



ORIGINAL RESEARCH ARTICLE

The 2009 Jamaica-USA Extradition Affair: A 'Securitized' Response to Jamaica's Drug Problem

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Abstract: *This paper utilizes the notion of securitization as a framework for explaining Jamaica's security response to the 2009 Jamaica-USA Extradition Affair. The Extradition Treaty between the two countries is an important agreement used to address Jamaica's drug trafficking problem. The paper argues that Jamaica's official state response in this extradition matter was securitized, and it supports this argument in three ways. First, it explains the securitization model as an important analytical tool in security studies. Second, the paper discusses the production of drug trafficking as a security problem in Jamaica. Further, it demonstrates how the 2009 affair was securitized, culminating in the death of seventy-five Jamaicans before the capture and extradition of the alleged drug cartel. Finally, the paper questions whether, because of the responses it generates, securitization of the drug threat remains a useful policy option for the Jamaican state rather than an alternative of de-securitization. It concludes that, despite the benefits of de-securitization, internal conditions still support the continued securitization of Jamaica's drug problem.*

Keywords: Securitization; De-securitization; Drug trafficking; Jamaica-USA Extradition Treaty; Jamaica; USA and Britain

A government's greatest role and obligation is the protection of its borders and the safety and protection of its citizens. This remains a fundamental responsibility of the state and must be achieved

through normal or abnormal means, via politicization or securitization. Politicization engages and discusses questions of security within the normal political machinery although it may manipulate security for political gains. Buzan, Waever and de Wilde describe a politicized issue as one forming a 'part of public policy, requiring government decision and resource allocations or, more rarely, some other form of communal governance'.¹ Securitization on the other hand, takes the discourse out of the normal political process and attaches extraordinary measures to it, making it priority 'because if not handled now it will be too late, and we will not exist to remedy our failure'.² The urgency to address the issue is based on the view that our very survival depends on such expeditious actions. Politicized issues can be transformed into securitized ones through an act of securitization.³

Drug trafficking, as a global phenomenon, has undermined the core obligation of governments because it supports cross-border drug flows, promotes crime and violence and threatens people's lives. Hence, security practices today cannot ignore security problems occurring in all regions of the world and involving all types of actors inclusive of drug traffickers and other non-state actors. It is important to understand this reality within the framework of contemporary security studies, because, while exploring competition and power relations among states, it simultaneously explores on-going security developments and threats emerging from non-state actors. These threats may also undermine the secure and stable environment of states and weaken human security. However, contemporary security studies have demonstrated that the state is not the only actor in international relations nor is it the primary referent for security. Barkawi and Laffey have explained that 'security relations today are about the contradictions between old security logics and new security problematic'.⁴ Old matters cannot be ignored but new realities must be, and have been included in the contemporary study of security relations. Hence the state as the primary and only referent of security, a notion supported by classical realism has been severely challenged as other referents such as the individual, the physical environment, identity and society have emerged reflecting current and on-going security dynamics.

Security threats occurring in one state, if ignored, have the potential to spill across borders and challenge the security of others. The penetrability of borders in this way requires states, developed and developing, to cooperate in international security

relations. Hence, aspects of power relations in this regard may have to be negotiated in order to reach agreements that are devised to curb specific threats. The Jamaica-USA Extradition Agreement is an example of a negotiated agreement between a developing and a developed state. This Agreement is used to punish transnational criminals, such as drug traffickers, who violate the health and security of individuals through the provision of illicit drugs.

Given these developments and realities, this paper explores the relevance of the securitization model to Jamaican security practices, with a focus on the 2009 Extradition case. The paper takes three approaches. First, it explains securitization theory as an interesting tool used in security practice. Second, the paper examines the Jamaica-USA Extradition Treaty as a legal strategy used to reduce drug trafficking and apprehend traffickers. It applies the theory of securitization to the 2009 Extradition Matter and argues that this case reflected a good model of securitization in Jamaica. Finally, the paper assesses the utility and wisdom of securitizing Jamaica's drug threat.

THE COPENHAGEN SCHOOL ON SECURITIZATION

The Copenhagen School has broadened our understanding of security through the original works of its leading authors, primarily Barry Buzan, Ole Waever and Jaap de Wilde, amongst others.⁵ For these authors, survival is the fundamental basis of security. Therefore, securitization occurs when an issue is spoken about in a manner which demonstrates that a threat is an existential one for a referent object. Hence if it is not addressed it will undermine the survival of the referent object. They explain securitization as 'the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics. Securitization can thus be seen as a more extreme version of politicization'.⁶

The notion of securitization is that security is an illocutionary speech act by which securitizing actors verbally label issues as a security threat. Consequently, security issues can be spoken into existence as security involves a political and social process, which can be 'made or reshaped by securitizing actors' as well as 'referent objects'.⁷ Katzenstein discussed the constructed nature of security, arguing that security actors and cultural factors work together to shape security responses.⁸ If security actors are shaping security in

this way, it means that security is a dynamic rather than static construct.

