

AperTO - Archivio Istituzionale Open Access dell'Università di Torino

## Contractors as a Second Best Option: The Italian Hybrid Approach to Maritime Security

### **This is the author's manuscript**

*Original Citation:*

*Availability:*

This version is available <http://hdl.handle.net/2318/1573146> since 2018-03-21T18:34:47Z

*Published version:*

DOI:10.1080/00908320.2015.1024063

*Terms of use:*

Open Access

Anyone can freely access the full text of works made available as "Open Access". Works made available under a Creative Commons license can be used according to the terms and conditions of said license. Use of all other works requires consent of the right holder (author or publisher) if not exempted from copyright protection by the applicable law.

(Article begins on next page)

This is the author's final version of the contribution published as:

Cusumano, Eugenio; Ruzza, Stefano. Contractors as a Second Best Option:  
The Italian Hybrid Approach to Maritime Security. *OCEAN  
DEVELOPMENT AND INTERNATIONAL LAW*. 46 (2) pp: 111-122.  
DOI: 10.1080/00908320.2015.1024063

The publisher's version is available at:

<http://www.tandfonline.com/doi/full/10.1080/00908320.2015.1024063>

When citing, please refer to the published version.

Link to this full text:

<http://hdl.handle.net/2318/1573146>

# Contractors as a Second Best Option:

## The Italian Hybrid Approach to Maritime Security

Eugenio CUSUMANO  
University of Leiden  
Leiden, The Netherlands

Stefano RUZZA  
University of Turin  
Turin, Italy

Based mainly on the use of Navy Vessel Protection Detachments (VPDs) paid by ship owners, Italian maritime security legislation also allows for the use of Privately Contracted Armed Security Personnel (PCASP) when VPDs are not available. Hence, Italy has adopted a hybrid anti-piracy approach that entails two different forms of private sector involvement: the financing and partial control of public military forces by the maritime industry and the provision of armed security by PCASP, an option that includes Private Military and Security Companies (PMSCs). While limited, this opening to the commercial sector is significant as one of the first of its kind in a state that has adopted a tight monopoly over the provision of armed services, and can be explained as the interplay between the willingness to respond to the needs of the maritime industry and a long-standing resistance against loosening state control over the use of force.

**Keywords:** Anti-piracy; Italy; Maritime security; Navy Vessel Protection Detachments (VPD); Private Military and Security Companies (PMSC); Security Commercialization

### Introduction

In order to contain the piracy threat, Italy has recently allowed for the use of armed teams aboard Italian flagged vessel, adopting a dual, hybrid approach. Based mainly on the use of Vessel

Received 16 September 2014; accepted. This article has been double-blind peer-reviewed.

Send correspondence to: Eugenio Cusumano, Assistant professor in International Relations, University of Leiden (e.cusumano@hum.leidenuniv.nl) and Stefano Ruzza, Assistant Professor in International Relations, University of Turin (stefano.ruzza@unito.it).

Protection Detachments (VPDs) provided by the Navy, Italian legislation also permits ship owners to resort to Privately Contracted Armed Security Personnel (PCASP) should VPDs be unavailable. Far from being unique to Italy, this dual approach to maritime security has also been adopted by Belgium and more recently by France, and it is currently being discussed in The Netherlands. Hence, an analysis of the Italian case is crucial not only due to the intrinsic importance of the Italian shipping industry and its exposure to pirates attacks, but also as a source of broader insights into the evolution, drivers and implications of maritime security policies in Europe and worldwide.

