be allowed to protect their ships and crew by employing private armed security guards if they wish to do so.'

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

Not directly discussed

- **Which groups benefit most from the action?**

Not directly discussed

- **Are there boundaries set to action?**

Yes, these boundaries are discussed in the 'Interim Guidance'.

Critic from the Committee on this guidance:

On responsibility PASGs/Shipowner/Government:

'We conclude that the guidance on the use of force, particularly lethal force, is very limited and there is little to help a master make a judgment on where force can be used. The Government must provide clearer direction on what is permissible and what is not. Guidance over the use of potentially lethal force should not be left to private companies to agree upon. We recommend that the change of policy be accompanied by clear, detailed and unambiguous guidance on the legal use of force for private armed guards defending a vessel under attack. This guidance should be consistent with the rules that would govern the use of force by members of the UK armed forces in similar circumstances, and should include:- the circumstances in which private armed security guards faced with a clear threat of violence may respond with force, including lethal force, where proportionate and necessary, and - examples of a "graduated response" to an attack, including confirmation that nothing in UK law or the CPS guidance requires a victim of pirate attack to await an aggressor's first blow before acting in self-defence. We recommend that the Government take this forward as a matter of urgency, as we understand that private armed guards are already being deployed on some UK-flagged vessels.'

On quality of PMSCs:

'We conclude that it is vital to ensure that armed guards are properly trained and deployed in sufficient numbers. We urge the Government in its response to this report quickly to bring forward proposals for a national regulatory structure (whether governmental or industry based self-regulation) that would provide a measure of quality assurance.'

On Licensing of weapons:

²⁶ In this document the long-term on-land approach in Somalia as a solution is also discussed extensively, but for delimitation reasons of this research not discussed in this FCA.

'We conclude that the Government should take a more proactive approach to facilitate an effective and safe legal regime for the carriage and use of weapons for the purposes of deterring piracy. We recommend that the Government actively engage with port and coastal states surrounding Somalia to establish an agreement on the carriage and transfer of weapons by private armed guards so that they can be securely removed from vessels once they have exited the high risk area'.

- **Is there a legitimisation of (non)action presented?**

Yes, a legitimisation for all presented policy options is present. For the choice to choose PASGS in favour over VPDs the following legitimisation is given:

(1) "The Minister acknowledged industry enthusiasm for VPDs but cautioned that resources are scarce: It is all a question of availability of resources. At the moment, our armed forces are very heavily committed. If a stage was reached when our armed forces were less committed, I am sure that the MoD would look at a request for providing VPDs."

(2) Committee's reaction: 'VPDs are an attractive option, but we acknowledge that resources are extremely limited at present.'

(3) 'We conclude that for too long the Government failed to respond to the urgent need for armed protection. However, we welcome the Prime Minister's recent announcement that the Government's position would be reversed and that private armed guards will be permitted on UK-flagged vessels. We agree that the evidence in support of using private armed security guards is compelling and, within legal limits and according to guidance

(4) the undeniable success of armed guards gives considerable force to arguments in favour of their use.'

Summary

- **What is seen as good?**

- the Best Management Practices
- the current naval operations
- the success of armed guards so far
- giving the right to protection to the ship owners
- governments choice for allowing private armed guards on board commercial vessels

- **What is seen as bad?**

- piracy in general and the threats that it brings with it is seen as bad
 - governments respond to the urgent need for armed protection before 2011
 - current UK legislation is seen as not sufficient in all terms according to the committee, it falls short on a number of issues: responsibility, quality assurance of the PMSCs, licensing of weapons, therefore legislation should be changed/supplemented by the government.
- (Although even with the current legislation, 'the good' in the current privatisation is not seen as a bad implementation or a mistaken policy)

3. House of Commons (2012a) (CFA UK 3)

- **Title:** Piracy at sea: Overview and Policy response
- **Date:** 28 February 2012
- **Type of document:** Parliamentary briefing document
- **Source:** House of Commons Library
- **Author:** Louise Butcher, Business and Transport, House of Commons
- **Perspective of author:** Informing the British parliamentarians about the current piracy problem and policy responses, claims to: *produce independent, balanced and accessible briefings on public policy issues related to science and technology.*
- **Audience:** British parliamentarians
- **Perspective of audience:** Members of Parliament from all political parties, representing the British people, monitoring of the government and ensuring the 'best possible' policy.

Diagnosis

- **what is represented as the problem?**
Four types of piracy: (1) robbery, (2) permanent hijacking of ships, (3) hijacking ships to steal their cargoes, and (4) possible state-involved hijacking
between 2007 and 2011 the total number of annual incidents rose from 237 to 439, worldwide of the 439 attacks reported to the IMB in 2011, 275 attacks took place off Somalia.
- **Why is it seen as a problem?**
'piracy is considered a serious problem by governments and the shipping industry alike'
'become a threat to commercial vessels'
Links between piracy and terrorism are discussed: jihad at sea, the existence of terrorist groups at sea are questioned, 'no proven links between piracy and terrorism are found'.
- **Causality (what is seen as a cause of what?)**
N.A.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
The only actor that is talked about in this document was the UK government.
- **Problem holders (whose problem is it seen to be?)**
N.A.
- **Other active/passive roles in the context of the problem.**
N.A.

Prognosis

- **What are represented as policy options?**

A number of measurements that are already in action are given²⁷:

(1) collaborating with other navies (2) the government monitors the risk of terrorism
 (3) guidance issued to the industry in measures to counter piracy (4) further legislation towards the power to board ships (5) UK plays active role in IMO's Maritime Safety Committee

- **what is seen as the (best) solution to the problem?**

N.A., no hierarchy of solutions is given in this document

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

N.A. Not directly discussed, but the only actor that is named in this document was the UK government.

- **Which groups benefit most from the action?**

N.A.

- **Are there boundaries set to action?**

'Until a comprehensive legal framework is in place, owners and masters should follow the IMB and industry guidelines on the carriage of PCASP (Privately Contracted Armed Security Personnel).

- **Is there a legitimization of (non)action presented?**

UN resolutions and UK legislation which makes it possible to battle piracy are noted.

Summary

- **What is seen as good?**

N.A. the paper is drawn very objective.

- **What is seen as bad?**

Piracy, but in the document is not discussed why it is bad, only that it is a threat and a problem

²⁷ The author notes that UK policy on the use of armed security personnel is dealt with in SN6237, the document which can be found under House of Commons (2012b) and that is dealt with next in this CFA.

4. House of Commons (2012b) (CFA UK 4)

- **Title:** Preventing and prosecuting piracy at sea: legal issues
- **Date:** 28 February 2012
- **Type of document:** Parliamentary briefing document
- **Source:** House of Commons Library
- **Author:** Arabella Thorp, International Affairs and Defence Section, House of Commons
- **Perspective of author:** Informing the British parliamentarians about the current piracy problem and policy responses, claims to: *produce independent, balanced and accessible briefings on public policy issues related to science and technology.*
- **Audience:** British Parliamentarians
- **Perspective of audience:** Members of Parliament from all political parties, representing the British people, monitoring of the government and ensuring the 'best possible' policy.

Diagnosis

- **what is represented as the problem?**
'the resurgence of piracy at sea, particularly hijacking off the coast of Somalia'
'Piracy: an illegal act of violence, detention or depredation, on the high seas, committed for private ends, by a private vessel against another vessel.'
- **Why is it seen as a problem?**
N.A.
- **Causality (what is seen as a cause of what?)**
N.A.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
pirates
- **Problem holders (whose problem is it seen to be?)**
N.A.
- **Other active/passive roles in the context of the problem.**
N.A.

Prognosis

- **What are represented as policy options?**
'Much of the international efforts to counter piracy has focused on prevention and protection at sea': Naval patrols, PASGs
'Using private armed security guards are an alternative to naval protection. They are seen very effective.
- **what is seen as the (best) solution to the problem?**
'The use of VPDs however would avoid some of the problems of using PASGs, and many shipowners would prefer it'
Naval patrols together with the use of PASGs, because the capacity for VPDs is not available according to Captain David Reindorp, 6 July 2011.