In this regard, securitization, according to Emmers, involves a two-stage process. First, it portrays 'certain issues, persons or entities as existential threats to the referent objects' and second, upon successfully labeling the issue, it convinces 'a relevant audience that a referent object is existentially threatened'.⁹ Both portraying the threat and convincing the audience of its existential nature, centralizes the salience of the speech act. The speech act is the spoken representation, the use of security language to reflect an issue as an existential threat to security. Buzan, Waever and de Wilde see the speech act as the beginning of the process of securitization. Hence in their view, it is a sufficient basis for constructing an issue as a security one even if there is disparity between the speech act itself and the existential nature of the threat in material terms. By articulating the issue in such terms, it conditions the audience and authorizes securitizing actors to utilize state power and use exceptional procedures and rules.¹⁰

Speech acts have theoretical roots in linguistics and are associated with John L. Austin in his work on 'How to do Things with Words'. For Austin, language is janus-faced. On the one hand, language conveys information to an audience but on the other, it extracts an action from the audience. To him therefore, meaning and interpretation cannot be separated. As such, the speaker's intent and the listener's interpretation combine to give form to the meaning of the speaker's speech. For this reason, words are often followed by some form of action which is usually manifested in the behaviour or attitude of the receiver of the message.¹¹

Actor-Audience-Message in Securitization

The centrality of securitizing actors, from the viewpoint of the Copenhagen School, rests in their ability to construct an issue for the security agenda. Once such an issue emerges, it takes on an increased level of urgency and quick measures are needed to address it. These normally fall within a 'special kind of politics' because the security issue (so-labelled) is now removed from the normal, democratic, procedural political process of decision-making. This 'special kind of politics' supports the use of extraordinary measures that are adopted to contain the security issue. However, in a democratic society, these should be negotiated in order to win popular support. Such negotiation involves the

securitizing agent providing a verbal message to the audience whom he or she hopes to convince, meaning the speech act itself.¹²

Similarly, another important idea concerns the interplay between the actor, the audience and the message. In the view of scholars of the Copenhagen School, the securitizing actor is the legitimate representative who has the authority and the directive to speak about an existing threat, as well as articulate an issue which will be constructed as a future security threat. The audience refers to an individual or a group of individuals who are evaluating the securitizing actor's speech. It is important to note however that the message is normally communicated verbally by the actor to the audience, a process which ignores non-verbal form of communication in the securitizing process.¹³ The message's intent involves providing information either to warn, advise or to request the audience to take some action.¹⁴

Vouri has suggested that there are three types of securitization processes, which cover the essence of the actor-audience-message dynamics. The first involves an ex-post facto rationalization of acts, which allows prior clandestine actions to be legitimated through the use of a security argument, and which, given normal political procedures, would be deemed illegal or illegitimate by the audience. The second type of securitization involves a speech act to either deter or to obtain support for the securitization of future acts. By contrast, the securitizing actor's main purpose here is to warn the audience of an impending issue and to win support for the extraordinary measures that will be used to deter similar security threats. By so doing, the securitizing actor is constructing the security threat as reality by simply making certain claims about future threats. The last type concerns the speech act that is aimed at securitization in order to maintain control. In this instance, the actor employs compelling arguments to generate fear in the audience, so as to cajole them into doing what he or she wants, or it is sometimes used to prevent the audience from carrying out a particular course of action.¹⁵

This is particularly evident in the Jamaican case. Speech acts to securitize the drug problem and respond to it are evidenced in the security language used by securitizing actors that the drug problem is a deep-seated one which threatens the audience's survival. The use of speech acts that make connections to the drug problem in sustaining gang activities, homicides and increased gun-related crimes, are issues which resonate with the Jamaican audience because such problems are so glaring in the society. These are also

issues which generate strong emotional feelings from the Jamaican audience, either because they have experienced such crimes, knew someone who has been affected, or because they fear that they will be affected if the drug threat is not controlled. The speech acts typically used by securitizing actors in Jamaica will be discussed later in this paper.

Another important tenet of the securitization theory focuses on the role of the securitizing actor. A major element of this is to construct the security threat as being critical to the survival of the referent object. In a democratic state, this process mandates negotiation with the actor and the audience because consent becomes important in sustaining the breach of normal political procedures and decision-making practice so as to achieve a successful act of securitization.¹⁶ Emmers has noted that democratic political elites, by virtue of being elected, benefit from the legitimacy granted by electorates. This, he argues, creates an advantage for political elites when they opt to convince an audience of the need for special emergency actions in containing an existential threat.¹⁷

Extraordinary Measures in Securitization

According to Buzan, Waever and de Wilde, a successful act of securitization empowers securitizing actors with the right to use exceptional measures. Despite this however, the success of the securitization process does not depend simply on the use of such measures. Instead, its success, in their view, depends on using speech to convince an audience that an existential threat exists. Extraordinary, exceptional or emergency measures are those that 'go beyond rules ordinarily abided by and therefore located outside the usual bounds of political procedures and practices'.¹⁸ The use of these measures aims to address an issue that is posing an existential threat to a referent object. The existential threat is an enemy to the referent object and must be tackled with the utmost urgency. The measures to be adopted are dependent on the assessment of the threat and its expression, that is, it is based on the circumstances and the context. The war waged to capture the alleged drug cartel by Jamaica in 2009 is, of course, an example of a securitizing act.

