Territory, Authority, Expertise: Global Governance and the Counter-Piracy Assemblage

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Abstract: This article presents an empirical study that aims to draw out core elements of an assemblage theory of global governance. Situating assemblage theory in the third, practice-oriented generation of global governance research, I argue that it provides us with a feature-rich toolbox sensitive to the routine matters of international cooperation, the role of artefacts, and the vitality of territories of governance. To showcase the advantages of an assemblage approach, I study a paradigmatic case: the organization of the international community's fight against piracy off the coast of Somalia. This effort has not only been very successful, with no major piracy incident reported from 2012 to 2016, but also a 'miracle' that can be explained by the close cooperation of all actors involved. I zoom in on one of the core components of this cooperation, the so-called Best Management Practices (BMP), which organize state-industry relations. I present a detailed study of the making of the BMP and the territory it established, and show how it became a core tool of governance. The case study documents the analytical power of assemblage theory for understanding global governance.

A range of authors from International Relations (Acuto and Curtis 2014a), security studies (Abrahamsen and Williams 2009; Bachmann, et al. 2014; Berndtsson and Stern 2011), policy studies (Clarke et al. 2015), sociology (Sassen 2006, 2008) and anthropology (Ong and Collier 2008, Murray Li 2007) have pointed to the potential of assemblage theory for the study of political phenomena. This article aims at pushing the debate further in arguing that assemblage theory provides a new theory and methodology of global governance. Assemblage theory encourages us to study how actors establish and maintain relations, and create shared regulatory spaces and narratives. It draws upon and combines ideas as they are discussed in International Relations (IR) as relationalism (Jackson and Nexon 1999, Guillaume 2007), international practice theory (Adler and Pouliot 2011a,b; Bueger and Gadinger 2014), and, in particular,

actor-network theory (Best and Walters 2013). Assemblage theory allows us to integrate these theoretical insights for the study of global governance. It may also be employed to address a range of contemporary global governance debates on public-private interaction, informality, experimentalism and regime complexity.

I demonstrate the value of the assemblage approach through a detailed study of a paradigmatic case of global security governance, the international fight against Somali piracy. The fight against piracy is widely hailed as an outstanding case of international cooperation; not only do the military forces of rivals and adversaries, such as the US, NATO, China and Russia collaborate closely, but states also work hand in hand with industry.

Several scholars have begun to describe how this cooperation has unfolded (e.g. Kraska 2011; Murphy 2012). Fewer efforts have so far been made to theorize it or demonstrate what can be learned for the broader debate on global governance, however.[1] Assemblage theory allows us to decipher how this cooperation has been made possible in practice, providing a lens with which to examine the inner workings of the relations actors have established, and the tools they are using. In the analysis, I zoom in on one of the core dimensions of the counter-piracy assemblage, that is, industry-naval cooperation.

The core tools by which states and the maritime industry have collaborated since 2008 are the so-called Best Management Practices. These also define the territory in which counter-piracy takes place by establishing a 'High Risk Area'. Counter-piracy governance has emerged in the relatively short time span of less than four years, and it is potentially short-lived. Indeed, since 2012, the measures became increasingly contested in the face of the decline of the number of piracy incidents.

This empirical observation allows for showcasing of another advantage of assemblage theory. It is a perspective that has particular analytical power, not only in examining emerging governance arrangements, but also their decay and erosion. As such, it offers an ideal tool with which to analyse counter-piracy governance, but also other fragile, distributed and complex structures of global governance.

The main objective of the article is therefore to introduce assemblage theory to the global governance debate by showing how it provides a feature-rich toolbox, one that is, in particular, sensitive to mundane matters of international cooperation, the role of objects and things, the importance of territories of governance, the vitality of expert knowledge, as well as the instability of governance arrangements. It is an approach that is sensitive to short-term change and, as the case shows, the erosion of international cooperation. The article also presents empirical insights on how international cooperation is carried out in practice, and how these processes are inherently fragile and dependent upon maintenance work.

In the following section, I introduce assemblage theory as an approach that addresses core questions of the third generation of global governance research. The next section outlines the main concepts and presuppositions of assemblage theory, an approach that has to be understood as a deeply empirical one. After a short introduction to the case of counter-piracy governance, I employ assemblage theory to study the making of the Best Management Practices and the High Risk Area. I study how the relations of the counter-piracy assemblage were built in this process and how a regime of territoriality, authority and expertise was thereby established. The next section analyses how this assemblage became increasingly contested and started to erode in the face of a major international controversy around the revision of the High Risk Area. Reviewing this controversy gives us an understanding of the maintenance work required to

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[1] Exceptions include Percy 2016 and the contributions in Struett, Carlson, and Nance 2013, as well as Struett, Nance, and Armstrong 2013.

stabilize the assemblage, as well as the authority relations entailed. In the conclusion, I outline some of the general lessons of the case and of assemblage thinking for global governance.

Global governance: from institutions and actors to practice

Since James Rosenau and Ernst-Otto Czempiel (1992) first proposed the term, global governance research has become one of the liveliest fields of international relations theory. Three generations of research can be distinguished. A first generation was largely concerned with describing treaties and formal institutions of global governance. That states are the core actors of global governance was the presupposition of this generation, and scholars set out to describe which global institutions exist, and how they establish norms and rules and ensure their compliance.

Gradually, this evolved to recognize the diversity of global orders across issue domains. For Rosenau (1992), global governance was an alternative to the realist depictions of global order as driven by the interests of hegemons, yet he remained very much committed to the realist story. His core concern was to describe a singular global order. Studies of international institutions, however, revealed the plurality of global governance systems, and the diverse orders they install to govern various issue domains of global politics. In the meantime, this research has sketched out the significant proliferation of regimes, which presents a world of regime complexity and overlap in which issues are addressed within multiple regimes (Alter and Meunier 2009).

Left with a pluralist world, a second generation of global governance studies challenged the assumption that it was primarily states that drive global orders. Research initially demonstrated that other actor types matter since they influence the definition of state interests. Gradually, it was shown that actors such as international administrators, scientists, advocacy coalitions, norm entrepreneurs, policy networks, and professions are autonomous actors that exercise authority independently from states. The new world of global governance became populated by diverse actors. It was now seen as a rich biotope of different actor types. If the first generation sought to address the question of 'what is global governance?', the second generation was concerned with 'who governs the globe?' (Avant, Finnemore, and Sell 2010).