However:

*'suggest that a unified and state-endorsed set of rules on the use of force would be beneficial'
'the FAC considers that more guidance is needed on when PASGs can use force to defend a vessel under attack'*

'Many in the shipping industry are not in favour of PASGs or at least see significant risks in their use.'

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

N.A.

- **Which groups benefit most from the action?**

N.A.

- **Are there boundaries set to action?**

'Piracy off the coast of Somalia is not generally viewed as an armed conflict, meaning that only reasonable and necessary force can be used in self-defence'

'there is a question about the degree of force allowed and whether it can be pre-emptive or only defensive'.

PASGs can only be used in limited circumstances: high seas, BMP are followed, only for reducing risk to the lives of those onboard the ship.

'The UK does not view piracy off the coast of Somalia as an armed conflict' therefore pre-emptive force cannot be used against suspected piracy.

PASGs and the use of force: self-defence in certain circumstances, self-defence against pirates could entail using non-lethal measures, ... ,But PASGs are increasingly carrying guns and other lethal equipment. Whether this is lawful under UK law would depend on whether it was necessary and reasonable to do so. It has even been suggested that an attack by PASGs on a suspected pirate ship could be interpreted as an act of piracy itself'.

'A ship's Master has ultimately authority on board. This includes the final decision on whether or not to have PASGs on board, and when they are armed, but the UK guidance states that the security team leader can act without the Master's approval if there is no time; and that the master does not have the final decision on whether or not to use lethal force, that's to the person's own judgement.'

- **Is there a legitimization of (non)action presented?**

International law gives the power to counter piracy (1982 UN Convention on the Law of the Sea, UNCLOS), *'Government forces may also use force against piracy on the high seas under UNCLOS', 'All necessary measures'*

'The UK interim guidance only provides little detail on when PASGs can lawfully use force'

Summary

- **What is seen as good?**

the right to protect yourself against piracy

- **What is seen as bad?**

current UK legislation (especially the lack of it)

the position of the ship's Master and the PASGs

5. Foreign Affairs Committee (2012b) (CFA UK 5)

- **Title:** Response to the Tenth Report from the FAC of Session 2010-12
- **Date:** March 2012
- **Type of document:** Governmental response to notes from the FAC report
- **Source:** Gov.uk, Secretary of state
- **Author:** Secretary of State for Foreign and Commonwealth Affairs, by Command of Her Majesty
- **Perspective of author:** representing the UK government, 'defending the government's policy decisions
- **Audience:** British Parliament
- **Perspective of audience:** Members of Parliament from all political parties, representing the British people, monitoring of the government and ensuring the 'best possible' policy.

Diagnosis

- **what is represented as the problem?**
piracy
- **Why is it seen as a problem?**
'piracy remains a threat to UK economic and security interests'
'we judge that it is necessary to remember the potential risks of piracy to the UK shipping industry.'
'we welcome the recognition that piracy is a serious threat to the interest of the UK and the international community more broadly.'
- **Causality (what is seen as a cause of what?)**
N.A.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
N.A.
- **Problem holders (whose problem is it seen to be?)**
N.A.
- **Other active/passive roles in the context of the problem.**
N.A.

Prognosis

- **What are represented as policy options?**
PMSCs versus VPDs:
'We do not agree with the Committee's recommendation that there is an operational need to provide Vessel Protection Detachments (VPDs). The current military effort combined with Best Management Practices (BMP) self-protection measures by the merchant shipping community has proven to be successful in reducing the number of ships hijacked despite an increase in the number of attacks.'
'We acknowledge that other nations are providing VPDs, but the Government considers that a more effective response is to continue to focus Royal Navy assets' efforts on strategic deter and

disrupt activities. This approach must be considered against the backdrop of wide ranging extant and enduring UK military commitments. Unless we find significant additional reason to do so, the MOD will not be providing military vessel protection detachments to commercial shipping in addition to those already provided to cargos of strategic national interests.'

'Additionally, the Government has recently changed its policy on allowing the use of private armed guards on UK-flagged vessels in exceptional circumstances when transiting the high risk area off the coast of Somalia.'

- **what is seen as the (best) solution to the problem?**

Everything what is already conducted, that includes PMSCs instead of VPDs

'We agree that the change in policy on the use of private armed guards on UK-flagged vessels is both necessary and beneficial.'

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

'the strength of the commitment between industry and government in tackling the scourge of piracy'

'the Department for Transport leads on engagement with the shipping industry, compliance of UK flagged vessels with Best Management Practices and the guidance to shipping companies on the use of private armed guards for counter piracy purposes'

- **Which groups benefit most from the action?**

The Shipping Industry: *'they can make their own assessments and do what is needed'*

- **Are there boundaries set to action?**

'The Government will aim to issue revised guidance by the end of April to clarify further what the UK law says on the use of force, but it remains for companies to seek independent legal advice as necessary when developing guidance on the use of force'

'Laws already exist governing the use of force, and it is for a court of law in a State which has jurisdiction over the conduct to determine whether the force used in the unique circumstances of a case was lawful within the relevant jurisdiction(s).'

'The Government does not provide legal advice to private individuals or companies and attempting to do so would risk complicating this issue further. Furthermore, the introduction of government-prescribed rules on the use of force would blur the distinction between private maritime security personnel as civilians only acting in the context of self-defence, and military personnel who may be authorised to use force for other reasons'

'It must remain for shipping companies and private security companies to agree between themselves upon the guidance of use of force within which armed guards are to operate. The criminal law will continue to apply regardless of the guidance given by shipping and security companies. Companies which have the expertise to offer armed security guards should have produced a coherent security plan which includes predetermined guidance on the use of force.'

'We agree that there is a need to ensure that appropriate regulatory structures are put in place for private maritime security firms. This is why, in a Written Ministerial Statement on 21 June 2011, we announced the appointment of ADS (Aerospace, Defence and Security) as our industry partner in developing and implementing UK national standards for private security companies working in complex or high risk areas. The ADS-initiated and industry-led Security in Complex Environments Group is currently drafting UK standards for these companies that will be used to audit and certify British companies' compliance with the

principles of the International Code of Conduct for Private Security Service Providers.'

- **Is there a legitimization of (non)action presented?**
N.A.

Summary

- **What is seen as good?**
UK efforts in battling piracy
the choice for PMSCs over VPDs
The reduction of piracy so far
the efforts of UK government in making their legislation better
- **What is seen as bad?**
the piracy problem
Some unnecessary criticism from the committee
The continuing question for VPDs

6. Department for Transport (2012b) (CFA UK 6)

- **Title:** Armed guards to tackle piracy
- **Date:** 16 May 2012
- **Type of document:** Speech
- **Source:** gov.uk, Department for Transport and the Rt Hon Justine Greening MP
- **Author:** Rt Hon Justine Greening MP, the Secretary of State for Transport
- **Perspective of author:** representing the UK government, especially the Department for Transport
- **Audience:** full delegation of the Somali international Conference in London where delegations over 50 countries were present, government leaders, shipping industry representatives, ambassadors, ministers and other stakeholders
- **Perspective of audience:** varying, but all an interest in solving the piracy problem (as well as for the UK and worldwide)

Diagnosis

- **what is represented as the problem?**
'Somali piracy is a complete stain on our world'
- **Why is it seen as a problem?**
'as a major trading nation and a global maritime centre the UK places great importance on shipping'
'we also want to see a safe and prosperous global maritime industry (next to the UK industry)'
'free and safe trading by sea is crucial to world economic growth'
'threatening shipping and costing the international economy an estimated 7 billion USD a year.'
- **Causality (what is seen as a cause of what?)**
began 20 years ago as a small scale problem, grown into a highly lucrative business,

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
pirates
- **Problem holders (whose problem is it seen to be?)**
'while governments and the shipping industry feel the financial impact, it's the human victims of Somali piracy who are paying the biggest price'
- **Other active/passive roles in the context of the problem.**

Prognosis

- **What are represented as policy options?**
‘number of initiatives already being implemented, but now we need a global response’
‘action on land to improve stability remains the ultimate answer but will take time’
- **what is seen as the (best) solution to the problem?**
‘one of the most effective ways we can capitalize on our shared strengths would be to develop an internationally agreed approach to the use of armed guards on ships’
‘The UK would like to see an internationally co-ordinated and consistent process for embarking and disembarking private security staff and weapons in countries around the region to ensure the safety of seafarers and vessels.’