The explanation of extraordinary measures in securitization raises some concerns. Securitization explains the type of extraordinary measures to be adopted by states but leaves open to

interpretation the extraordinary measures to be adopted by non-state actors subsequent to the acceptance of an issue as an existential threat by an audience. Further, the salience of securitization is brought into question when there is no parity between the securitization process and the actions and policies adopted to address the perceived threat. That is, when an issue is securitized through the acceptance of a speech act but ordinary policy measures are used to address it.¹⁹

Moreover, the use of extraordinary measures is not a requirement for securitization. What is required is the audience's acceptance that an issue poses an existential threat. Buzan, Waever and de Wilde explain this when they suggest that 'we do not push the demand so high as to say that an emergency measure has to be adopted'.²⁰ This means therefore that successful speech acts by securitizing agents may reflect the use of standard political procedures, extraordinary measures or both. However, securitization requires both a speech act and policy implementation either through the normal political process or via emergency measures.²¹

Main Criticisms of Securitization

Scholars have critiqued securitization on the basis that the interplay between the electoral audience and the success of securitization is not clearly established.²² Likewise, others have critiqued the absence of specific criteria to identify successful securitization.²³ Hansen has critiqued securitization on the basis that it is weak in addressing 'silence' because it focuses on speech acts but ignores threats that cannot be articulated.²⁴ Similarly, Wilkinson's criticism is rooted in the notion that speech acts are privileged over other forms of communications.²⁵ McDonald has raised the important point that it is difficult to determine at what stage securitization has taken place: is it at the identification and definition of an issue as one of security, or when the audience has accepted this issue as such, or is it when the extra-ordinary measures are applied?²⁶ Nevertheless, Slater argues that successful securitization should be based on four (4) issues: first, the extent to which the issue is debated within wider political debates; second, if the threat is accepted or rejected; third, if the solution is accepted or rejected and fourth, if the securitizing agents are accorded additional emergency powers.²⁷

SECURITIZATION: THE PRODUCTION OF DRUG TRAFFICKING AS A SECURITY PROBLEM IN JAMAICA

As discussed above, the work of the Copenhagen School helps to explain the centrality of 'rhetorical' securitization in the production of security. The following section demonstrates Jamaica's drug problem as 'rhetorically' crafted through the efforts of securitizing actors and hence this shapes the 'active' securitization of its drug responses.

Securitization and Drug Rhetoric

The severity of Jamaica's drug trafficking problem is often captured by speeches made by Jamaica's Minister of National Security, the authoritative state figure who is the legitimate actor authorized to express such matters to the nation. For instance, Dr Peter Phillips made many speeches on the grave state of the country's drug problem. The following excerpts capture the essence of the main conditions that Waever outlined as forming the fundamentals for the speech act: first, the construction of the speech act forming an existential threat; second, the authoritative position of the securitizing agent; and, finally, historical conditions associated with the threat.²⁸

In 2001, the Minister stated that:

They [international drug cartels] seek to penetrate our borders for the transshipment of illegal drugs. In its course, this penetration facilitates the influx of massive amounts of illegal weaponry and associated massive financial resources which foster the formation of organized criminal groups. These groups terrorise communities in their efforts to provide protection and cover for their vicious trade.²⁹

In 2002, he spoke about the increase in the drug trade in the western part of the island, he noted:

There are significant narcotics activities taking place here in western Jamaica... that means that we have to be particularly vigilant in this part of the island. We are fully committed to standing up against these "druggists" because they stand to overturn the hopes and aspiration of the Jamaican people.³⁰

He also made another speech in 2002, where he stated that:

It's [the drug problem] going to take time, resources and will, but we dare not fail because if we do, the survival of the country is going to be brought into question.³¹

In 2003, the Minister spoke to the nation as follows:

We have to confront the [drug] problem which has worsened over the decades. The extent of crime is threatening our economic activity. We have to take the profits out of crime, and prove to be true the phrase 'crime does not pay'. If you take that as a percentage of the total GDP for 2001, the value of that illegal drug trade represents 40 percent of our GDP. We have to seize the properties which are the results of profits of ill-gotten gains.³²

He made a further appeal to the Jamaican citizens at this time, asking them to 'Speak out about the drug trade, and be an example, be drug-free'.³³ By 2004, the Minister stated in a speech that cocaine trafficking maintained 'a general environment of lawlessness in Jamaica'. He went on:

What I am saying is that it [the drug problem] is something that contributes to the development of an overall environment in which crime looms large because the drugs helped form the gangs, sustain the gangs, supply the resources for the guns and contribute to the corruption of critical elements in our social institutions which erode the general atmosphere of law-abiding behavior.³⁴

In 2005, the Minister said:

It [drugs] is like a cancer, when you cut it out it is painful, but leaving it there will certainly kill you. And leaving the drug trade and the druggist to continue to influence Jamaica will definitely kill Jamaica and its way of life as we know it, and it is not an option.³⁵

The numerous quotes here show the distinctive way in which Dr Phillips articulated the nature and extent of Jamaica's drug problem. From his speeches, he claimed that it posed an existential threat to the state and to the lives of people. This in turn became a part of the prevalent security narrative regarding the drug problem in Jamaica.

Vuori reminds us that 'securitization is a social and a political act, which is facilitated by certain conditions, including some in brute reality'.³⁶ The securitization of Jamaica's drug problem is laid bare in the 'brute reality' of the direct and associated problems

experienced by the country due to the drug threat. Political elites' drug rhetoric has manifested itself in Waever's notion of a speech act having a claim, warning and request. To better understand the facilitating conditions underlying securitization, we must take a deeper look at Jamaica's drug trafficking problem.

I have argued elsewhere that 'Jamaica's drug trafficking problem did not emerge in a vacuum. It arose within a myriad of factors, which created a fertile breeding ground for its expansion to markets in the USA and Britain'.³⁷ These geo-political, economic, historical and social factors come together to facilitate Jamaica's drug trafficking problem.