Drawing on the results of the first two generations by recognizing the plurality of orders and actors in global governance, a third generation posed a different question, namely: 'how does governing work in practice?' The core point of criticism was that earlier generations tended to rely on a teleological argument – in primarily investigating the creation of new institutions, assuming that more is better than fewer – and to rely on a statist perspective, in not accounting for the short-term changes of governance arrangements, their potential erosion, and the rise and decline of the authority of actors.

On this basis, it was firstly shown that authority should not be seen as a zero-sum game. The rising importance of one actor does not by virtue imply the loss of authority of another. Instead, the argument was that authority should be seen as a relational dynamic, and that these relations should become the main object of study (Sending and Neumann 2006). The second core argument of the third generation was that governance should be seen as an activity, that is, as a practice of 'governing'. Shifting the perspective from institutional structures (first generation) and actors (second generation) to practices opened the debate up to new phenomena or 'modes' of governance. Research confirmed that global governance is increasingly driven by 'informal' processes that are not directly within legalized frameworks.[2] It moreover showed how new

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[2] Helmke and Levitsky 2004; Peterson 2010; Prantl 2005; Larsson 2013.

modes arise, such as 'experimentalist governance' driven by inclusivity and trial and error, in which the formulation of rules and compliance are not the main objectives.[3]

In alignment with these observations, studies that draw on international practice theory and the concept of global governmentality have undoubtedly pushed the boundary of what governance means in practice the furthest. For instance, scholars have argued that statistics and indicators can be understood as a form of governing.[4] Indicators imply measurement, evaluation and monitoring, and therefore exercise power. Understanding governing as practice, moreover, entailed arguing that close attention needs to be paid to technology and material devices. Devices, such as documents, databases, and material activities ranging from calculating and filling out forms to mapping and navigation structure governance in significant ways.[5] Assemblage theory is deeply embedded in this third generation of global governance studies, and, as I explore in the next section, combines and advances some of the core arguments made in significant ways.

The global governance debate has evolved in such a way that the core categories of international relations have become increasingly destabilized. The first generation questioned whether there is a single global order and documented the multiplicity of orders and institutions. The second generation destabilized the category of actors in global governance. It demonstrated how actors other than the state have autonomous authority. Finally, the third generation revised our understanding of what it means to govern and started to show the various processes and practices of governance. We are left with an unstable, fuzzy picture of how global governance can be described; assemblage theory is an attempt to cope with these conditions. It is an analytical response to the complexity and contingency of contemporary global governance. In the next section, I introduce the core concepts and presuppositions of assemblage theory and how they are related to the contemporary governance debate.

Assemblage theory and methodology

If assemblage theory is an analytical response to complexity and contingency, the concept of 'assemblage' is, in the first instance, a structural metaphor. As such, it is an alternative to other concepts in use in the global governance debate, such as 'orders', 'regime', Pierre Bourdieu's 'field', or Bruno Latour's 'actor-network'. Notably, it shares many intentions with the latter two practice-theoretical concepts. The concept originates in the work of the French philosophers Giles Deleuze and Felix Guattari. Taking up a rather abstract concept from philosophy, anthropologists developed it as a way of studying contemporary politics and analysed phenomena ranging from genetic knowledge, central banks and forest management to cities.[6] Following the definition of anthropologist Aihwa Ong (2005: 338), assemblage denotes a

> "contingent ensemble of diverse practices and things that is divided along the axes of territoriality and deterritorialization. […] Particular assemblages of technology and politics not only create their own spaces, but also give diverse values to the practices and actors thus connected to each other".

As this definition clarifies, an assemblage perspective is firstly concerned with a distinct practice, that of assembling. "Assemblage flags agency, the hard work required to draw heterogeneous elements together, forge connections between them and sustain these

[3] De Búrca, Keohane, and Sabel 2014; Nance and Cottrell 2013.
[4] Fougner 2008; Davis, Kingsbury, and Engle Merry 2012; Davis et al. 2012;
[5] See Walters 2002, and Freeman and Maybin 2011 among many others.
[6] See the contributions in Collier and Ong 2005, and de Landa 2006, and Murray Li 2007.

connections in the face of tension" (Murray Li 2007: 264). It invites analysis of how heterogeneous elements come together and are made to cohere and hence form a distinct type of order. An assemblage, as described by Ong, is a distinct spatial configuration; it implies that a space or territory is made and governed. As Martin Müller (2015:27) summarizes it, assemblage thinking is "concerned with why orders emerge in particular ways, how they hold together, somewhat precariously, how they reach across or mould space and how they fall apart." Assemblage theory should be considered as part of the practice theory family, with which it shares the focus on practices and relations, on patterns of activity, the practical creation of order, and the symmetrical focus on material and social elements.[7] Each of these arguments require further elaboration, not least to clarify that assemblage is more than a concept, but amounts to a dedicated theoretical perspective.

Below, I discuss, 1) the focus on practices and relations, 2) the understanding of order, space and territoriality, 3) the relations of authority and expertise established, and 4) the link between material and social elements. I then reflect on the status of assemblage theory as an analytical perspective.

Practices, relations and process

In what has become known as the 'practice turn' in IR, a broad range of scholars have argued "to privilege practice as the key entry point to the study of world politics" (Adler and Pouliot 2011c:5). International practice theory is not a unified account, and various concepts of practice and related notions have been proposed (Adler and Pouliot 2011c:5). Assemblage theory has to be seen in the light of this turn. It offers a distinct relational understanding of practices and the configurations (assemblages) they form (Hayden 1995). As John Law (2012: 157) argues, practices are, from this perspective, "detectable and somewhat ordered sets of material-semiotic relations". Consequently, for Law (2012: 157) the analytical and empirical task lies in "exploring possible patterns of relations, and how it is that these get assembled in particular locations. It is to treat the real as whatever it is that is being assembled, materially and semiotically in a sense of analytical interest. Realities, objects, subjects, materials, and meanings, whatever form they take these are all explored as an effect of the relations that are assembling and doing them. Practices, then, are assemblages of relations".