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**
‘we need a global response’
‘we need to ensure that the protective measures are effective and safe for the seafarer’
‘we need an international accreditation for PMSCs’
- **Which groups benefit most from the action?**
- **Are there boundaries set to action?**
‘by a full risk assessment, and where professional standards can be achieved and assured’
‘we believe that the entire process of international accreditation for PMSCs must be open, transparent and inclusive.’
- **Is there a legitimization of (non)action presented?**
‘where their use is justified by a full risk assessment, and where professional standards can be achieved and assured, we believe armed guards can provide an effective deterrent.’

Summary

- **What is seen as good?**
Working together,
combating piracy,
make international legislation
Making the use of PMSCs possible worldwide
- **What is seen as bad?**
piracy
the costs piracy brings for the global economy
every nation making its own policy

7. Chatham House (2009) (CFA UK 7)

- **Title:** Piracy and Legal Issues: Reconciling Public and Private Interests
- **Date:** 1 October 2009
- **Type of document:** Conference report
- **Source:** Chatham House website
- **Author:** researches from Chatham House
- **Perspective of author:** objective British think tank that organised a conference on Piracy and legal issues
- **Audience:** all stakeholders who are participating in the conference and other interested parties
- **Perspective of audience:** varying

Diagnosis

- **what is represented as the problem?**
'Piracy is defined internationally as illegal acts of violence or detention committed for private ends by the crew or passengers of a private ship on the high seas against another ship, or against persons or property on board.'
'The typical acts of piracy committed off the coast of Somalia seem to be piracy indeed, rather than terrorist offences. But particular acts may amount to a number of offences and they must be dealt with on a case by case basis.'
- **Why is it seen as a problem?**
'Piracy is expected to continue in the future, since the benefits to the pirates still far outweigh the risks they face.'
it harms both public interests and private interests; further explained under 'problem holders'
- **Causality (what is seen as a cause of what?)**
n.a.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
nvt
- **Problem holders (whose problem is it seen to be?)**
'The interests of states are primarily in the deterrence, disruption and prevention of acts of piracy, and in the bringing of pirates to justice.'
'The stakeholders in a laden ocean-going vessel are numerous. At the centre is the ship-owner, often a company owning one ship and registered in a country other than that of the domicile of its managing or operating company. The vessel will be under charter and, depending on the terms of the charter, either the owner or charterer will bear the not inconsiderable cost incurred by the lost time for the three or four months which now represent the average hijacking. The other main commercial stakeholder with a direct contractual relationship with the ship-owner is the cargo owner. Sometimes the cargo on board is more valuable than the ship and it may be a commodity whose value will decrease during the period of captivity. The potential losses in such cases may be significant.'
- **Other active/passive roles in the context of the problem.** n.a

Prognosis

- **What are represented as policy options?**

All options can be referred back to only two options: (1) For private arming of vessels, (2) Against private arming of vessels

- **what is seen as the (best) solution to the problem?**

'there are some fundamental arguments against the use of private security forces on board merchant vessels. BUT Until the threat of piracy diminishes, private security companies will continue to be given a role. But there will also continue to be disagreement as to whether it is effective or otherwise desirable to hire armed security guards for commercial vessels. It is clear that the legal issues surrounding the rules of engagement for gunboats, jurisdictional issues, insurance, and legal status need further consideration.'

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

- **Which groups benefit most from the action?**

The involved actors with private interests; the actors named under the second part of 'problem holders'.

'commercial interests are shared by governments who gain tax revenue from a healthy industry; humanitarian concerns should be shared by all; it is in the interests of all (even lawyers) that piracy be stopped; what is needed is more work on coordination and recognition of longterm interests on both sides.'

- **Are there boundaries set to action?**

'Hiring private security companies may paradoxically not assist with the protection and safety of seafarers; the prevalent risk of escalation into a fire-fight may make this too high a risk to take for the shipping industry'

'A commercial vessel may not want to risk incurring liability for damages, liability to crew, collateral damage and also being in the position of capturing pirates but not having enough evidence to hand them over for prosecution.'

- **Is there a legitimization of (non)action presented?**

'Current naval operations can protect shipping vessels only to a certain degree. Deterrence should be a combination of credibility and visibility.'

'Passive measures of protection (unarmed and non-lethal defence measures) on board can only protect the vessel to a certain point and will eventually not stop a piratical attack but only delay it.'

Summary

- **What is seen as good?**

Raising questions about the legitimization of deploying armed guards

Discussion

- **What is seen as bad?**

Situations that can lead to disasters or scandals, but also that can lead to a raise of the piracy activity. No preference for public or private protection is given.

8. Anyimadu, A. (2013) (CFA UK 8)

- **Title:** Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean²⁸
- **Date:** July 2013
- **Type of document:** report from an objective think tank
- **Source:** Chatham House
- **Author:** Adjoa Anyimadu
- **Perspective of author:** Independent fellow from Chatham House
- **Audience:** not specified, probably other stakeholders within this discussion such as state officials and representatives of the shipping industry
- **Perspective of audience:** varying

Diagnosis

- **what is represented as the problem?**
'Piracy emanating from Somalia has dominated maritime security concerns of policy-makers worldwide for the past five years. Sporadic attacks on commercial vessels have occurred close to the coast of Somalia for more than a decade, but in 2008 concerns for the security of the busy shipping routes running across the Indian Ocean and through the Gulf of Aden grew, as the number of successful hijackings, the scope of the pirates' area of operation and the amount demanded in ransom payments rose dramatically.'
 - **Why is it seen as a problem?**
'The Gulf of Guinea – the coastal zone stretching from Senegal to Angola – provides an economic lifeline to coastal and landlocked West African countries, and is of strategic importance to the rest of the world. Safe passage to ports in the region and security within its waters are vital for global energy production, as Nigeria and Angola are among the world's 10 biggest crude oil exporters; for West Africa's fishing industry, which provides sustenance and employment for a large swathe of the West African population; and for the prevention of the trafficking of narcotics, people and weapons into Europe and into fragile regions that are vulnerable to destabilization.'
- 'The attitude of policy-makers towards their use has relaxed significantly as piracy has continued to affect commercial shipping near the coast of Somalia – with the often-repeated assertion that no vessel with armed guards has been successfully hijacked³¹ offering a concise justification for the use of force. While armed guards are regarded as a necessary and effective deterrent to combat Somali piracy at its current level, voices from the commercial shipping industry express concerns that the success of private security may set a precedent for policy-makers, who might increasingly expect the shipping industry to combat maritime crime and pay for its own protection at sea.'*
- **Causality (what is seen as a cause of what?)**
n.a.

²⁸ This document is drawn with the piracy problem in the Gulf of Guinea as central topic. Within this document lessons learned from the Somali case, including the deployment of private armed guards are discussed. This CFA will focus on the section that focusses on the Somali case.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
n.a.
- **Problem holders (whose problem is it seen to be?)**
n.a.
- **Other active/passive roles in the context of the problem.**
n.a.

Prognosis

- **What are represented as policy options?**
Currently privately contracted armed guards are not permitted to operate within the territorial waters of Gulf of Guinea countries. The option to change this legislation is discussed. So the two options are; not allow this contracting or change legislation and allow contracting.
- **what is seen as the (best) solution to the problem?**
'Whether or not Gulf of Guinea governments move in the same direction as some governments in East Africa and the Gulf Arab states, and become more amenable to allowing armed guards to operate within their territorial waters, it would be useful for the region if it were to adopt a united stance on the issue of armed guards. If the littoral states maintain differing positions as to whether private weaponry is allowed on shore or within territorial waters, this could increase the complexity and the cost of the use of armed guards, and lead to growth in more risky and untested elements of the private maritime security sector.'

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**
the policy decision describes above should be taken by governments of Gulf of Guinea countries.
- **Which groups benefit most from the action?**
n.a.
- **Are there boundaries set to action?**
'Despite the rapid expansion of the private maritime security sector since 2008, there is still no universal set of standards for the companies operating in this arena.'