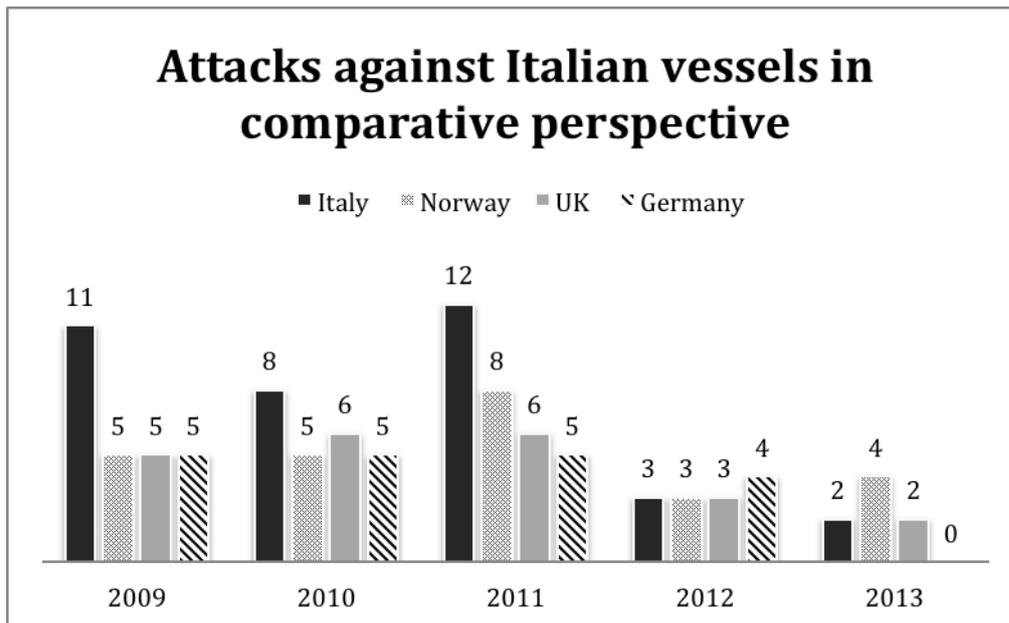
This chapter investigates the Italian antipiracy approach. The first two sections analyse the Italian response to the emergence of the piracy threat before and after 2011, when legislation allowing for the use of armed personnel aboard Italian flagged vessels was enacted. Section three focuses on the provisions regulating the use of PCASP, presently restricted to a specific set of circumstances. The conclusion will further explore the drivers of this hybrid approach, thereby unravelling the peculiarities and likely trajectory of Italian maritime security.

## **1. Background: the Italian anti-piracy approach before 2011**

Italy has a long-standing maritime tradition that persists in the 21<sup>st</sup> century, an unsurprising reality given Italy's geographic position and the length of its coastline. The maritime cluster, as a whole, produces around 2,5% of the national GDP (Federazione del Mare 2011). More than 50% of Italian foreign trade, both for import and export, is transported by sea and Italy's merchant fleet has grown steadily between 1998 and 2011, rising from 8 million gross tonnes (GT) to its current size of 18 million GT (Confitarma 2014). This figure places Italy as a flagging country, at fifth place

in Europe, after Malta, Greece, Cyprus, and the UK. If deadweight tonnage (DWT) is taken as a unit of measurement instead, Italy's fleet ranks sixth in Europe after Greece, Malta, Cyprus, the UK and Norway, with an overall dimension of 21 millions DWT. In terms of size, the Italian flagged fleet is thus similar to the UK's (19 GT, 21 DWT) and Norway's (17 GT, 21 DWT), and slightly larger than Germany's (15 GT, 17 DWT) (UNCTAD 2013).

Much of the Italian naval traffic is intra-Mediterranean, but about 1,300 ships fly the Italian flag to cross the Suez Canal every year (Senato 2011a, Senato 2012). Naval connections with the Far East and the Gulf countries are relevant to the national economy and expected to substantially grow in importance in the near future (Federazione del Mare 2011). Prevalence of Mediterranean routes notwithstanding, Italian vessels repeatedly suffered from pirate attacks. Between 2009 and 2013, 35 Italian vessels were attacked (IMB 2014), including five successful hijackings, four of which occurred in 2011 (IMB 2010 and 2011). In some cases, such as the rescue of the Montecristo in October 2011, ships were released after the intervention of military teams (Sole 24 Ore 2011b, Telegraph 2011), while in others large ransoms were paid. The Savina Caylin, for instance, was released in February 2011 after the payment of more than 10 million USD (SomaliaReport 2011). The chart below compares the number of attacks suffered by Italian vessels in comparison to the three European countries with similar-sized fleets covered in this special issue.



(Source: elaboration on IMB 2014)

Besides threatening the Italian shipping industry, piracy has been conceptualized as a threat to the Italian national interest at large, as the attacks could potentially result in a shift of maritime routes away from Suez and the Mediterranean, thereby marginalizing Italian ports (Senato 2012). These concerns imposed on Italian policymakers the need to devise appropriate answers. In 2005 already, Italy was the first country to deploy a military frigate off the Somali shores in an anti-piracy mission called "Mare Sicuro", or Safe Sea (Stato Maggiore della Difesa 2005). Requests from the Italian Shipowners' Association, Confitarma, were essential in prompting this response. Since then, Italy has participated in several military operations aimed at combating piracy, such as NATO "Ocean Shield", EUNAVFOR "Atalanta", EUCAP Nestor and the Combined Task Force (CTF) 151 (Caffio and Ronzitti 2012). Before 2011, few antipiracy options were available to Italian ship owners besides pressuring public institutions for effective action. The measures available were limited to following the shipping industry "Best Management Practices" (BMP) – back then explicitly discouraging the use of armed guards – and installing passive counter-measures aboard