Assemblage theory, therefore, follows a distinct style of analysis primarily interested in empirically describing practices of assembling. An assemblage depends on the relations it maintains.[8] This relational logic implies that elements of an assemblage (actors, objects, practices) are seen as having no essence or particular identity prior to entering the assemblage (Marcus and Sakka 2006). Assemblages, moreover, have no fundamental organizing principles, such as the balance of power or a prescribed hierarchy (Hayden 1995, Müller 2015). This does not exclude the possibility that assemblages reach a form in which they are organized by one principle, are institutionalized, or are structured hierarchically. Assemblage research, however, does not presume *a priori* that assemblages are ordered and structured, but leaves this question open to research. Structural stability is seen as the exception rather than the norm.

Assemblage theory develops a distinct understanding of order and structure based on practice and relations. Two insights are of particular importance: firstly, in assemblage thinking, order is always emergent and as such is dependent upon and is an effect of practice. Order and structures are therefore to be seen as practical achievements. Orders require consistent practical

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[7] Hayden 1995; Bueger and Gadinger 2014; Müller 2015.
[8] Assemblage thinking therefore has many similarities to what has been called in IR a relationist (Jackson and Nexon 1999) or process ontology (Guillaume 2007).

work and always remain unstable and open to tensions and contestation. Secondly, assemblage theory suggests thinking of an order as a distinct territory or space. This space is made and re-made in practices of assembling and ordering. In consequence, we should not think about global governance as a process that governs a space existing outside of practice. Territory is made and maintained in the process of governing.

Ordering and territoriality

Assemblages can be grasped by the variable processes in which components become involved in it. These processes "either stabilize the identity of an assemblage, by increasing its degree of internal homogeneity or the degree of sharpness of its boundaries, or destabilize it" (de Landa 2006: 12). The former can be understood as *territorialisation*, the latter as *de-territorialisation*. Although, "in fact, one and the same component may participate in both processes by exercising different sets of capacities" (de Landa 2006: 12), territorialisation should be firstly understood literally as referring to particular places (de Landa 2006: 13). Face-to-face conversations, for instance, require well-defined spatial boundaries (a bar, a church, etc.). The jurisdiction of governmental organizations is usually limited in geographical terms (e.g. state territory). As shown by Jordan Branch (2011), delineating clear borders through mapping technology was vital in creating the modern nation state. Also, maritime space, often considered to be anarchic, is carved up in several special zones by international regimes. This includes the Exclusive Economic Zone established by the UN Convention on the Law of the Sea, Maritime Search and Rescue Zones, or Fishery Zones.[9] Territorialization is therefore firstly to be understood as a process that defines or sharpens the spatial boundaries of actual territory. As I will show in the subsequent sections, the counter-piracy assemblage defines a distinct territory, a space denoted as the High Risk Area. Territorialisation also refers to non-spatial processes. Practices such as classifying or sorting in and out, defining which actors, objects, and practices belong to the territory and what particular role they have are also processes of creating homogeneity.

Practices are ordering. For instance, warmaking is a practice that sorts friends from foes, civilians from combatants, and sources of insecurity from security and stability. Classifying violence, in particular piracy, was a core process in the creation of the modern nation state and the monopoly of force as its core characteristics (Thomson 1996). Counter-piracy governance also involves diverse classificatory systems that, for instance, establish boundaries between counter-piracy and other activities, and identify what kind of actors and practices are specific responses to piracy (Bueger 2015). Territorialisation therefore refers to processes of strengthening and sharpening spatial and non-spatial boundaries and increasing internal homogeneity. In turn, processes of de-territorialisation are any that "either destabilize spatial boundaries or increase internal heterogeneity" (de Landa 2006:13).

Expertise, knowledge, and authority

Assemblages establish relations of expertise and authority, technology, and politics. The importance of the epistemic dimension of governance has long been recognized in IR scholarship and given attention by, in particular, communitarian literature, as well as studies of international organizations and global governmentality.[10] Assemblage theory follows these works in that it posits that expertise is vital in governance, and that each governance process

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[9] As reviewed in Kraska and Pedrozzo 2013 and discussed in Bremner 2013, and Peters 2014.

[10] See, among others, Adler 2005, Barnett and Finnemore 2004, and Walters 2012.

implies the assembling of a distinct form of expertise. The territorialisation of an assemblage involves "specifying the requisite body of knowledge; confirming enabling assumptions; containing critiques" (Murray Li 2007: 265). Certain forms of knowledge are valued more than others. Therefore, expertise is not a force outside governance, but develops along with the territory of governance. If we study the relations of an assemblage, we are also studying how knowledge becomes authoritative. For Tanja Muray Li (2007: 265), assemblages moreover often involve what she calls "anti-politics": Political questions are downplayed "as matters of technique" and "debate about how and what to govern and the distributive effects of particular arrangements" is closed down "by reference to expertise".

Social-material relations

Assemblages consist of heterogeneous elements. These elements can be, in principle, humans, things, artifacts, or other assemblages. Like other practice-theoretical approaches, the assemblage perspective takes a symmetrical position that does not give ontological superiority to either material objects or humans and organizations.[11] The worlds described as assemblages are populated by all sorts of material things, such as documents, machines, or architectural artifacts. This symmetry is achieved in avoiding essentializing any element as either material or symbolic. Every entity of an assemblage is considered to have a material *and* expressive dimension. Thus, assemblage components can play variable roles. The components of an assemblage can be described along a spectrum, "from a purely *material* role at one extreme of the axis to a purely *expressive* role at the other extreme. These roles are variable and may occur in mixtures, that is, a given component may play a mixture of material and expressive roles by exercising different sets of capacities" (de Landa 2006:12). Recent international relations scholarship has already indicated the importance of considering that objects have material and expressive roles. As has been shown, technologies, in particular, have shaped the symbolic structure of international relations. Barry Buzan and George Lawson (2015), for instance, have argued that technologies developed in the 19th century, such as the steam ship, fundamentally altered the modalities of power. Branch (2011) has shown how the advancement of maps promoted particular political visions and imply structures of authority. The development of the container box for shipping not only increased the material circulation of goods but fundamentally altered the symbolic structures of international political economy and made "the world a smaller place" (Levinson 2010). Documents are not only powerful because of their contents, but also because they can be circulated to distant places and easily stored (Freeman and Maybin 2011).