'Lacking regulation by policy-makers has also allowed for the rapid development of new areas in the private maritime security industry. For example, the differing positions of the littoral states of the Indian Ocean as to whether private weaponry is allowed ashore or within territorial waters has led to the deployment of a number of floating armouries. Some of these have encountered difficulties because of the lack of policy oversight.³² The private maritime security sector as a whole has also suffered cost-cutting pressures in order to remain competitive as rates of piracy fall, which could reduce their effectiveness.'

- **Is there a legitimization of (non)action presented?**
Non-action: yes, because military escorts in these regions are possible at the moment
action: Yes, because although fundamental objections can be made, in the Somali case the privatisation did not lead to scandals and did contribute to a solution.

Appendix G.

Full Critical Frame Analysis: Dutch documents²⁹

1. 32706-1 (CFA NL 1)

- **Title:**Beveiliging zeevaartroutes tegen piraterij
- **Date:**15 March 2011
- **Type of document:** Letter from the Minister of Defence to Parliament
- **Source:** Tweede kamer, dossier 32706
- **Author:** Minister of Defence, J.S.J. Hillen
- **Perspective of author:** representing the Dutch government and the policy position of the ministry of Defence
- **Audience:** Dutch Parliament
- **Perspective of audience:** Members of Parliament from all political parties, representing the Dutch people, monitoring of the government and ensuring the 'best possible' policy

Diagnosis

- **what is represented as the problem?**
'piraterij'
'Behalve in de golf van Aden en het Somalië Bassin vormt piraterij nu ook in de gehele Arabische Zee een bedreiging voor de koopvaardij'
- **Why is it seen as a problem?**
nvt
- **Causality (what is seen as a cause of what?)**
Doordat piraten nu opereren vanaf (gekaapte) moederschepen, opereren ze verder uit de kust, waardoor het probleem moeilijker te bestrijden is.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
nvt
- **Problem holders (whose problem is it seen to be?)**
nvt
- **Other active/passive roles in the context of the problem.**
nvt

Prognosis

- **What are represented as policy options?**
'Het besluit een zelfstandig militair beveiligingsteam (VPD) in te zetten aan boord van twee transporten'
'Het aansluiten van koopvaardij schepen bij een konvooi van bijvoorbeeld Rusland of China'
piraterijbestrijdingsoperaties van de EU, NAVO en the Coalition Maritime Forces.

²⁹ All of the text in italics within all CFA supertexts are direct quotes from the analysed documents.

- **what is seen as the (best) solution to the problem?**

Voor dit specifieke probleem (de twee schepen die beveiliging nodig hebben) wordt het uitrusten met VPDs gezien als de beste oplossing.
PMSCs worden niet genoemd als policy option.

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

'Deze inzet valt onder de eerste hoofdtaak van Defensie: bescherming van de belangen van het Koninkrijk zoals vermeld in artikel 97 van de Grondwet.'

- **Which groups benefit most from the action?**

- **Are there boundaries set to action?**

'Met betrekking tot de verantwoordelijkheidsverdeling tussen de kapitein van het schip en de commandant van het militair beveiligingsteam is afgesproken dat de kapitein van het schip verantwoordelijk is voor de navigatie en het opereren van het schip, waarbij het advies van de commandant van het beveiligingsteam wordt meegewogen, terwijl de commandant van het beveiligingsteam verantwoordelijk is voor het geweldgebruik.'

- **Is there a legitimization of (non)action presented?**

Geen andere capaciteit is beschikbaar en er kan niet bij een konvooi worden aangesloten.

Summary

- **What is seen as good?**

piraterij oplossen

De manier waarop defensie de schepen kan beveiligen

- **What is seen as bad?**

Door de HRA varen zonder bescherming met kwetsbare schepen

2. 32706-5 (CFA NL 2)

- **Title:** Regeringsreactie op het AIV-advies
- **Date:** 1 April 2011
- **Type of document:** Letter from the Ministers of Foreign Affairs and Defence to Parliament
- **Source:** Tweede Kamer, dossier 32796
- **Author:** Minister of Foreign Affairs, Rosenthal and Minister of Defence, Hillen
- **Perspective of author:** representing the Dutch government and the policy position of the ministry of Defence and Foreign Affairs
- **Audience:** Dutch Parliament
- **Perspective of audience:** Members of Parliament from all political parties, representing the Dutch people, monitoring of the government and ensuring the 'best possible' policy

Diagnosis

- **what is represented as the problem?**
Piraterij en gewapende overvallen op zee
'Piraterij vindt plaats voor de kusten van Somalië, Kenia, Tanzania en zelfs Mozambique, in de Golf van Aden en in de Arabische Zee'
'De regering stelt vast dat de dreiging die van piraterij uitgaat wereldwijd groot is, in het bijzonder voor de zeevarenden, van wie er op dit moment ruim 600 gegijzeld worden door Somalische piraten'
- **Why is it seen as a problem?**
Zeevarenden kunnen gegijzeld worden
- **Causality (what is seen as a cause of what?)**
'Piraterij heeft zich, vanwege de wetteloosheid die al meer dan twintig jaar heerst in grote delen van Somalië, kunnen ontwikkelen tot een zeer profijtelijk business model. De wetteloosheid is het gevolg van het conflict op het Somalische vasteland.'

Roles in diagnosis

- **Who is seen as responsible for creating the problem?** nvt
- **Problem holders (whose problem is it seen to be?)**
Zeevarenden, economische belanghebbenden,
- **Other active/passive roles in the context of the problem.** nvt

Prognosis

- **What are represented as policy options?**
'Sinds 2008 heeft Nederland vrijwel onafgebroken een marine-eenheid ingezet'
VPDs – sowieso.
'De regering is van mening dat het toelaten van bewapende particuliere beveiligers aan boord van Nederlandse koopvaardij schepen ter verdediging tegen piraterij een kwestie van fundamentele aard is, aangezien zij raakt aan het geweldsmonopolie van de staat.'
'Daarom zal Nederland waar mogelijk investeren in de stabilisering van de regio en in regionale capaciteitsopbouw op juridisch en maritiem vlak om de landen in de regio in staat te stellen de straffeloosheid van piraterij tegen te gaan en de wetteloosheid op hun wateren weg te nemen.'

- **what is seen as the (best) solution to the problem?**

'Alleen een politieke oplossing, gedragen door de Somaliërs en hun leiders zelf, kan de burgeroorlog ten einde brengen en de wetteloosheid wegnemen.'

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

'met de AIV is de regering van mening dat reders en kapiteins primair verantwoordelijk zijn voor de veiligheid van hun schepen. Reders en kapiteins zijn zelf hoofdverantwoordelijk voor de veiligheid van hun schepen en dienen zelfbeschermingsmaatregelen te treffen en de Best Management Practices toe te passen. Wel is de regering van mening dat bescherming van individuele zeetransporten onder bepaalde omstandigheden een overheidstaak is'

- **Which groups benefit most from the action?**

'wat voor Nederland als handelsgerichte natie en vanwege de prominente rol van Rotterdam als grootste Europese haven van groot economisch belang is.'

- **Are there boundaries set to action?**

'Op basis van nog vast te stellen criteria zal de overheid, na zorgvuldige afweging, deze bescherming bieden in de vorm van een zogenoemd Vessel Protection Detachment (VPD). Hieraan kunnen evenwel geen rechten worden ontleend, want op de overheid rust geen algemene plicht om deze vorm van bescherming te bieden'

'Ook zal de notitie ingaan op de financiering van de inzet van VPD's. Vast staat dat het ministerie van Defensie de reguliere personeelskosten zal betalen. Additionele kosten zullen geheel of gedeeltelijk aan de reders worden doorberekend.

criteria die de regering zal hanteren ten behoeve van de besluitvorming over de inzet van VPD's, zoals de mate van kwetsbaarheid, de aanwezigheid van alternatieve routes en de registratie van het schip.'

- **Is there a legitimization of (non)action presented?**

'De grondslag voor de militaire inzet kan gevonden worden in artikel 97 van de Grondwet, mede gezien het feit dat bescherming plaatsvindt in het kader van de bestrijding van het universele delict van piraterij, waartoe het internationale recht van de zee staten machtigt. In de focusbrief is beschreven dat bevordering van vrede, veiligheid en stabiliteit één van de vier speerpunten van het nieuwe OS-beleid is. Ook piraterijbestrijding draagt bij aan de bevordering van vrede, veiligheid en stabiliteit.'