ships. The involvement of the private security sector in anti-piracy activities was marginal and confined to the provision of consultancy services and unarmed teams. For instance, the ship Montecristo – hijacked and later rescued by a British Navy Team – had an unarmed group of private consultants on board. Italian security companies, like Security Consulting Group and IMI Security Services, attempted to create and expand a market niche for maritime private security, but with little success. At the time, Italian ship owners were confident in the protection offered by Navy units and unwilling to look for options other than those suggested by international organizations (Senato 2011a).

Italy's initial wariness of the involvement of the private sector in armed antipiracy tasks is unsurprising for two main reasons. Firstly – as mentioned above – the international shipping industry was still balking at using PCASP aboard ships. However, this element alone is insufficient to explain the Italian position, since other European countries, such as Spain, allowed for the use PCASP onboard vessels before the international maritime industry's change of stance reflected in BMP4 (August 2011). Unlike other countries, however, Italy has traditionally provided a comparatively strict environment for security commercialization, especially in relation to the provision of armed services. The country's history – marked by challenges to the state monopoly on violence brought by terrorist and criminal organizations – contributes to explaining a national discourse generally hostile to liberalizing or otherwise fragmenting the security sector. Budgetary and manpower constraints notwithstanding, this national mind-set has persisted since the end of the Cold War. Changes, albeit small, have become visible only in very recent times (Ruzza 2013). The laws and regulations that have allowed for a limited commercialization of armed antipiracy services are indeed among the clearest indicators of this trend.

## 2. The 2011 change of course and the introduction of Law 130

With the passing of Law 130 in 2011, the Italian anti-piracy approach changed, allowing Italian vessels to embark armed teams provided either by the Italian Navy or by authorized private entities.

Before analysing the content and implications of Law 130, it is essential to briefly consider the process underlying its inception. The critical biennium is the period between 2010 and 2011, the last two years of the fourth Berlusconi government. During that period, several antipiracy bills calling for the introduction of PCASP onboard Italian vessels were discussed in Parliament. While the debate was ongoing, the Union of Maritime Workers (*Sindacato dei Marittimi – SdM*) repeatedly stated its opposition to the use of armed teams onboard, fearing an escalation of violence in the attacks – a position originally shared also by the Italian Navy (Repubblica 2009). The Union was particularly critical of the use of PCASP (SdM 2010 and 2011). On the other hand, the small Italian private security sector was steadily pushing for change, advocating the employment of PCASP aboard Italian vessels. Carlo Biffani, owner and CEO of Security Consulting Group, made frequent statements in support of the use of PCASP in the national media (Grignetti 2009, Bongiorno 2011, SCG website 2011).

The actor that eventually revised its stance and tipped the balance in favour of armed protection was Confitarma, the association representing 96% of the Italian shipping industry.<sup>1</sup> Its representatives, along with those of the Italian Federation of Fishing Enterprises (Federpesca), were heard before the Senate Defence Committee in June 2011. Both organizations stressed the need to introduce armed teams aboard Italian vessels in order to effectively prevent attacks, and mentioned that Italian ship owners could re-flag their vessels if appropriate measures were not adopted quickly. The French and Spanish approaches, based respectively on military and private

teams, were taken as possible templates (Bongiorni 2011, Ansa 2011b, Senato 2011a). To account for Confitarma's shifting position, it should be mentioned that the International Chamber of Shipping (ICS), representing about 80% of the world's merchant fleet, made a similar turnaround in February 2011 (Reuters 2011). Other organisations, such as the International Parcel Tanker Association and the IMO's Maritime Safety Committee<sup>2</sup>, also changed their position in favour of the armed protection of vessels (Marchetti 2013, Senato 2012, Ronzitti 2011). The fourth edition of the BMPs in August 2011 reflected these shifts, giving ship owners the option to consider PCASP as an additional security measure.