Theory and methodology

Assemblage theory is a perspective that characterizes order as a heterogeneous ensemble of entities and components, that is relatively unstable and is defined largely by relations and practices. The assemblage term points to conflict and instability in an order. It allows us to problematize how temporarily fixed and stable structures of governance evolve. To speak of an assemblage is to study the emergence of orders. Assemblage theory develops a distinct conceptual apparatus and an analytical lens for the analysis of emerging orders and the practices required to maintain them. Hence, it has often been argued that assemblage thinking is more an example of "analytical tactics" or a "method" (Sassen 2006). For some analysts, the consequence is that we should revoke the term 'theory'. As Aihwa Ong (in Acuto et al. 2014:

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[11] See the discussion in Reckwitz 2002; Adler and Pouliot 2011a,c; Bueger and Gadinger 2014.

19) argues, "it is not a theory: assemblage is a way of reframing our inquiry, to grasp perhaps critical interacting elements that would help us in analysing what is happening". In explicitly speaking of assemblage *theory*, I am inclined to disagree. There are few reasons why we should shy away from using the term theory. Instead, the assemblage perspective invites us to rethink what we imply by the term theory.

In this regard, I follow Annemarie Mol (2010:262), who argued that "a 'theory' is something that helps scholars to attune to the world. "[…] A theory is a repository of terms and modes of engaging with the world". This is exactly what assemblage theory does. It carries a range of ontological and epistemological positions, and while the intent is not to formulate generalized statements about the nature of international relations, the assemblage perspective gives us a sophisticated conceptual apparatus that tells us what to search for and how. Assemblage theory encourages us to investigate how the spaces of governance are made and homogeneity is achieved, how materiality and symbolic roles intersect, and relations of expertise, authority, technology and politics are formed. Directing our attention to practical work and the role of things, it also broadens our horizons in terms of which empirical material we consider.

The case and methods

The following sections present the results of an empirical study in which assemblage theory has been used as sensitizing vocabulary. The study is an analysis of a *paradigmatic case* that documents how global governance can be illuminated through assemblage theory and the added value it provides. As Bent Flybjerg (2004: 427), alluding to Clifford Geertz' analysis of the Balinese cockfight, writes, paradigmatic cases are useful in highlighting more general characteristics, and are meant to be prototypes and serve as exemplars useful for comparison by other scholars.

The empirical basis is a long-term study of counter-piracy governance that relies on interviews with practitioners and document analysis as well as action research in the form of a lessons learned project for the main global governance body on piracy, the Contact Group on Piracy off the Coast of Somalia. This lessons learned project allowed for immediate access to the practitioners of counter-piracy and their files, but also participant observation of core meetings. If embedded in the larger study, the starting point for the following discussion was a distinct empirical observation. In the meetings, a particular issue became more and more controversial to the degree that it occupied almost all of the agenda in 2015. This controversy revolved around whether the High Risk Area, the physical territory to which counter-piracy measures apply, should be revised. The particular investigative method adopted in the following study was to trace this controversy back to understand how the object of contention came to be and what role it plays in the counter-piracy architecture. For the sake of readability, I do not start with the controversy, but with the results of the tracing and in showing how the object of the controversy, the High Risk Area, was made. My empirical narrative is hence largely structured in a chronological order. I start by providing a brief introduction to the counter-piracy assemblage, the subsequent section analyses the territorialisation of the assemblage, and the following discusses its erosion.

The counter-piracy assemblage: making the Best Management Practices

An assemblage perspective is an analytical response to the contingency and complexity of contemporary global governance. Assemblage theory holds particular value for understanding situations that are characterized by a set of very heterogeneous actors and the emergence of

orders in relatively short time spans. Although in no way limited to it, the perspective is particularly revealing in cases where we find a high complexity of sites and actors, and where no center or lead agency obviously governs. Counter-piracy governance is a paradigmatic case in these regards. Actors with little prior experience of working together (such as navies from China, Russia, Japan, and NATO, or navies and the shipping industry) have aligned closely. The present counter-piracy governance structures were set up in a very short time span of four years (from 2008 to 2012). The structures put in place are seen by the majority of actors as temporary, and the exact lifespan, as will be discussed, is contested.

Assemblages are also often experimental spaces. Counter-piracy governance, in particular, has been described as a form of experimental governance in which actors are more concerned about devising problem solutions than ensuring compliance with formalized rules (Tardy 2014). Last but not least, counter-piracy governance presents an interesting success story. If the number of piracy attacks off Somalia escalated from 2008 to 2012, no successful piracy attack was reported between 2012 and 2016. The structure worked. Assemblage theory allows us to understand how.

Sites in the counter-piracy assemblage

A range of multilateral sites connected in the counter-piracy assemblage require a brief introduction. In these sites, actors meet and develop relations among each other. Piracy is an ancient phenomenon; however, it only became understood as a contemporary global security issue with the rise of Somali piracy from 2005.

Records for piracy incidents exist since the 1980s when the International Maritime Organization (IMO) started its reporting. Back then it was seen as a localized phenomenon to be dealt with by coastal states and their police, or by the shipping industry. Although the UN Convention on the Law of the Sea contains paragraphs on piracy, little effort was made to actually enforce them. The situation changed with the increase of incidents in Southeast Asia in the 1990s. Even then, this piracy outbreak was considered a problem that could be dealt with through bilateral partnerships or regional arrangements, rather than requiring the involvement of international actors. When piracy incidents off the coast of Somalia started to escalate from 2005, it was soon clear that the problem would require an international response, given the weak capacities of states in the region. In consequence, a global assemblage addressing piracy evolved.

The Maritime Safety Committee of the International Maritime Organisation (IMO) is the site where piracy has been discussed since the 1980s. The IMO is the lead UN agency in charge of the technical regulation of the shipping industry. Its safety committee issues so-called 'circulars' and the IMO secretariat monitors and records piracy incidents. The Governing Council of the IMO makes legally binding decisions, often with reference to these circulars. Somali piracy was initially discussed in the IMO from 2005, when the first high profile incidents off the Somali coast took place.