Summary

- **What is seen as good?**

Piraterij bestrijden

De internationale samenwerking waarin dit gebeurt

De BMP die door de reders worden nageleefd

De lasten van de VPDs delen tussen overheid en reders

- **What is seen as bad?**

de stabiliteit in Somalië

aan het geweldsmonopolie van de staat komen

te snelle beslissingen nemen

3. 32706-6 (CFA NL 3)

- **Title:** Verslag van een Algemeen Overleg
- **Date:** 18 April 2011
- **Type of document:** Verslag van een Algemeen Overleg
- **Source:** Tweede Kamer, dossier 32706
- **Author:** De commissie voor Defensie, BZ en Infrastructuur en Milieu
- **Perspective of author:** Members of Parliament who are specialised in these subjects, Members of Parliament from all political parties, representing the Dutch people, monitoring of the government and ensuring the 'best possible' policy
- **Audience:** the public
- **Perspective of audience:** varying

Diagnosis

- **what is represented as the problem?**
In inmiddels de gehele Arabische Zee zijn zij «sitting ducks» voor de steeds brutaler opererende zeeschuimers.
- **Why is it seen as a problem?**
Gijzelingen en kapingen zijn aan de orde van de dag en piraterij vormt een wezenlijke bedreiging voor de belangen van de Nederlandse bedrijven en ook van de rest van de wereld die handel drijft overzee
CDA: Het gaat om belangrijke problemen. Er staan mensenlevens op het spel. Het gaat om grote belangen van Nederland.
D'66: Wij zien de belangen van de koopvaardij ook heel goed.
- **Causality (what is seen as a cause of what?)**
De oorzaken liggen natuurlijk bij de bendes op het land en de internationale netwerken, zo mogelijk, en dan hebben wij nog niet gesproken over de moederschepen die de kleinere schepen aansturen.
Ik ben het volledig eens met degenen die zeggen dat zolang deze staten hun inwoners niet meer te bieden hebben dan wat ze nu te bieden hebben, je kunt verwachten dat er extern veel criminaliteit ontstaat. Ik wil hieraan toevoegen dat de initiators van de piraterij niet per se Somaliërs zijn, maar mensen van buiten, gangsters, internationale criminelen die dit met grote geldsommen voorfinancieren en er nog ontzettend veel meer aan verdienen.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
not discussed
- **Problem holders (whose problem is it seen to be?)**
the dutch shipping industry and the global economy
- **Other active/passive roles in the context of the problem.**
nvt

Prognosis

- **What are represented as policy options?**

Different policy options are represented, but this discussion is about the VPDs, this deployment is being compared to the private alternative of PMSCs

VVD on PMSCs: *Ook werd aangegeven dat er nog aanpassingen nodig zijn, bijvoorbeeld in de wapen- en munitiewet, al was het maar om het mogelijk te maken dat er straks op de schepen particuliere beveiligers komen. Ik weet dat de minister uitgaat van de zwaarmacht van de overheid. Dat is het klassieke argument. Ik snap dat argument en ik snap ook dat de minister op dit moment deze lijn kiest, maar ik wens toch dat hij in de notitie ingaat op de voors en tegens ervan, al was het maar voor de gedachtevorming. Als internationale bescherming niet kan worden geboden, zal ook Nederland zijn reders de mogelijkheid moeten geven om tot zelfverdediging over te gaan*

Minister on PMSCs: *Defensie is van mening geweest dat zij dat nu niet wil. Voordat wij gaan doorbelasten, willen wij eerst vaststellen dat de zwaarmacht bij de overheid hoort en vervolgens de vraag beantwoorden op welke manier wij omgaan met de kosten die ermee gemoeid gaan.*

- **what is seen as the (best) solution to the problem?**

By the government, as well as, most of the political parties, the deployment of VPDs is seen as the best solution. Nobody is against this solution, only a few parties expressed their concerns. *na jaren van touwtrekken tussen regering en Kamer komen er mariniers aan boord van Nederlandse koopvaardij schepen.*

SP: *De oorzaak van de antipiraterijmissie zijn natuurlijk de problemen in met name Somalië. Het is een failed state en uiteindelijk is het symptoombestrijding.*

Minister on why VPDs in stead of PMSCs: *Tegelijkertijd zijn wij in het kabinet, dit los van het AIV-advies, nog niet uit het vraagstuk van de zwaarmacht. Dat verklaart ook het woord «precedent». Voor ons ligt dat heel principiële. Defensie is drager van de zwaarmacht als het gaat om de externe veiligheid. Wij proberen het op een zorgvuldige manier te doen. Als de zwaarmacht wordt ingezet of als daarop inbreuk wordt gemaakt door bijvoorbeeld de inzet van particuliere beveiliging, hechten wij er zeer aan dat wij, het gehele kabinet in een gedachtewisseling met de volksvertegenwoordiging, weten wat wij beslissen, waarom wij dat beslissen en welke consequenties dat heeft. Het gaat voor ons om een heel principiële zaak.*

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

There are several references to the responsibility of the Netherlands as a whole and the government in particular. The minister claims that the Royal Marine is was created for this task.

CDA: *Het is niet minder dan een plicht voor de Nederlandse overheid om onze schepen en bemanningen te beschermen. De Koninklijke Marine, ons oudste krijgsmachtdeel, is daar niet voor niets zo ongeveer voor opgericht*

PVV: *Het is een algemene Nederlandse verantwoordelijkheid.*

VVD: *kunnen aandringen op verdere inzet van militairen op de schepen. Zij horen daar namelijk te zitten. Waarom horen militairen daar te zitten en waarom is de VVD zo blij? Wij zijn tevreden*

omdat wij van mening zijn dat de overheid hierin een taak heeft. Wij moeten er ook van uitgaan dat de antipiraterijoperatie een blijvende operatie zal zijn.

Minister: De Koninklijke Marine is vervolgens opgericht om de koopvaardij te beschermen.

Toen is het in wat meer geordend vaarwater gekomen. Michiel de Ruyter was een van degenen die de marine op dat punt echt heeft ingericht. Als wij de geschiedenis afmaken, dan weet u dat het Cornelis de Witt was die de mariniers heeft opgericht van wie wij nu zo dankbaar gebruik maken.

- **Which groups benefit most from the action?**

It is clear that the Dutch shipping industry benefits from a good solution.

Minister: terwijl de kraan openstaat, probeer je de eigenbelangen van je eigen koopvaardij zo goed mogelijk te beschermen en de zee zo vrij mogelijk te houden.

- **Are there boundaries set to action?**

Not really discussed in this debate, only questions of concern are raised by different parties.

PVDA: is de inzet van Vessel Protection Detachments verantwoord en hoe zit het met de verantwoordelijkheden? Ik splits het in taken, bevoegdheden, verantwoordelijkheden en middelen.

- **Is there a legitimization of (non)action presented?**

nvt

Summary

- **What is seen as good?**

The state taking their responsibility to protect its interests

Making clear agreements

Receiving all relevant information

- **What is seen as bad?**

rushed decisions

giving away the monopoly on violence

letting the state pay for all the protection

leave ship owners to their fate

4. DVD/CV 140/11 (CFA NL 4)

- **Title:** Government follow-up reaction on the AIV No.72 advise
- **Date:** 20 May 2011
- **Type of document:** Letter from the Ministry of Defense and Foreign Affairs to Parliament
- **Source:** Eerste Kamer, database
- **Author:** Minister of Defense and Minister of Foreign Affairs
- **Perspective of author:** representing the Dutch government and the policy position of the ministry of Defence and Foreign Affairs
- **Audience:** Parliament, Eerste Kamer
- **Perspective of audience:** Members of Parliament from all political parties, representing the Dutch people, monitoring of the government and ensuring the 'best possible' policy

Diagnosis

- **what is represented as the problem?**
piraterij
- **Why is it seen as a problem?**
nvt
- **Causality (what is seen as a cause of what?)**
De root causes van piraterij liggen immers op land en niet op zee.