Given this context, to curb it, securitization has been utilized as an option to improve safety, to protect nationals as well as to act as a deterrent to traffickers. This option was prioritized over politicization because the construction of the drug problem as an existential one was supported by the Jamaican audience and was propelled by the USA's own drug problem and responses to address it. This famously culminated in the 'war on drugs', a process which was transferred to production countries such as Jamaica. In Jamaica's case, most of its technical knowledge on drug reduction strategies and policies has emerged from the USA, in large measure due to bilateral and technical assistance. Also, the philosophical, legal and criminal justice understanding of the drug problem in the USA has also filtered to Jamaica, mainly because Jamaican criminals traffic illicit drugs to the USA. I argue that the technical knowledge transfer to Jamaica was appropriate although it created a platform for the securitization of its drug problem.

Securitization of Drug Operations and Laws

The USA set the trend of securitizing its drug problem in the 1960s through Presidential pronouncements and policy initiatives. In 1968 for instance, faced with a rising illegal drug misuse problem, President Richard Nixon declared a 'war on drugs', which coalesced the USA's efforts to combat drug production, distribution and misuse. By 1972, small drug agencies were combined to produce the Drug Enforcement Agency (DEA). The leadership of President Ronald Reagan in the 1980s strengthened the 'war on drugs' through additional financial and legal support for the DEA to reduce supply into the USA. The DEA was strengthened through the passage of extraordinary drug laws, provision of additional equipment, access to military intelligence and training.³⁸ The

rhetoric surrounding the 'war on drugs' denotes the importance of this threat, it generates emotions, it underlies the urgency of response to the problem, it fosters the need for an increased priority on the security agenda, it supports the allocation of huge financial resources, and, finally, it locates illicit drugs as an agenda item for which extra-ordinary reduction measures must be adopted. So grave was the rhetoric that it energized and conveyed the need for militarised conflict against non-state actors, primarily drug traffickers, in peace-time in both drug production and consumption states.

In the 1980s, at the height of Jamaica's drug trafficking to the USA, the Jamaican authorities securitized their drug problem, partly as a result of pressure from destination countries. Some of the rhetoric used by US officials about the drug problem was also used by Jamaican officials. The latter also used the discourse of 'war' to refer to their counter-drug efforts. Similarly, some used idealistic language - such as having strategies that would eliminate Jamaica's marijuana cultivation - rather than referring to more prosaic reduction measures. During the early 1980s, the USA's approach to addressing its drug consumption problem was heavily skewed towards supply-reduction strategies.³⁹

This approach, coupled with Jamaica's escalating drug trafficking problem, propelled varying joint counter-drug trafficking initiatives shrouded in the language of waging a 'war on drugs'. Operation Buccaneer was one such programme. It was presented to the Jamaican people as an initiative that was designed to eliminate Jamaica's marijuana cultivation.⁴⁰ It was argued by state actors that the elimination of Jamaica's marijuana cultivation would terminate the supply, making none available for trafficking into US markets. As the USA's major supplier, this strategy adopted by the Jamaican authorities was intended to solve a significant part of the marijuana consumption problem that the USA faced. Rather simplistic in its expectation, it barely needs saying that, although Operation Buccaneer lasted throughout the 1980s, it was unsuccessful in eliminating Jamaica's marijuana cultivation. Nevertheless, it assisted in changing the rhetoric of state officials once they realized that elimination was far too utopian an objective. As a result, subsequent drug strategies aimed to curtail, rather than eliminate, 'production, consumption, and abuse, trafficking and money laundering'.⁴¹

Eradication of Jamaica's drug trafficking is implausible because it is a complex phenomenon influenced by economic, political,

social, historical and geographical factors. Griffith calls this 'the drug dilemma' which is characterized by 'multi-dimensional aspects'.⁴² High financial returns remain prime motivators attracting individuals into the trafficking industry. Besides economic factors, political engagements also explain the chosen state-locations that traffickers target to transport illicit drugs. Jamaica's trading engagements and close historical ties to the USA and Britain respectively have accounted for the preference ascribed to these states by traffickers in the determination of their drug markets.⁴³ Further, political decisions in both production and consumption states culminate in immigration policies and border security measures to restrict the movement and activity of traffickers.

The politicization of the drug threat witnessed Jamaican actors debating and passing a number of laws through the normal political process, including anti-drug trafficking laws aimed at curbing the flow of illicit drugs. These include the Drug Offences (Forfeiture of Proceeds) Act 1994, the Money Laundering Act 1998, the Interception of Communications Act 2002 and the Proceeds of Crime Act 2006. These Acts in varying ways have aimed to curtail not just trafficking, but related criminal activities like the laundering of proceeds. At best, however, they can be described as minimally successful in facilitating the arrest and seizure of traffickers and drugs, often resulting merely in the arrest and capture of lower and middle level operators in Jamaica's drug trade. However, the major drug kingpins are detached from daily operations, and hence are more difficult to apprehend through the exercise of these laws.⁴⁴

Additionally, because drug trafficking is a cross border activity, state initiatives must transcend nation states' national borders. For this reason, and because most of the marijuana Jamaica cultivates and the cocaine it transships are destined for markets in the USA, a joint Agreement was established to arrest and charge traffickers. This initiative became known as the Jamaica-USA Extradition Agreement.

The Jamaica-USA Extradition Agreement

Jamaicans involved in the trafficking of illicit drugs to the USA can be extradited to face charges under US jurisdiction. The 1991 Jamaica-USA Extradition Treaty was negotiated and executed through the normal political process. Hence, an extradition request

must be made through the standard diplomatic channels. It must also be supported by relevant documentation.⁴⁵ The specific supporting documentations required to accompany an extradition request are outlined in Article VIII (a-e) of the Agreement and include evidence of the person's identity and location; the facts of the case; the violation of the law and the extraditable offence committed.