In 2008, the IMO decided to send a request to the United Nations Security Council to deal with the matter. Piracy has been on the Council's agenda since then, and it is therefore a second core site of the counter-piracy assemblage. The Council provides the primary authorization for counter-piracy through its resolutions. To coordinate governments affected by piracy or active in addressing it, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was established in 2009. Initially only a limited forum, participation in it grew quickly to over 60 states, international organizations, and non-governmental organizations. The CGPCS meets bi-annually to discuss the state of counter-piracy and, since it does not have terms of references

or a standing secretariat, it understands itself to be an informal governance mechanism. The CGPCS has a range of working groups which report to the plenary. One working group deals with the relations between industry and states, while another is concerned with the coordination of naval operations. The latter is linked to a further multilateral site which has been created for dealing with Somali piracy, the so-called Shared Awareness and Deconfliction mechanism, known as SHADE. In this fourth core site, the naval forces active in counter-piracy meet quarterly to inform each other about their plans and intentions and to organize joint operations. Of particular importance in SHADE are the so-called 'big three' multilateral naval missions, the U.S.-led Combined Maritime Forces (CMF), NATO's Operation Ocean Shield, and the European Naval Forces' Operation Atalanta (EUNAVFOR). Each of these missions is supported by an information sharing and industry liaison office. CMF is supported by the US navy's maritime mission office, known as MARLO, and by the UK's Maritime Trade Organization (UKMTO); NATO's operation is supported by the NATO Shipping Centre, and the EU established the Maritime Security Centre Horn of Africa (MSCHoA). The list of core sites is complemented by the London-based working group of the major shipping associations, which meets regularly to discuss matters of shipping regulation and maritime safety. The associations represent their members' interests (national associations as well as companies) through the London working group and often act in concert, for instance at the IMO, where the associations have observer status.

This list of the core sites and actors already gives an impression of the extensive relations that the assemblage has to hold together. Each of these sites demands treatment in its own right. Here, I am interested in how they relate to each other and started to form a coherent assemblage. From 2008 to 2012 we can observe a particular territorialization process, while 2012 marks a turning point in counter-piracy governance, since when the assemblage starts to erode.

Territorialization: the evolution of the BMP and HRA

Throughout history, piracy "involves a region in which exceptional legal rules apply" (Heller Roazen 2009: 10). The global fight against piracy off the coast of Somalia is little different. The campaign against piracy launched in 2008 defined the territory of the assemblage. One of the first measures of the international navies was to introduce a safe zone for shipping, the International Recommended Transport Corridor (Geiss and Petrig 2011: 17). In this zone, vessels were protected by the international naval missions. As Deborah Cowen (2014: 153) argues, "the creation of this corridor is literally the production of a new political space" since it established new forms of authority and legal regulations. 2010 saw the creation of another zone vital for understanding the industry-naval relation in the assemblage: the High Risk Area (hereafter HRA) was introduced to signify the area where there was a high risk of becoming the victim of a piracy attack. It was defined in the Best Management Practices for Protection against Somali Based Piracy (BMP) and is a zone in which special precautions should be taken by the shipping industry, including close cooperation with military actors.

To understand how the HRA was made and the industry-navy cooperation works, we have to scrutinize the BMP. The BMP are guidance documents developed for the shipping industry, and prescribe a range of precautionary and self-protective measures in order to limit the risk of being subject to a piracy attack. The BMP can be understood as a form of "situational crime prevention", that is, "a strategy that aims to reduce crime by making opportunities for crime less appealing and more risky through the manipulation of the immediate environment" (Bryant et al. 2013:72).

The origins of the BMP lie in the joint attempt of the IMO, the United Kingdom Maritime Trade Organization (UKMTO) and eleven industry associations to develop a guidance document (Hansen 2012). This first document, from 2009, was revised several times, and new versions were published in 2009 (BMP2) and 2010 (BMP3), until in August 2011, BMP4 became the standing reference document. The BMP4 document suggests that it is "produced and supported"[12] by 16 industry associations. All of the main international actors engaged in counter-piracy, in particular, the naval missions and their liaison offices, are listed as supporting the BMP. The precise details of the negotiation of the BMP are not in the public domain. Diplomats involved in the CGPCS have described the process as a "London-based black box".[13]

As shown by Hansen (2012), the basis for BMP1 were lessons in thwarting piracy attacks in other regions, princiapally West Africa and Southeast Asia. During the evolution of the BMPs, subsequent practical experiences of the industry associations and naval missions from piracy in the Gulf of Aden were integrated.[14] Through negotiation of the BMP, a distinct form of expertise was therefore assembled: the expertise of industry actors, many of which had experienced a piracy attack by 2011, the international naval missions and their experience in operating in the area and drawing on intelligence gathered through surveillance, and prior guidance documents developed in the IMO.

The most significant step in the evolution of the BMPs was from version two to three. In BMP3, the HRA became a core concept and was defined for the first time as the zone in which the particular counter-piracy practices apply. It is defined as:

> "The High Risk Area for piracy attacks defines itself by *where the piracy attacks have taken place. For the purpose of the BMP*, this is an area bounded by Suez to the North, 10 degree South and 78 degree East. While to date attacks have not been reported to the extreme East of this area, they have taken place at almost 70 degree East" (BMP 3: 3, emphasis added).

BMP4 reiterated this zone in geographical terms, yet widened the definition by referring to the zone as the place where "piracy activity" had taken place (BMP 4: 3). If the notion of "piracy attacks" is a clearly definable legal term, the notion of "piracy activity" is more ambiguous and open to interpretation. "Piracy" in the BMP4 is not defined in legal terms, but as "all acts of violence against ships, her crew and cargo. This includes armed robbery and attempts to board and take control of the ship, wherever this may take place" (BMP4: 1). Hence, for the purpose of organizing the naval-industry collaboration and its territory, a new definition of piracy was developed that was not in line with the provisions set out by the international law of the sea. The next section investigates how the territory and the relations were stabilized and further homongeity was achieved.

Increasing homogeneity: strengthening the BMP's relations

Throughout its drafting, several practices maintained and strengthened the relations of the BMP: they were inscribed into material artifacts, they were formalized through endorsements and a multi-lateral declaration, navies and the CGPCS monitored compliance, and the HRA was coupled to a range of other assemblages and their territory.

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[12] BMP4, title page.
[13] Interview with EU diplomat, October 2015.
[14] Compare 1st and 6th communique of the CGPCCS.