Roles in diagnosis

- **Who is seen as responsible for creating the problem?** nvt
- **Problem holders (whose problem is it seen to be?)** nvt
- **Other active/passive roles in the context of the problem.** nvt

Prognosis

- **What are represented as policy options?** nvt
- **what is seen as the (best) solution to the problem?** nvt

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?** nvt
- **Which groups benefit most from the action?** nvt
- **Are there boundaries set to action?** nvt
- **Is there a legitimization of (non)action presented?** nvt

Summary

- **What is seen as good?** nvt
- **What is seen as bad?** Nvt

This source does not give any significant information on the framing of the phenomenon we are researching, therefore no conclusions will be drawn from this source.

5. J-9249 (CFA NL 5)

- **Title:** Geweldsmonopolie en piraterij³⁰
- **Date:** 1 September 2011
- **Type of document:** Advisory report from an advisory board
- **Source:** *rijksoverheid.nl File 32706*
- **Author:** Advisory board, Committee Wijkerslooth
- **Perspective of author:** On request by the government they advise about the desirability and feasibility of the use of PMSCs.
- **Audience:** the Dutch government
- **Perspective of audience:** representing the Dutch government and searching the policy option that is best for government.

Diagnosis

- **what is represented as the problem?**
Piraterij en zeeroof zijn verschijnselen die net zo oud zijn als de zeescheepvaart zelf. Toch is de discussie over (bestrijding van) piraterij de afgelopen jaren opgeblaasd, zowel in Nederland als daarbuiten. Dit heeft vooral te maken met de toename van gewelddadige incidenten bij (poging tot) kaping van koopvaardij schepen rondom de Hoorn van Afrika, in het bijzonder de Golf van Aden, het Somalië bassin en de Indische Oceaan.
- **Why is it seen as a problem?**
In deze wateren liggen strategische doorvoerroutes voor maritiem transport.
- **Causality (what is seen as a cause of what?)**
nvt

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
nvt
- **Problem holders (whose problem is it seen to be?)**
nvt
- **Other active/passive roles in the context of the problem.**
nvt

Prognosis

- **What are represented as policy options?**
This document focuses on two solutions: The deployment of VPDs or PMSCs, of both solutions the pros and cons are discussed
Met deze uitgangspunten zijn er in beginsel twee mogelijkheden ter nadere invulling van de zorgplicht van de overheid gericht op afdoende bescherming tegen piraterij. Allereerst is er de optie dat de nodige bescherming wordt geboden door de overheid, al dan niet met inschakeling

³⁰ Many details about VPDs and PMSCs are discussed in this report. Not all details can be mentioned in this CFA, only fragments will be discussed. However, when drawing conclusions about the Dutch framing of the phenomenon, all details are interpreted and included in the analysis.

van de particuliere sector. Ten tweede kan de overheid zodanige regels stellen dat de reders zelf voor hun veiligheid kunnen zorgen met behulp van particuliere beveiligers.

what is seen as the (best) solution to the problem?

De commissie stelt vast dat het in beginsel mogelijk is om private beveiligers daarvoor in te schakelen. Maar bij het toelaten van vormen van gewapende zelfbescherming moet de overheid zorgen voor voldoende rechtstatelijke waarborgen. Dat vraagt om vormen van regulering en toezicht, die ingrijpende wijzigingen van de nationale regelgeving nodig maken en die ook vragen om niet vrijblijvende internationale arrangementen. Deze voorwaarden leiden tot het advies niet toe te laten dat reders zelf contracten aangaan met private militaire bedrijven om hun schepen met wapens te beschermen.

Dat gebeurt nu al door patrouilles en escortes van de marine rondom de Hoorn van Afrika en door incidenteel gewapende manschappen aan boord van zeer kwetsbare transporten mee te laten varen. Dit verdient uitbreiding zodat alle daarvoor in aanmerking komende transporten van een toereikende militaire beveiliging door Defensie worden voorzien.

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

zo meent de commissie, heeft de overheid zelf de plicht om voor een voldoende niveau van beveiliging tegen piraterij te zorgen. Dat gebeurt nu al door patrouilles en escortes van de marine rondom de Hoorn van Afrika en door incidenteel gewapende manschappen aan boord van zeer kwetsbare transporten mee te laten varen. Dit verdient uitbreiding zodat alle daarvoor in aanmerking komende transporten van een toereikende militaire beveiliging door Defensie worden voorzien.

De overheid kan zich niet onttrekken aan haar verplichting om te zorgen voor extra bescherming gegeven de kwetsbaarheid van zeetransporten in de genoemde risicogebieden.

- **Which groups benefit most from the action?**

The Dutch shipping industry

- **Are there boundaries set to action?**

Different boundaries concerning self-defence, the use and owning of weapons and adjacent aspects are discussed.

- **Is there a legitimization of (non)action presented?**

Huge topic of this document is the monopoly on violence and the responsibility of the state. De juridische en operationele implicaties van het advies van de commissie zijn beperkt, daar naar haar mening de beveiliging van de schepen geschiedt door de overheid, met eigen capaciteit of door middel van inschakeling van reservisten en/of het inlenen van bewapende particuliere beveiligers die tijdelijk de militaire status krijgen (*insourcing*). Er is dan geen sprake van uitbesteding (*outsourcing*, *privatisering*) van veiligheidstaken maar van het verkrijgen van aanvulling op de eigen defensiecapaciteit. Er is dan geen aanpassing van wet- en regelgeving nodig. Wel is een zorgvuldig selecteren en contracteren van de desbetreffende beveiligers en hun werkgever volgens door Defensie gestelde eisen noodzakelijk. Dit alles houdt in dat het advies van de commissie in beginsel betrekkelijk snel en soepel kan leiden tot de noodzakelijk geachte mate van bescherming van koopvaardijsschepen tegen piraterij.

Summary

- **What is seen as good?**

the government itself is obliged, for the time being, to arrange for a sufficient level of protection against piracy. This is currently effected by navy patrols and escorts around the Horn of Africa and by incidentally letting armed military personnel accompany very vulnerable transports onboard. This should be expanded so that all transports that qualify for these means of military protection are provided with such protection by the Ministry of Defence. If necessary, the required capacity could be created, with financial aid from the ship-owners, by engaging reservists or by hiring personnel from high quality private companies, which should be deployed by the Ministry of Defence under a temporary military status.

- **What is seen as bad?**

The commission is clear in their advice: giving away the monopoly of violence is a bad idea and the government has a duty in protecting their ships, therefore they should provide protection themselves. If the government does not have enough capacity to do so, they should provide a framework in which THE GOVERNMENT hires private armed guards in order to deploy them to the commercial ships. So as bad is seen: creating the possibility for ship owners to independently hire private armed guards for the protection of their vessels. The government should at all times control this phenomenon.

6. 32706 – 19 (CFA NL 6)

- **Title:** Government reaction on the Wijkerslooth report
- **Date:** 7 October 2011
- **Type of document:** Letter from the Ministers of Defence, Foreign Affairs, Security and Justice and Infrastructure and Environment
- **Source:** Dossier 32706
- **Author:** Ministers of Defence, Foreign Affairs, Security and Justice and Infrastructure and Environment
- **Perspective of author:** representing the Dutch government and the policy position of the ministry of Defence and Foreign Affairs
- **Audience:** Parliament, Tweede kamer
- **Perspective of audience:** Members of Parliament from all political parties, representing the Dutch people, monitoring of the government and ensuring the 'best possible' policy

Diagnosis

- **what is represented as the problem?**
Piraterij
- **Why is it seen as a problem?**
Piraterij is een urgent probleem dat de veiligheid van opvarenden van koopvaardij schepen en de belangen van de zeetransportsector raakt en dat daarom moet worden bestreden
- **Causality (what is seen as a cause of what?)**
nvt

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
nvt
- **Problem holders (whose problem is it seen to be?)**
The Dutch Maritime Industry
- **Other active/passive roles in the context of the problem.**
nvt

Prognosis

- **What are represented as policy options?**
Not discussed in this reaction, only the feasibility of more VPDs is discussed.
- **what is seen as the (best) solution to the problem?**
Dit betekent dat het kabinet schepen waarvoor gewapende beveiliging aan boord aangewezen is, primair blijft beschermen door militairen in *Vessel Protection Detachments* (VPD's) in te zetten. Door het doelgericht inzetten van de defensiecapaciteit kunnen meer VPD-aanvragen die aan de criteria voldoen worden gehonoreerd. Met de commissie, en gelet op de substantiële beleidsintensivering, is het kabinet van mening dat het inzetten van civiele gewapende particuliere beveiligers op dit moment niet aan de orde is.