To expedite the arrest of the person to be extradited, Article X of this Agreement facilitates temporary arrest, a provision which is accorded to both contracting parties but must follow the laws of the Requested State. Notwithstanding this, an application must be made via the diplomatic channel for temporary or provisional arrest. This may also be done directly by engaging the Jamaican Minister responsible for extradition and the Department of Justice in the USA. However, the person who is temporarily arrested cannot be held for longer than sixty days if the formal request for extradition along with the supporting documents are not received by the arresting state.⁴⁶ Importantly too, Article XV of this Agreement allows the granting of an extradition without formal proceedings if the person to be extradited agrees in writing to the extradition after being advised by a Judge or Magistrate of his or her right to further extradition proceedings. To protect the rights of the extradited person, Article XIV captioned, the Rule of Speciality, makes provision for the requested person to be tried only for the extraditable offence.⁴⁷

Since 1994, Jamaica has extradited twenty-seven persons to face charges in the USA. However, the 2009 Extradition request provides an example of securitization, reflecting sharp differences to any other extradition matters addressed by the country.

THE 2009 CRISIS: A CONSEQUENCE OF SECURITIZATION

The August 2009 Extradition request for a Jamaican citizen, Mr Christopher 'Dudus' Coke, to face drug charges in the USA was made public by the former Minister of National Security, Dr Peter Phillips, in March 2010. The incumbent government of the Jamaica Labour Party (JLP) was asked, by the Opposition, the People's National Party (PNP), to communicate with the nation about this extradition request. Subsequently, the Prime Minister at the time, Bruce Golding, revealed that Mr Coke was associated with his constituency, Tivoli Gardens, located in Western Kingston. A month after the request was made, a US law firm was retained to advise

the Jamaican authorities on the extradition matter. However, the extradition process was not expedited immediately but rather delayed for nine months due to discussions between the Government of Jamaica and the JLP itself. Initially, the abnormal nature of the extradition request caused the Jamaican authorities to refuse it on the basis that it required additional clarification. But, by May 2010, former Prime Minister Golding announced to the nation that the Minister of Justice would sign the extradition request.

West Kingston Erupts and the State Responds

This announcement created widespread panic throughout Kingston. Fear gripped many citizens, as regards the possible disturbance that might erupt. Residents of Tivoli Gardens opposed the Prime Minister's decision. They consequently opted to show their unhappiness through demonstrations and by blockading the entrance and exit to Tivoli Gardens. The local television news showed images of barbed-wired fortification acting as a barrier to entry in the community. This was a strategy designed to prevent law enforcers from entering in order to arrest Mr Coke and hence to prevent the extradition process from commencing. The famous placard reading 'Christ died for us, we will die for Dudas' captured the sentiment of the protesting group; they were willing to protect their community member at all costs. Media images showed a police station in Western Kingston on fire and allegations emerged that it was set ablaze by criminal gangs. Local and foreign media captured the impasse between the people and what appeared to be a state under siege. The resistance displayed by the residents of Tivoli Gardens, though effective in getting national, regional and global attention, was illegal and therefore delegitimized by the state. The actions of this group were on the periphery of the norms of lawful behaviour and consequently their actions were characterized by the state as offensive, and those of criminals using force against it.

The state was therefore determined to display its strength against the chaos, disorder and violence that emerged: it declared curfews in parts of Western Kingston, deployed a police-military contingent to enforce order and to serve the extradition dictates. Armored vehicles rolled in, and the law enforcers were prepared for both offensive and defensive operations. Aircraft support hovered over the community, capturing crucial intelligence on the

ground combatants who were challenging the police and the military.

On 24th May 2010 gun battles erupted in the community, killing 75 people. The media captured dead bodies in the street and the complaints of the residents that the state had used excessive lethal force in their community. By 22nd June 2010, Mr Coke was eventually captured. In accordance with Article XV of the Jamaica-USA Extradition Agreement, he waived his rights to formal proceedings in Jamaica and opted to be extradited directly to the USA instead. This marked the end of the impasse between the residents and the state.

Four months later, in October 2010, the opposition PNP called for the resignation of the Prime Minister. Under pressure, Golding opted for a Commission of Inquiry to reveal the facts surrounding the Extradition matter. At this enquiry, it was revealed that the former Minister of National Security, Dr Peter Phillips, had previously signed two secret Memoranda of Understanding, one with the USA and the other with Britain. These Agreements were signed without divulging them to the Cabinet or the then Jamaican Prime Minister, Mr Percival Patterson, under whose portfolio the Ministry of Defence fell at the time. These Agreements allowed American and British agencies the right to intercept the private communications of Jamaican citizens so as to obtain intelligence which may be used to curb drug trafficking and other organized criminal activities. However, at the Commission of Enquiry Dr Phillips maintained that these Memoranda did not undermine the constitutional rights of Jamaicans. He argued that they covered training of the personnel involved in the intelligence arrangement, provision of funds, conditions pertaining to the use of the intelligence as well as the duty of the agencies involved in the interception.