Several physical artifacts were created in which the BMP were inscribed. Print copies of BMP3 and BMP4 were produced in a pocket-size format and widely distributed. The intention was that every mariner in the world would carry the BMP in his pocket. As observers (NATO JALLC 2011: 19) phrased it, "those involved in identifying and publishing best practices collaborate to aggressively distribute the booklet to as many recipients as possible". The printing of the BMP4 booklet was financed by the industry associations and 50,000 copies were made freely available (Intertanko 2011). The United Kingdom's Hydrographic Office, an executive agency of the UK's Department of Defense providing navigational aids, published a navigational chart that detailed the BMP. What was initially called the "Anti-Piracy Planning Chart" and later the "Maritime Security Chart Q6099 - Red Sea, Gulf of Aden and Arabian Sea", lists the basics of the BMP and also marks the HRA through red lines in the chart. The chart was freely distributed and ten thousand print copies were made available.[15] The industry organizations, in collaboration with navies, produced a freely distributed movie for seafarers explaining and supporting the BMP (Intertanko 2011). These physical artifacts extended the reach of the BMP; through them, the BMP could be circulated globally, and the assemblage extended its reach.

Records show the importance of the CGPCS, SHADE and the Maritime Safety Committee of the IMO in the evolution of the BMP. These groups were instrumental in giving formal status to the BMP, in distributing them and ensuring compliance. The CGPCS welcomed the advent of BMP1 in its first plenary, and substantial discussions on the BMP were conducted in on of its working groups (Chul 2014:41). The CGPCS facilitated the endorsement at the IMO (Chul 2014: 41, Hinchcliffe and Stawpert 2014: 46), and welcomed each of the BMP updates.[16] BMP3 and 4, and with them the HRA, were subsequently officially endorsed by the IMO and the UN Security Council.[17] The BMP were also recognized by states in the form of the so-called New York Declaration. In its inaugural meeting, the CGPCS already identified compliance with the BMP as a major challenge. A declaration was drafted to ensure that flag state authorities known as 'open registries' would contribute to the dissemination and compliance of the BMP. In May 2009, representatives from four major flag states signed the declaration in which they committed themselves to promulgating the BMP at a CGPCS meeting. Other states, such as Japan, Singapore, the UK and the US followed in signing it.

Significant efforts were made by the navies and shipping associations to increase the level of BMP compliance through monitoring. An initial survey monitored how shipping administrations disseminated and implemented BMPs.[18] The results were presented at the CGPCS, and the group paid significant attention to ensuring that compliance remained on the agenda. Compliance was also directly monitored. For instance, in April 2010, the big three naval missions wrote a letter to all major shipping associations and companies encouraging them to do all they could to increase compliance, alerting them to the fact that they are monitoring compliance through surveillance of the area and inspections.

The BMP and the HRA were also linked to a range of other international regulatory and coordination processes. Since the first publications of BMP, the HRA was related to and became a core reference zone in at least four processes: 1) the Voluntary Reporting Area established by UKMTO and MSCHoA, 2) the military planning area of SHADE, 3) the High Risk Area and Extended Risk Area of the International Bargaining Forum, 4) the Listed Area

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[15] Chair Summary of the SHADE Meeting, 27.10.2009, on file with author.
[16] 4th, 6th and 10th Communique of the CGPCS.
[17] They were published as IMO MSC.1/Circ.1339, and endorsed in, for example, UNSC RES/1950 (2010), para 20; IMO A 26/Res.1026 (2009).
[18] Cp. 6th communique of the CGPCS.

of the Lloyds Joint War Committee and 5) legislations and regulations in regard to armed guards on-board merchant vessels.

(1) The UKMTO is a governmental organization established to improve coordination between the UK government and the shipping industry. It maintains a voluntary reporting scheme "under which merchant's vessels make regular reports, providing their position/course/speed and estimated time of arrival at their next port while transiting the region." MSCHOA was created together with the EU's operation EUNAVFOR as its liaison office for the industry. It records which vessels are transiting the HRA. Reporting to these centers is a vital component of the BMP.[19]

(2) Military mandates are not directly tied to the HRA, and tend to differ in terms of the geographical operations area they define. The HRA is, however, the core reference point in military coordination in SHADE. The basis for SHADE meetings is the Maritime Situational Awareness picture that UKMTO and MSCHOA provide for naval operations, which is based on the HRA.

(3) The International Bargaining Forum (IBF) is the forum that brings together the International Transport Federation and the international maritime employers that make up the Joint Negotiating Group to agree on standard labor contracts for seafarers. All parties to the IBF are organizations mentioned as producers and supporters of BMP4. In response to piracy off the coast of Somalia, the IBF agreed to introduce the concepts of a 'high risk area' and an 'extended risk area' in 2008. The extended risk area is equivalent to the BMP4's HRA (IBF 2008). In the IBF areas, seafarers are entitled to receive special benefits, such as hazard pay or the right to refuse to sail.

(4) The Joint War Committee of the Lloyds Market Association (JWC), is the main standard setter for insurance contracts that determines which areas face special war-like risks. If an area is listed by the JWC, shipowners must seek special permission of their underwriters before a vessel can enter it, which usually leads to an additional premium (Tyler 2013). The JWC publishes its recommendations in a document titled "Hull War, Piracy, Terrorism and Related Perils Listed Areas". Somali waters were listed for the first time in June 2005, and by December 2010 the area was defined with similar coordinates as the HRA (JWC 2010). The JWC is explicit in how it sees this zone in relation to the HRA. As it states on its website: "The JWC Listed Area is currently similar to but not the same as the UKMTO and BMP areas but in part serves a similar purpose, to alert ships to the potential dangers" (JWC 2015).

(5) Neither the BMP nor the HRA have a formal international legal status, although they were endorsed by international organizations with formal legal powers. As an outcome of the New York Declaration, the BMP and the HRA were nevertheless linked and integrated into flag state legislations. In particular, the regulation of the use of private armed guards on-board merchant vessels has led to legislations which refer to the HRA.[20] For instance, regulations in Japan and the UK allow the use of private armed guards only on condition that vessels are transiting through the HRA.

In summary, understanding counter-piracy as assemblage directs us towards the question of how the BMP and the HRA were made and how they have become the core tool of organizing the relations between navies and the shipping community. The BMP are based on a distinct form of technical expertise. Through them, a territory of counter-piracy was defined in which exceptional rules of precautionary measures and cooperation apply. Although primarily presented as a technical and apolitical guidance document, the BMP became a core regulative

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[19] See BMP4: 11.
[20] See Liss and Schneider (2014) and Cullen and Berube (2011).

tool. The relations in the assemblage were stabilized through inscription in a range of material artefacts (such as the booklet), through formalizing the BMP in endorsements by international bodies, through compliance monitoring, but also in linking the BMP to a number of other regulative and governance processes, in particular within the shipping industry. Through these practical relations the BMP became a vital component in the counter-piracy assemblage. That these relations are tenuous and require significant regular maintenance work becomes visible when we study the controversy that revolved around the HRA from 2012 in the next section. Examining the controversy also reveals the relations of authority at work.