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**
*Het kabinet onderschrijft de opvatting van de commissie dat een Staat die het geweldsmonopolie claimt enerzijds bepaalt wie geweld mag toepassen en anderzijds het geweldsmonopolie in voldoende mate dient waar te maken door ervoor te zorgen dat burgers voldoende veiligheid en rechtshandhaving wordt geboden. De zorg voor een voldoende mate van veiligheid van zijn onderdanen is een kerntaak van de Staat.
 De commissie concludeert dat burgers echter geen absoluut recht hebben op bescherming en dat de overheid geen absolute garanties voor veiligheid kan en moet geven.
 Burgers zijn primair zelf verantwoordelijk voor hun eigen veiligheid en de Staat kan eisen dat burgers alle mogelijke preventieve maatregelen nemen (BMPs).*
- **Which groups benefit most from the action?**
- **Are there boundaries set to action?**
 Het kabinet streeft ernaar voldoende VPD-capaciteit voorhanden te hebben om de meest kwetsbare schepen, in aanvulling op de zelf te nemen voorzorgsmaatregelen, te beschermen als de aanvrager voldoet aan de criteria uit het VPD-beleidskader
- **Is there a legitimization of (non)action presented?**
 Defensie voert de VPD's uit op grond van artikel 97 van de Grondwet en het internationale recht van de zee dat staten machtigt tot optreden tegen het universele delict van piraterij.

Summary

- **What is seen as good?**
 The overall conclusion of the Wijkerslooth report
 The way in which the commission described the responsibility by the government
 the further enlargement of the VPD deployment
- **What is seen as bad?**
 giving away the monopoly on violence
 claiming that the ministry of defence would not have enough capacity to provide protection

7. 32706 – 24 (CFA NL 7)

- **Title:** Verslag van een Algemeen Overleg
- **Date:** 20 January 2012
- **Type of document:** Report of a parliamentary debate
- **Source:** Rijksoverheid.nl Dossier 32706
- **Author:** De commissie voor Defensie, BZ en Infrastructuur en Milieu
- **Perspective of author:** Members of Parliament who are specialised in these subjects, Members of Parliament from all political parties, representing the Dutch people, monitoring of the government and ensuring the 'best possible' policy
- **Audience:** the public
- **Perspective of audience:** varying

Diagnosis

- **what is represented as the problem?**
Er is absoluut behoefte aan beveiligers, in welke vorm dan ook. Het probleem verandert en wordt steeds groter.
- **Why is it seen as a problem?**
*Piraterij vormt een ernstige bedreiging voor de veiligheid van onze zeemannen en -vrouwen en is schadelijk voor een belangrijke economische sector in ons land, de koopvaardij.
VVD: Het feit dat een bende piraten uit Somalië de rest van de wereld en ons handelssysteem kan gijzelen is volgens mij een belediging*
- **Causality (what is seen as a cause of what?)**
*Oorzaak van de piraterij is de situatie in Puntland. Piraten worden gewelddadiger, losgeld dat vrijwel altijd wordt betaald wordt hoger, en het operatiegebied van piraten breidt zich uit tot de Indische Ocean, West- en Oost-Afrika.
De desintegre-rende staat Somalië is een blijvende bron voor het rekruteren van wanhopige mensen, die door een jarenlange burgeroorlog, de overheersing van tientallen krijgsheren en het leegvissen van de wateren rondom de Hoorn van Afrika zijn beroofd van hun middelen van bestaan.*

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
nvt
- **Problem holders (whose problem is it seen to be?)**
De nederlandse koopvaardij
- **Other active/passive roles in the context of the problem.**
nvt

Prognosis

- **What are represented as policy options?**
Policy options according to the CDA: een drieslag. In eerste instantie is de krijgsmacht verantwoordelijk voor het bieden van militaire bijstand in de vorm van VPD's. In tweede instantie moet volgens mijn fractie de mogelijkheid bestaan om reservisten of beveiligers te

militariseren en aan boord van Nederlandse koopvaardij-schepen te plaatsen, op basis van dezelfde status als actieve militairen. Mocht dit onvoldoende zijn, dan wil onze fractie wel nadenken over een derde stap: het aan de reders zelf overlaten om beveiliging in te huren. Ik heb de hoop en verwachting dat dit niet nodig is. Deze stap is voor mijn fractie op dit moment absoluut nog niet aan de orde.

CU on PMSCs: Wat de ChristenUnie betreft moeten we niet de kant van de particuliere beveiligers op. We hebben gezien wat het teweeg kan brengen met Blackwater-achtige particuliere beveiligers in Irak.

VVD on PMSCs: De VVD ziet geen overwegende principiële bezwaren tegen de inzet van particuliere beveiligers

- **what is seen as the (best) solution to the problem?**

VVD: Uit de begroting van 2012 denkt de minister 50 VPD's te kunnen betalen. Dat moeten er wat ons betreft meer zijn, om de Nederlandse koopvaardijvloot effectief te kunnen beschermen.

SP: De SP gaat akkoord met het inzetten van onze eigen militairen onder de strakke regels van het internationale recht. De zwaarmacht blijft in handen van de staat en onder democratische controle. We zijn het niet eens met de inzet van particuliere beveiligers. Het gaat om een gevaarlijke stap richting privatisering, die voor ons bijzonder ongewenst is.

PVV: Mijn fractie is allang voorstander van het plaatsen van mariniers op schepen onder Nederlandse vlag ter bescherming tegen de piraten in de wateren bij Somalië en op de Indische Oceaan. Primair zijn er militairen, mariniers en dergelijke, op de schepen. In de tweede plaats zijn er misschien reservisten. Als dit allemaal niet voldoende is, zijn er in de derde plaats gewapende particuliere beveiligers.

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

We vinden dat reders en kapiteins primair zelf verantwoordelijk zijn voor de veiligheid van hun schepen. Wij verwachten dus ook dat de reders die besluiten door risicogebieden te varen, zich houden aan de zogenaamde BMP's

PVV: Wij vinden dat de bestrijding van piraterij primair op het pad van de overheid en de krijgsmacht ligt.

- **Which groups benefit most from the action?**

De nederlandse koopvaardij

- **Are there boundaries set to action?**

Cruciale vraag in deze discussie is natuurlijk het geweldsmonopolie van de overheid. In principe is de overheid verplicht haar burgers te beschermen. De overheid wil dat ook, maar kan de overheid het wel? Hoe werkt dat dan?

- **Is there a legitimization of (non)action presented?**

nvt

Summary

- **What is seen as good?**

The deployment of VPDs

The promise of the Dutch government to increase the capacity of VPDs

The responsibility taken by the Dutch Government

The 'three-stages approach' of the Dutch ministry of Defence

- **What is seen as bad?**
 - pirates in general (framed as professional criminal organisations)
 - risks that come with PMSCs
 - The relatively low capacity of VPDs at the moment

8. 32706-44 (CFA NL 8)

- **Title:** Governments position on VPDs (new Cabinet)
- **Date:** 26 April 2013
- **Type of document:** Cabinet Statement on VPDs presented to Parliament
- **Source:** Rijksoverheid, dossier 32706
- **Author:** Ministers of Defence, Foreign Affairs, Security and Justice and Infrastructure and Environment
- **Perspective of author:** representing the Dutch government and the policy position of the ministry of Defence and Foreign Affairs
- **Audience:** Parliament, Tweede kamer
- **Perspective of audience:** Members of Parliament from all political parties, representing the Dutch people, monitoring of the government and ensuring the 'best possible' policy

Diagnosis

- **what is represented as the problem?** nvt
- **Why is it seen as a problem?** nvt
- **Causality (what is seen as a cause of what?)** nvt

Roles in diagnosis

- **Who is seen as responsible for creating the problem?** nvt
- **Problem holders (whose problem is it seen to be?)** nvt
- **Other active/passive roles in the context of the problem.** nvt

Prognosis

- **What are represented as policy options?**
Within this letter the government (with a new cabinet) announces the decision that they will look for possibilities in making the hiring of PMSCs possible³¹.
- **what is seen as the (best) solution to the problem?**
Door middel van de inzet van VPDs voorziet het kabinet, naar tevre-denheid van de koopvaardijsector, in de bescherming van een belangrijk deel van de onder Koninkrijksvlag varende koopvaardij bij het uitvoeren van een transport in het risicogebied nabij Somalië.