A central finding of the Commission of Enquiry was that information acquired through the Memoranda of Understanding falls outside the ambit of the country's Interception of Communications Act 2002. This Act forbids the disclosure of intercepted communication to foreign entities. Consequently, the delivery of Mr Coke's telephone records to the US government breached his constitutional rights under Section 22 of the Jamaican Constitution.⁴⁸ Since 2011, the Act has been amended to allow the transfer of intercepted communications to foreign agencies and governments.⁴⁹

Questions of Legitimacy in Jamaica's Securitization

The 2009 crisis raised some interesting conceptual, representational and classificatory issues regarding the securitization of drug trafficking in Jamaica. The question of which actors' representations are viewed as significant within such a crisis has important normative implications. The securitization of the drug problem by political actors is supported by the fact that such actors have a wide audience to listen to their statements, and, as authoritative figures, they can deploy state resources to respond to apparently existential threats. This is in keeping with Waever's notion that security is articulated using an institutional voice and by elites.⁵⁰ Within a democracy, this 'institutional voice' and the 'elites' are legitimized by the electorate. Yet, this focus ignores the experiences of resistant communities and groups, who have actively challenged the dominant elite security discourse and refuse to consent to the views of the mainstream national audience. Hansen has found that the focus on elites' speech acts and securitization has marginalised and silenced women's experiences in the analysis and practices of security.⁵¹ Likewise, Barkawi and Laffey have questioned the manner in which security studies represents the 'politics "of the powerful" hence preventing adequate understanding of the nature or legitimacy of the armed resistance of the weak'.⁵² It could be argued that Jamaica's drug security discourse does not adequately understand the nature or legitimacy of the resistance of communities which protect traffickers against the law and engage the state in combat situations.

Therefore, Jamaica's case raises the interesting and relevant issue of how to understand and interpret a successful securitization against the background of resistant communities and groups. To shed some light on this issue, the majority of the literature on securitization focuses on democratic political societies.⁵³ and hence communities and groups within this democratic political configuration can choose to reject the elites' securitizing actions. Vuori argues that this democratic bias in the literature on securitization has its genesis in the European evolution of this theory which 'was after all induced from European politics'.⁵⁴ Vuori also reminds us that

there can be a variety of securitizing actors: not all securitizing speech is uttered by the powers that be, who also do not always have to be state powers. People outside official authority can utilize

securitization speech to achieve certain aims, provided they have sufficient social capital.⁵⁵

In Jamaica's case, there are *de jure* and *de facto* securitizing agents, consequently demonstrating the constitutive nature of the politics of drugs in the country. The cartels have considerable financial and social capital to achieve their aims of securitizing communities by commanding and controlling community members to support their cause either out of their kindness or through fear of brutal reprisals if they refuse to comply. In this arrangement, Jamaica's experience reveals 'the numerous and diverse ways in which the weak and the strong are bound up together', and it also 'draws attention to the many ways in which the resistance of the weak profoundly shapes events and outcomes'.⁵⁶ Hence, the resistance of the residents in Tivoli Gardens to the capture of Mr Coke shaped the events resulting in the massive use of force by the Jamaican state. However, the citizens' resistances were no match for the powerful show of force by the state.

The securitization model legitimizes the notion of the securitizing actor as someone having the authority to speak on behalf of the state. In Jamaica's case, the securitization of the drug threat reflects the authority of state officials operating both internally in Jamaica and externally in other states. These are the *de jure* securitizing actors, the ones who possess the legitimacy to act on behalf of the state. Yet it is the actions of drug kingpins that have driven the securitization process concerning counter-drug measures. They are therefore the *de facto* securitizing agents. This has consequently raised the question of who are the real securitizing agents in Jamaica: those who have the legitimate authority, those who make the public speeches, or those who speak in private but have considerable influence by commanding and controlling large drug empires and having significant power on entire communities?

Aradau argues that it is possible for an actor to speak with authority when he or she does not have the authority to speak.⁵⁷ Jamaican drug kingpins are not a part of the legitimate state authority, but when they speak they do so with such authority that entire communities perform acts that legitimate political leaders cannot obtain from those same communities. Likewise, McDonald is correct in arguing that it is important to understand security as a discourse of varying representations and practices. In this regard, he implores analyses of securitization to assess 'the range of ways in which political communities and their values are positioned by

different actors, and explore the contexts in which particular security visions “win-out” over others’.⁵⁸ Not surprisingly, Bigo also advocates that, for the securitization model to better align with contemporary dynamics of security threats, state actors will not be the only ones that are making securitizing moves.⁵⁹ In Jamaica’s case, such moves are made in unconventional ways by drug traffickers due to the substantial power - or the ‘social capital’ - that they hold over their constituent supporters.

The Extraordinary Character of Securitization in Jamaica

The 2009 Extradition Affair illustrates an important principle held by those in the Copenhagen School, specifically that of the use of extra-ordinary measures to address the existential drug threat. The measures used to minimize threats: as Tjalve notes, they are not properly political or discursive. However, once securitized, policies often go ‘beyond legal control, beyond parliamentary oversight, and [are] exempted from democratic inclusion or representation’.⁶⁰ The secret Agreements that were signed with the USA and Britain occurred outside of the normal political process, beyond Cabinet or Parliamentary oversight, possibly due to the sensitivity of the issue. Its importance was evidenced in the process, to the extent that such information was not even divulged to the Prime Minister, who is also the Minister of Defence or the Cabinet in this case. This is clearly very unusual. Emmers has raised questions concerning the ills of securitization, especially in a non-democratic society where the populous cannot freely reject the emergency measures adopted to confront the threat. He has noted that this risk associated with securitization is also present in a state possessing a democratic political tradition. Such a risk, he suggests, may become evident following an act of securitization which results in curtailing individual civil liberties as well as the right to the enjoyment of family life in an attempt to protect national security.⁶¹

Despite this risk however, questions are raised concerning the dichotomy of citizens’ rights to privacy on the one hand, and the extent to which security should be protected at such expense, on the other. The Jamaican audience seems divided on this point. One view is that, given the serious challenges posed by organized crime, security measures will at some point infringe on individual’s privacy. This is considered by some as being necessary to curtail security threats. Yet, the alternative perspective suggests that an individual’s constitutional rights must never be abrogated in this

way. These dual views, simultaneously expressed by different elements of Jamaican public opinion, capture the level of controversy that often emerges in democratic states subsequent to the securitization of an issue. Vuori's classification suggests that the process of securitization was very much one premised on the rationalization of past actions.⁶² Consequently, the former Minister of National Security aimed to justify his previous behavior in signing the secret Memoranda to the Jamaican citizenry through his pronouncements in the Commission of Inquiry.