De-territorialisation: the High Risk Area controversy

Assemblage theory posits that governance arrangements are inherently unstable and require significant maintenance work. Paradoxically, in the case of counter-piracy, the assemblage began to erode as soon as it proved successful. The last major piracy attack recorded by the international navies took place in May 2012. Nevertheless, navies continue to observe "suspicious activity" and suggest that "it is highly likely that the pirates retain the capability of conducting acts of piracy against vessels of opportunity" (NATO NSC 2015). As a consequence of the drop in successful piracy incidents, the extent of the HRA became increasingly contested, and a range of states called for updating the BMP. Whether and how the HRA should be revised became a major international controversy between 2012 and 2015. The debate over the HRA can be seen as a significant deterritorialization process in which core relations of the assemblage are contested. Scrutinizing this controversy allows us to understand the significant maintenance work required to maintain relations in the face of erosion. The controversy also brings the hidden politics and authority relations of the BMP and the HRA to the fore.

The arguments of the controversy

There are two principle parties in the controversy. A group of coastal states whose territorial waters and EEZ are included in the HRA argued for revision. The group was led by the governments of Egypt and India. The opposing party consisted of shipping industry organizations. They claimed exclusive authorship over the BMP, and argued against any revisions. All parties agreed in principle on the importance of the relations established by the BMP and the HRA, yet the extent of the HRA and the consequences of conducting revisions for the larger assemblage were controversial.

The coastal states based their case on the claim that the HRA affected their economy and security in negative ways, and in consequence any high-risk area should be limited to what is absolutely necessary. States therefore called for excluding their territorial waters and Exclusive Economic Zones, as well as for reducing the eastern border of the HRA. Egypt[21] and India[22] drew on the HRA definition and argued that no piracy activity was taking place in their territories, and that their security forces provided assurances mitigating the risk of activities. They also pointed to the negative consequences of the HRA: it undermined the reputation of their ports, leading to increased transportation costs because of higher insurance premiums. India also pointed to the negative effects of the HRA for the security of its coastline and the communities living and working along it.

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[21] See IMO MSC 95/15/1 for the Egyptian position.
[22] For a public available summary see Anandan 2013. Other documents are filed with the author.

The industry group opposed these claims by arguing, firstly, that states do not have the authority to request a revision, since such authority rests with industry, given that the BMP is a means of self-governance and regulation. Secondly, their case against a revision was based on concerns as to the consequences of reducing the HRA. As they suggested, a revision could potentially lead to a decline of compliance with BMP4, and a significant reduction of the engagement of the international community. This in turn might lead to a rise of pirate activities. As industry representatives phrased it at a 2014 CGPCS meeting: It is "too early to declare mission accomplished" and the revision of the HRA would imply a "very real risk of undoing all the good work".[23] At stake in the debate is, therefore, the territory of the counter-piracy assemblage as well as the question of who has the authority to define it. How did the controversy unfold, and how were the relations maintained in the face of it?

Maintaining relations: the negotiation and resolution of the controversy

The HRA revision issue started to be raised by India and Egypt in official fora from early 2012. It was first mentioned in the March 2012 communiqué of the CGPCS, and subsequently became an issue at the UN Security Council debate on piracy in November 2012 and the IMO meeting in the same month. Throughout, the CGPCS proved to be crucial in maintaining the relations of the BMP. In December 2012, the CGPCS decided to address the question through an ad-hoc meeting, which was convened but did not lead to any results. It was, however, proposed that a continuous dialogue on the matter should be maintained and periodic threat assessments be conducted. By November 2013, the HRA revision was a much-contested issue. Although its discussion occupied large parts of the 15th CGPCS plenary agenda, the issue was not resolved. In 2014, the CGPCS held a further ad-hoc meeting during the plenary in which the contending parties gave presentations. The conclusion of the debate was to convene yet another ad-hoc meeting to be held in Brussels. At this March 2015 meeting, a broad coalition of states now supported the case for a revision, including Russia and several Indian Ocean coastal countries.

During the meeting, the shipping associations made the innovative proposal of disentangling the HRA from the reporting area in BMP4. Transcending the problem in such a way was to clarify the link between HRA and the other zones discussed above, and was meant to maintain the majority of BMP relations while allowing for some revisions. For the coastal states, this proposal did not go far enough, however. They called for a complete revision of the HRA, as well as a review of the process by which decisions on current or future HRAs are made. Coastal states continued to question the authority of the industry group to make the decision without appropriate consultation with governments.

Nevertheless, the Brussels meeting had a tangible outcome. An agreement was reached to initiate a process by which the HRA could be revised. The basis for this process was a 'threat assessment' that the 'big three' naval missions would conduct before the next CGPCS plenary in July 2015. All CGPCS participants were invited to provide input to this threat assessment, and it was decided that the industry associations would then draw on the threat assessment to conduct a 'risk assessment' on whether the HRA should be revised.

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[23] Power Point slides of the industry representatives used at a 2014 meeting, on file with author.

In the meantime, the governments of Egypt and Oman submitted their case to the IMO.[24] While the industry group argued that the matter should be solved in the CGPCS, the IMO committee decided to issue a circular, in which it

> "expressed sympathy for the proposal by Egypt [..and] observed that HRA may now be incorrect terminology […]. The Committee calls on the authors of the BMP to take necessary steps to amend the coordinates of the HRA".[25]

The circular gave the CGPCS process a clear steer. The threat assessment of the big three was presented at the 2015 CGPCS plenary. A broad coalition of governments, now including China and Southeast Asian governments, supported the revision of the HRA. At the meeting, the industry associations agreed to follow the process and to conduct their 'risk assessment'. The CGPCS called on industry "to make a substantive review of the HRA, including the coordinates, within three months and report to the Chair accordingly."

In October 2015, the industry associations met and announced a revision of the HRA together with the CGPCS chairmen. Following the earlier proposal, the HRA was disentangled from the reporting area of the BMP. In the published amendment to BMP4, the reporting area remained in place, while the HRA was now revised to a 65 degree eastern limit. As the CGPCS chairman observed, the HRA controversy had "been the longest and most divisive issue that the stakeholders of the Contact Group [CGPCS] have faced since its inception in 2009."

