



# IDSS COMMENTARIES (22/2005)

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## **Security In Maritime Southeast Asia: Private Solutions To Public Problems**

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THE Straits Times recently carried a report on the role of private armed escorts in the Malacca Straits and South China Sea. According to the report, the Singapore-based company, Background Asia Risk Solutions (BARS), has effectively responded to the international shipping industry's concerns regarding the safe passage through maritime Southeast Asia by offering to conduct armed escorts to shipping vessels. The newspaper report suggests that the shipping industry will no longer rely exclusively on the security efforts of the littoral states Indonesia, Malaysia and Singapore to prevent piracy and terrorist attacks. Since that report, a second Singapore-based company, Glenn Defense Marine and its affiliate, Malacca Straits Maritime Security, is said to offer similar services. This "healthy" competition from the private sector will have important consequences not only for security in maritime Southeast Asia but also for the relationship between the public and private sectors as security providers.

### **Private security companies in maritime Southeast Asia**

While many initiatives are being taken by the littoral states to secure safe passage through the South China Sea and the Malacca Straits, an increasing number of shipping companies seem to think that security is best obtained by taking matters into their own hands. International legal frameworks, information centres such as the International Maritime Bureau's Piracy Reporting Centre in Kuala Lumpur, regional cooperation such as the coordinated patrols between Malaysian, Indonesian and Singaporean coast guards or technological innovations such as the "Secure-Ship System" do not appear to have a sufficient deterrent effect on pirates. As such, private security companies are receiving requests to rid shipping companies of the nuisance of maritime piracy as well as the fear of larger scale terrorist attacks.

Private security companies operating in maritime Southeast Asia provide a wide array of services spanning from purely advisory roles to protective services. These companies occupy a unique space in the regional arena which gives them an edge over states. Interstate relations in Southeast Asia are by and large governed by the principles of non-interference and non-intervention. For this reason, territorial and jurisdictional disputes, such as those between Indonesia and Malaysia, continue to dominate politics. As the territorial integrity of states remains the primary concern, this severely constrains cooperative security measures between and among the states. The private sector, on the other hand, is able to operate across borders without posing a threat to the territorial integrity of the littoral states. Moreover, private companies are inherently more flexible and innovative in their modus operandi. Whereas states are always constrained by the need to be mindful of each other's political sensitivities,

private companies are functionally driven; they are focused on a given mission which they pursue with greater flexibility.

### **Public versus private security provision**

Many analysts however have criticised the private sector's involvement in security provision. Common arguments include the private sector's ethical and moral deficiencies, its tendency to over-bill as well as its unreliability as a security provider when an assignment becomes either financially unviable or simply too dangerous. However, recent developments would suggest that this is an unfair portrayal of contemporary private security companies. The Brookings Institution's Peter Singer, an expert on the privatisation of military and security affairs, notes that a corporatisation of private security and military companies have rendered these actors more transparent and accountable. Strict corporate codes of conduct and rules of engagement have ensured that most private security companies will abide by the same high levels of discipline as observed by their public counterparts. While many private security companies have adopted their own codes of conduct, there have also been efforts by the non-governmental organisation, International Peace Operations Association, to promote this through industry-wide standards.

In the case of Southeast Asia, a country like Singapore must be applauded for its significant efforts to put an end to insecurity in its waters. However, with other states in the region failing to be equally effective, opening the dialogue with private companies seems to be an option worth pursuing. Such dialogue will also permit states to adopt regulatory frameworks to ensure that the rotten apples of the private security industry are kept out.

So far, states, regional organisations as well as the United Nations have been unwilling to acknowledge any legitimate role for private security companies. The approach taken by the United Nations to the issue has however been inconsistent. While the UN conceptually disregards the private sector's role, it continues to outsource many security-related operations to private companies. Malaysia's Director of Internal Security and Public Order, Datuk Othman Talib, has branded armed escorts as mercenary and even suggested that armed guards on such craft could be considered terrorists. According to the Straits Times on 28 April 2005, he also noted that Malaysian Marine Police boats had been ordered to arrest private armed security operators that encroach into Malaysian waters. These approaches are hardly appreciative of the complexity of the private security industry.

### **Conclusion**

For the private security companies, perception is key. These companies challenge a monopoly on security that states have enjoyed for centuries. For this reason it is paramount that private security companies be perceived as a legitimate actor. This acknowledgement would arguably only emerge if the private sector is perceived as a supplement and not an alternative to security provision. Private security companies have urged government and law enforcement agencies to propose regulatory frameworks for their operations. Regulation would afford companies a legitimate role in the security sphere as well as acknowledge their efforts and contribution to the overall security of maritime Southeast Asia. Furthermore, regulation will allow states to engage with this industry through cooperation and control.

In maritime Southeast Asia such a framework is most effectively implemented through ASEAN. Regional standards are necessary for two reasons: Firstly, only regional cooperation

will effectively address security concerns in an atmosphere where territorial boundaries are such a major obstacle to the security measures of states. Secondly, it is precisely this gap in interstate relations in Southeast Asia which pirates and terrorists have shown themselves very capable of exploiting. As such, closing this gap is essential to effectively dealing with piracy and the threat of terrorism in maritime Southeast Asia.

What is required is room for manoeuvre for the private security industry. This will enable a burden-sharing of security provision between the private and public sector. It will also provide the international shipping industry with an immediate response to the nuisance of piracy which continues to dominate maritime Southeast Asia, and possibly even result in the deterrence of terrorists operating in these waters.

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