By the same token, the extradition case itself reflected the use of extraordinary measures, not normally adopted with extradition matters of a similar nature. The executive played a staunch role in this particular case. Former Prime Minister Golding captured this in his address to the nation when he stated that 'the business of the country and the challenges that we have to overcome require that they be tackled with urgency and unquestioned authority'.⁶³

In spite of this, a case for securitization was laid through the extraordinary involvement of the executive arm of government in the extradition matter. This is so because the Golding administration made the capture of Mr Coke a military rather than a legal imperative. The imposition of the States of Emergency in certain parts of the country and the fighting that erupted remain good examples of how individual security was eroded in an attempt to protect the state. It also reflected the use of exceptional measures to address the unrest that resulted. The combined use of force from the Jamaica Defence Force (the army) and the Jamaica Constabulary Force (the police) represents the deployment of a special kind of process to address the security problem. The military's engagement in law enforcement matters occurs mainly in exceptional and grave circumstances. These arise predominantly in instances in which the state believes that additional deadly force is required to contain a security threat escalating against the state's infrastructure and its nationals.

Following Vuori once more, part of the securitized approach was grounded in an attempt to deter future acts. The non-verbal message conveyed through the simultaneous deployment of the military and the police was that maximum use of force will be utilized to counter any similar threats posed by future drug cartels and their alleged criminal supporters. This militaristic approach was therefore largely inevitable because the extradition affair was itself securitized. It was placed within a unique kind of politics,

thereby giving the administration the option to use exceptional measures to confront it.

Perhaps the most significant implication of this approach concerns the fact that normal political procedures seldom apply in a state of combat. As a result, the response designed to overthrow Mr Coke falls outside standard political practices. Waever has highlighted an important outcome of securitization, which is that it tends to result in a militarized and confrontational posture.⁶⁴ This inherently defines security questions within the context of an inclusion-exclusion dichotomy. In this divide, the inclusive or the 'us' group views the exclusion or the 'them' group through a hostile lens. The former is representative of the securitizing actors and the latter represents the drug kingpin and his loyalists. The 'active securitization' of the extradition matter led to the death of 75 people. The undemocratic and sometimes militarized nature of securitized issues has led scholars to advocate for the de-securitization and repositioning of issues within the normal political process.

DE-SECURITIZATION

Jamaica's public threat perception is largely shaped by the actions of state officials coupled with drug trafficking reports, allegations and convictions, which are then reinforced in the media through widespread coverage of issues. For instance, public perceptions are shaped by reporting about the scale and seriousness of the drug problem, partly because media reports are so extensive, including: how many quantities of cocaine or marijuana have been seized from the air and seaports; how many persons have been arrested with illicit drugs; what quantities they had in their possession; which drug kingpin has been extradited, to which country, on what drug-related charge; over what duration he/she has been transporting illicit drugs and the extent of his or her drug empire and money laundering enterprises. As a consequence, the frequency of these reports on the radio, television and in the newspapers serves to convey the message that the drug problem remains a grave one, requiring continued resource allocation, governmental policies and intervention. Citizens demand and expect protection against drug trafficking activities, and the state feels sufficiently justified to produce such security through varying normal and abnormal measures. The question remains, though: is the state justified in securitizing the problem in this way?

For Buzan, Weaver and de Wilde de-securitization is the 'shifting of issues out of emergency mode and into the normal bargaining processes of the political sphere'.⁶⁵ Waever further explains that de-securitization strips an issue of its securitization status through lack of communication about the issue in security terms; by keeping securitized responses in a manner that restricts security dilemmas; and by placing security issues back into normal politics through communication.⁶⁶ However, for Behnke de-securitization implies a process by which an issue withers away through silence on the matter, not through relegating its status to normal politics by a speech act.⁶⁷ The de-securitization of Jamaica's drug problem would require strategies that could convince the Jamaican audience that it is no longer a threat. Huysmans explores three de-securitization strategies: objectivist, constructivist and de-constructivist strategies.⁶⁸ Objectivist strategy is heavily premised on the notion that security is an objective subject. Hence a Jamaican actor who is intent on de-securitizing drug trafficking using the objectivist strategy would have to convince the Jamaican audience that drug trafficking is no longer a security threat. Such a speech act is unlikely to resonate with its audience amidst the background of current reported drug seizures, arrest and drug-related crimes. Given this situation, reference to Buzan, Weaver and de Wilde's proposal for more clandestine ways of embarking on the de-securitization of an issue becomes useful. The Jamaican actors could emphasize competing threats such as human trafficking or lottery scamming instead of the drug trafficking threat. This change in the security threat discourse could assist in the fading away of the securitized nature of Jamaica's drug trafficking.