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**
Voor het kabinet is de bescherming van koopvaardij schepen een beleidsprioriteit
- **Which groups benefit most from the action?**
- **Are there boundaries set to action?**
Sinds de kabinetsreactie op het advies van de commissie-De Wijkerslooth heeft Defensie zowel de capaciteit als de organisatie van VPD's sterk verbeterd. De capaciteit is sinds 2011 uitgebreid van twintig naar 50 inzetten per jaar. Eind 2013 zal de capaciteit van Defensie voldoende zijn voor 175 inzetten per jaar.
- **Is there a legitimization of (non)action presented?**

³¹ This decision has until today never came into practice, the 'feasibility study' concerning the change of legislation has never resulted in an actual change in legislation. Therefore, all information concerning this announcement are not further discussed in this thesis.

Summary

- **What is seen as good?**
The succes of the VPDs
The efforts of making the deployment of VPDs more flexible
- **What is seen as bad?**
The continuation of the piracy problem

9. Ginkel, et al. (2013) (CFA NL 9)

- **Title:** State or Private Protection against Maritime Piracy? A Dutch Perspective
- **Date:** February 2013
- **Type of document:** report from an objective think tank
- **Source:** Clingendael, Netherlands Institute of International Relations
- **Author:** Bibi van Ginkel, Frans-Paul van der Putten, Willem Molenaar
- **Perspective of author:** independent fellows from the Clingendael Institute
- **Audience:** not specified, probably other stakeholders within this discussion such as state officials and representatives of the shipping industry
- **Perspective of audience:** varying

Diagnosis

- **what is represented as the problem?**
As the threat of piracy continues to be a problem for the commercial shipping industry, the debate on the legality of the use of private armed security guards provided by private security companies (PSCs) that provide the necessary protection during the passage of these ships through the High Risk Area (HRA) near the coast of Somalia keeps coming back to the political arena in the Netherlands.
- **Why is it seen as a problem?**
the shipping industry is in fierce competition with industry in other European countries. The Dutch government's position on the monopoly on the use of force, and its practice of VPD deployment, has, according to the shipping industry, not provided an adequate response to the risks they are facing, in a way that corresponds with the level playing field which they need to operate. Reflagging and loss of market share, they argue, can be the result.
- **Causality (what is seen as a cause of what?)**
Developments in legislation in these countries are moving towards a legalisation of the use of armed PSCs gives them a competitive edge

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
nvt
- **Problem holders (whose problem is it seen to be?)**
commercial shipping industry
- **Other active/passive roles in the context of the problem.**
government, they are in charge of providing laws and make the decision whether or not to privatise

Prognosis

- **What are represented as policy options?**
After summarizing the pros and cons in the debate on the use of VPDs versus the use of PSCs, this report concludes that continuing the current Dutch policy without any adjustments is not desirable. In order to move ahead, policy adjustments should be made. The following are the three main options:

1. *The use of PSCs remains illegal, but the requirements for VPD deployment should then be more flexible, the delivery time should be shorter, and the costs should be further reduced.*
2. *The practice of VPD deployment remains the backbone of Dutch policy, but in addition the use of PSCs (either insourced as a government task, or privately contracted) is admitted under strict criteria and oversight mechanisms.*
3. *The policy of VPD deployment is no longer practised. The use of PSCs (either insourced as a government task, or privately contracted) is made possible under strict criteria and oversight mechanisms.*

- **what is seen as the (best) solution to the problem?**

A scenario in which privatisation will be made possible OR the deployment of VPDs gets more flexible.

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**

The government should change their policy, they are responsible for changing this impasse

- **Which groups benefit most from the action?**

The Dutch commercial shipping industry

- **Are there boundaries set to action?**

Obviously, under option 2 or 3, in order to meet the state's human rights obligations and state responsibility requirements, strict criteria and oversight mechanisms should be in place.

- **Is there a legitimization of (non)action presented?**

PSCs can fill this security gap which states cannot fill themselves. They continue to argue that states are not fully responsible to protect all vulnerable ships sailing under their flag transiting the HRA. Moreover, sticking to a legalistic approach which is too strict could even push shipping companies towards the practice of illegally hiring PSCs. An additional negative aspect that follows from this development is the fact that the certified PSCs with good reputations are not willing to take the job of sailing with ships under a flag of a country that prohibits the use of armed PSCs. As a consequence, Dutch shipping companies have to turn to smaller companies which are not certified, and which do not have a track record of good conduct, nor the extensive network to make the best security assessments of the region. The risk of abuse and unrecorded incidents is obviously much higher in this grey sector. Furthermore, the governments of neighbouring European states which are not using VPDs have in some cases done so, because it is their political conviction that the scarce military capacities available, which are moreover under pressure due to austerity measures, should not be used for VPD deployments, when this form of protection can well be provided through the private sector.

Summary

- **What is seen as good?**

Considering all valid options

Looking at other European nations and their policy

Weighing all the pros and cons of all valid options

- **What is seen as bad?**

The position the Dutch shipping industry is in at this moment

Current policy from the government

A government that is too stiff' about their monopoly on violence

10. KVNR (2013) (CFA NL 10)

- **Title:** Piraterij plaatst reders voor dilemma's
- **Date:** 20 April 2013
- **Type of document:** position paper
- **Source:** KVNR website
- **Author:** The KVNR and Nautilus International
- **Perspective of author:** representing the Dutch shipping Industry, wanting to express the preferences of this industry.
- **Audience:** not specified, probably other stakeholders within this discussion such as government
- **Perspective of audience:** varying

Diagnosis

- **what is represented as the problem?**
Ondanks alle inspanningen van oud-minister Hillen zijn er nog knelpunten die de inzet van militairen vaak niet haalbaar laat zijn
- **Why is it seen as a problem?**
Nederlandse reders willen hun schepen effectief beschermen. De flexibiliteit die zo noodzakelijk is voor de zeescheepvaart schiet bij Defensie tekort.
- **Causality (what is seen as a cause of what?)** nvt

Roles in diagnosis

- **Who is seen as responsible for creating the problem?**
the Dutch Ministry of Defence
- **Problem holders (whose problem is it seen to be?)**
of the Dutch ship owners
- **Other active/passive roles in the context of the problem.**
the ministry of defence

Prognosis

- **What are represented as policy options?**
Continuing with the VPDs in a not satisfying way
improving the VPDs
enable hiring of PAGs
the privatisation is displayed in legislative options,
with or without *huge* changes in national legislation
- **what is seen as the (best) solution to the problem?**
the deployment of PAGs, when VPDs cannot deliver

Roles in Prognosis

- **Who should do something to solve the problem / who is responsible for the solution?**
government should allow the hiring of PAGs
- **Which groups benefit most from the action?**
Dutch ship owners and the maritime industry
- **Are there boundaries set to action?**
nvt
- **Is there a legitimization of (non)action presented?**
De sociale partners zien mogelijkheden om, vooruitlopend op een wettelijke regeling, via circulaires het inzetten van private gewapende beveiligers aan boord van schepen onder de Nederlandse vlag zodanig te regelen dat de beginselen van de rechtsstaat en de mensenrechten worden gerespecteerd. Ook de positie van de kapitein kan op deze wijze goed geregeld worden.

Summary

- **What is seen as good?**
De inzet van private beveiliging betekent geen wild west. Integendeel, de richtlijnen van de VN dringen aan op een strikt toezicht van de nationale vlaggenstaat op de firma's die de beveiligers leveren.
- **What is seen as bad?**
Keeping it the way it is
the lingering of the government and the possible continuation of this