Rightfully, he also argued that it was the CGPCS that had facilitated a compromise in the debate; this mediation kept the relations established by the BMP working in the face of fundamental contestation.

Insights from the HRA controversy: the hidden politics of the BMP

Revisiting the trajectory of the controversy firstly gives us an impression of the hard work required to maintain the relations of the counter-piracy assemblage. The debate also gives us a better understanding of the authority relations established through the BMP. The BMP and HRA were initially presented as technical, apolitical tools. As indicated by assemblage theorists, when both tools were introduced there was hardly any debate "about how and what to govern" and the distributive effects of these instruments (Muray Li 2007: 265). This fundamentally changed through the HRA controversy. The debate was about how to govern, in particular who has the authority to declare a high-risk area, and whose knowledge should be considered relevant in doing so.

A core dimension of the controversy was the question of the ownership of the BMP, that is, whether the BMP are owned exclusively by industry, or whether governments should have the right to influence or even determine the content of the BMP. The process by which the BMP were developed was opaque and undocumented. Official records do not allow for a conclusion on the lead authorship, but do confirm that industry as well as state actors participated in the formulation of the BMP.

State actors and international organizations participated in developing the BMP; indeed, the BMP gained legitimacy through official endrosements by international organizations, including the UN Security Council. Whether it was industry or governments who were in the lead is not immediately obvious, however. The governments of India and Egypt raised their

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[24] Agenda Item MSC 95/15/1 Proposal to clarify the High Risk Area as defined in the Best Management Practices for Protection against Somalia Based Piracy (BMP 4)", submitted by Egypt on 14.4.2015. Agenda Item MSC 95/15/5 "Piracy High Risk Area" submitted by the Sultanate of Oman on 17.4.2015.
[25] IMO MSC.1/Circ.1506 [12.6.2015]

concerns since their sovereign territory was negatively affected by the HRA. The BMP needed to be understood as an intervention in the governance of maritime space, a space that is an inherently multi-jurisdictional environment.

Revising the HRA was therefore a debate about who governs maritime space and whether a core actor, the shipping industry, should be governed by self-regulation or by states. The industry associations took the position that the self-regulative bodies that have been created over decades should be the primary initiators, and states should only take action under exceptional circumstances (and if requested by the industry). The coastal nations, in turn, argued that states have the primary responsibility for the security of shipping, and therefore should have the authority to decide whether and how industry may regulate itself.

A second set of core issues are the epistemic relations inherent in the concept of HRA. The territory of the counter-piracy assemblage was not defined in legal terms (as where pirate attacks take place), but in probabilistic terms, that is as a space where piracy activity has taken place and a 'risk' of piracy exists. The definition of the area as one where piracy activity occurs was deliberately ambiguous, since it was uncertain how far pirates could extend their operational terrain. The major shift that occurred after 2012 was that the decline of actual piracy incidents introduced a new form of uncertainty. In the absence of observable piracy activity, the emphasis shifted to evaluating the risk of a return to piracy. The counter-piracy assemblage worked, but how the relations could be revised and which activities could be stopped was uncertain. The core object of governance was no longer the actual threat of piracy, but the potential risk of it. The epistemic question of how to know what kind of risks exist in which space came to the fore. No clear provisions had been made in the BMP for what expertise should count in making this evaluation; the CGPCS aimed at solving this issue by giving the authority to the military intelligence of the naval coalition forces. This, however, excluded the independent deployers (such as China, Russia and India) from the process (although they were invited to provide input). It also raised questions over methodology, that is, whether military intelligence agencies have the right tools and knowledge required to assess whether pirate activity is taking place, and whether a risk exists. Indeed, the military coalitions refrained from performaning a 'risk' assessment, and argued that they could only conduct a 'threat' assessment.

By tracing the HRA controversy, we firstly learn how the relations of the BMP were maintained in practice in the face of a dispute. Secondly, the authority relations of the assemblage come to the fore. The BMP were politicized and become recognizable as a struggle over who governs maritime space, and who provides the expertise for evaluating risk.

Conclusion: territory, authority, expertise

The fight against piracy led to a remarkable cooperation between governmental authorities and the shipping industry. The success in containing Somali piracy can be partially explained by this cooperation, and the texture woven through the BMP made this cooperation possible. The BMP are a remarkable experiment. They defined standards and ensured collaboration between the shipping industry and navies.

The BMP documents are situated in a legal and political grey zone; on the one hand, the BMP gained authority by being endorsed by industry and thereby being owned by corporations. On the other hand, governmental actors not only contributed to the making of the BMP, but also worked towards ensuring compliance, by endorsing the BMP in the UN Security Council, the IMO or via the New York Declaration, as well as by monitoring compliance. This government-

industry cooperation was based on a technical tool, leaving many of the larger political and legal questions unresolved.

With the diminishing urgency of the piracy problem, the BMP fabric started to erode, however. The politics of the BMP and larger questions of legitimacy and authority came to the fore. The authority invested in the BMP was tied to a particular space, the HRA. The HRA, the territory of the counter-piracy assemblage, is a zone of exception in which different forms of regulations are at play and actors cooperate differently than they do in other spaces. Unsurprisingly then, the politics of the BMP were tied to that space, and it was the controversy over whether and how this space should be defined and revised that brought the politics of the BMP to light. The HRA controversy is about territory (what space should be exceptional?), authority (who governs the space?), but also expertise (what knowledge determines the exception?).

With the HRA, the international community has experimented with a new form of political and legal space. The pragmatic politics of making the BMP coupled with the informality of the industry-navy relationship worked, and the de-politicization of the HRA played a core part in containing piracy. With the immediate fight against piracy being over, it became clear that this zone of exception, like any other such zone, was deeply political, and larger questions of how counter-piracy should be governed came to the fore.

As this paradigmatic case demonstrates, the conceptual tools of assemblage theory provide us with appropriate lenses to study the making of international cooperation in practice. Assemblage theory provides an analytical response to the contingency and complexity of global governance. Studying relations highlights the work required to maintain them, and the artifacts, be they a manual or a map, in which they are codified. Drawing on assemblage theory allows us to uncover how relations of authority and the territories of governance are made, but also to embrace the inherent instability and fragility of many governance arrangements.

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