Huysmans' constructivist de-securitization strategy emphasizes the operation of the securitization process.⁶⁹ The emphasis here is not on the establishment of the existence of a threat but rather on how the process of securitization of an issue happens. In Jamaica's case, the processes that led to the securitization of the drug trafficking problem, which in turn harness resources, propel discourse and motivate policies are still in place. Hence, the move to de-securitizing this issue may be viewed as a political game and may receive a lot of heat from public opinion. Nevertheless, a political official intent on de-securitizing an issue may gain much traction by using a strategy of claiming that it should never have been understood in security terms, by denouncing the assessment of the original securitizer or by substantiating a changing landscape which demonstrates that the securitization of the issue

is no longer necessary. Finally, the Jamaican actors may opt to de-securitize the issue by using the de-constructivist strategy. By so doing, they might decide to assess the security dynamics from within the country with a narrative that portrays drug trafficking as having a non-existential security identity. Rather, it could be re-labeled with milder labels, thereby supporting a case for its return to the normal political process.

As Derrida reminds us, we can ask what the success or failure of securitization means by separating speech acts from the political function of securitization.⁷⁰ In Jamaica's case, the speech act securitizing the drug issue is envisioned through mixed lens by different sectors of society. Persons in communities in which traffickers are security enforcers and financial providers have refuted the argument that the drug problem is an existential threat to the society. Although in the minority, speeches equating the dangers of the drug problem have not gained 'genuine legitimacy' in the minds of those individuals as they benefit from this illicit trade. Yet, others have accepted whole-heartedly that the drug problem threatens the survival of the state and people in many different ways. Hence, the failure or success of the speech act concerning the securitization of drugs can best be understood on a continuum of success or failure.⁷¹ It should not be seen in extremes, either as having been fully successful or purely a failure. This is so as no successful securitization will achieve full acceptance from all the targeted audiences nor will the failure of a securitizing speech act be completely rejected by the entire audience.

Like the speech acts themselves and the politics of the securitization process, the use of extraordinary measures against drug traffickers received mixed support from the Jamaican audience. For some, the exercise of extraordinary measures has resulted in causalities, the loss on lives for which such exceptional measures were not warranted. For others, extraordinary measures should be able to match the exceptional reach and power of non-state actors.

Waever quite correctly noted that the argument surrounding the appropriateness of securitization presented an analogous argument to that used by war theorists concerning 'just' wars.⁷² A combat situation involving the loss of human life may be considered lawful if the use of force exercised is in adherence to legal guidelines and if professional standards are upheld among the actors. The permissibility of such a situation is not steeped in philosophical notions but legal ones and hence is considered a legal

war. Nevertheless, a war that is lawful concerning the actions of actors and the specific aspects of the war might be, at the same time, considered as unjust from a philosophical perspective. Hence, the use of the notion just war remains a viable manner by which securitization can be prioritized as the basis for an ongoing employing of extraordinary measures. This may continue to be the basis upon which Jamaica's securitization of its drug threat and responses rests.

CONCLUSION

The nature of Jamaica's drug trafficking and security policy-making may better be understood through intellectual engagement with the Copenhagen School on securitization. The construction of the drug problem in security terms cements the criticality of the speech act in labeling security issues and in successfully winning an audience of the existential nature of a threat. Jamaican public opinion accepts that the drug problem is an existential threat. The advantage of securitizing this issue is that it facilitates the allocation of resources through local, bilateral and international efforts, which might not have been obtained had the drug problem be treated as a politicized one. The joint effort by the USA and Jamaica to extradite alleged Jamaican drug cartels to face criminal drug charges in the USA, provide an example of tackling the drug problem as a matter of urgency. Jamaica's use of extraordinary measures in the 2009 Jamaica-USA Extradition Affair is captured in Waever's arguments that extreme measures are often justified by threat and necessity.⁷³

Yet the securitized nature of the 2009 crisis highlights the danger of the securitization model. The use of extraordinary measures, where the efforts of the Jamaica Defence Force were combined with the Jamaica Constabulary Force to capture the alleged drug cartel, resulted in the death of 75 Jamaicans. The danger of securitization in this crisis is that it empowers and legitimizes the role of the military in the civilian impasse in Tivoli Gardens, Jamaica. Further, the securitization of this crisis empowered securitizing actors to curb the civil liberties through the imposition of curfews which restricted the movements of Jamaicans in parts of Kingston and St. Andrew.

Given these dangers, the Copenhagen School on securitization does not view the securitization of responses in tackling issues as a positive thing.⁷⁴ Hence, it argues that as much as possible issues

should be debated and addressed within the normal political process in the context of politicization. Consequently, Buzan, Waever and de Wilde's view on securitization would advocate the de-securitization of the drug problem in Jamaica. Despite this however, Jamaica's securitizing actors do not appear willing to embrace strategies to de-securitize the drug threat. They might be more willing to find merit in Booth's argument, which cautions us to think carefully about de-securitization:

desecuritisation can disempower. Having issues settled by 'ordinary' politics is a nice idea: who would not prefer it to the threat of political violence? But 'ordinary' politics might not help in extraordinary circumstances; indeed, treating extraordinary issues as ordinary politics is a problem, not a solution.⁷⁵

As it stands, the drug problem in Jamaica is an extraordinary issue constructed by authoritative agents and accepted by a large number of citizens. The case discussed throughout the paper, shows the success of the securitization of the speech act process and ultimately the success of 'active' securitization.

ACKNOWLEDGEMENT

Special thanks to the two anonymous reviewers and the Editor of the CJIRD, Dr Matthew Bishop, for their constructive comments, which helped me to improve the paper.

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NOTES

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