The disagreement between those in favour and those against the employment of armed teams was not the only point polarizing the anti-piracy debate: divergence also emerged between those who preferred military protection and those leaning in favour of the private security sector. During the hearing before the Senate (2011), Confitarma and Federpesca called for the introduction of armed teams in general, but also expressed their preference for the private option, deemed capable of greater flexibility. A few months earlier, the Defence Minister Ignazio La Russa also made his pro-market orientation apparent by declaring his preference for private teams (Ansa 2011a). On the other hand, as previously mentioned, the Union of Maritime Workers opposed the idea, while the Navy Chief of Staff – despite acknowledging that the choice between public and private security providers was an inherently political decision – emphasized the intrinsic advantages of uniformed teams, capable of offering higher professional standards and a clearer legal framework in relation to both the rules for the use of force and the use of law enforcement powers (Senato 2011b).

Against this background, in Summer 2011 the decree 107/2011 – later converted into law 130/2011 – was introduced, permitting the use of armed teams aboard Italian ships. These

regulations and the subsequent Memorandum of Understanding between the Italian Navy and Confitarma have provided the owners of vessels transiting through high-risk areas with the possibility to request the presence of a military Vessel Protection Detachment (VPD) on board their ships. Such a possibility is restricted only to Italian flagged vessels that have adopted at least one of the shipping industry Best Management Practices and which are transiting through the areas previously identified by the Ministry of Defence as piracy-ridden (Bevilacqua 2014, Caffio and Ronzitti 2012). It was later specified that the size of VPDs should range from 6 to 9 uniformed personnel serving in the Italian Navy Infantry Fusiliers Brigade San Marco. The extra costs of their deployment in a protective mission abroad, amounting to 467 € per day per person, are to be refunded to the Ministry of Defence by the ship owner (Senato 2012: 9).

Hence, while the provision of maritime armed security services remains public, the Italian shipping industry has to cover the costs. A blurring of the line between the public and the private domain is also apparent in relation to the issue of authority on board. As stated in the ad hoc agreement between the Ministry of Defence and Confitarma (2011), while Italian VPDs are invested with law enforcement powers for all the offences related to piracy activities, the Master retains complete authority over governing the ship, and is only prevented from surrendering the vessel to pirates without explicit consent of the VPD. These provisions came under heavy scrutiny in February 2012, when two members of an Italian VPD were arrested and charged with the killing of two Indian fishermen they had mistaken for pirates after the Master of the ship on which they were embarked consented to local authorities' request to land on Indian soil (Ronzitti 2014, Bevilacqua 2014). The diplomatic consequences and legal ramifications of the two Italian officers' prosecution – still ongoing at the time of writing – are beyond the scope of this article. The Italian Marines case, however, epitomizes the dangers arising from detaching Navy teams on commercial

vessels, and has been presented by various commentators worldwide as an argument in favour of the private solution (Caldwell 2012). Indeed, the Italian Senate Committee (2012: 12) acknowledged that "the use of private teams instead of active duty military personnel may – due to their commercial nature – avoid diplomatic complications in case of incidents". At the time of writing, however, the detachment of VPDs is still ongoing. The 12 Italian Navy teams that are currently active have conducted over 300 escorting missions (Senato 2012). In contrast, as will be explained in detail in the next section, the role of the commercial sector has remained a secondary option, which has become available only in late 2013 and only in a specific set of circumstances.

### **3. Private security teams on Italian vessels**

The Law 130/2011 did not only introduce the use of VPDs but also allowed for the use of PCASP aboard Italian ships. As previously explained, there are some general restrictions on the possibility to employ armed teams, both uniformed and private: vessels wishing for armed protection are required to adopt at least one of the shipping industry Best Management Practices and to transit areas identified by the Ministry of Defence as high-risks. In addition, the private option is subject to further, specific limitations.

Firstly, PCASP can be resorted to only if VPDs are not available. Ship owners asking for the authorization to embark armed contractors need to include written proof that a previous request for VPD personnel has been rejected by the Italian Navy due to the unavailability of military teams during the transiting period (Ministero dell'Interno 2013, DM 266/2012). Available figures suggest that such cases are relatively limited: between October 2011 and September 2012, the Italian Navy Team deployed VPDs on 105 occasions in response to 134 requests. Only 14 of the 29 requests discarded could not be met due to the lack of deployable VPDs (Senato 2012).<sup>3</sup> Hence,

PCASP could have been employed in 14 cases, but the incomplete regulatory framework *de facto* prevented the resort to the private option before late 2013. The requests for armed protection rejected by the Italian MoD, however, are likely to have increased in 2013 and 2014 due to the growing demand for protection by tramp vessels. As these ships have no fixed schedule and routes, they cannot be easily protected by VPDs, because military teams operate under a tight schedule and can only embark and disembark in certain ports.<sup>4</sup>

Secondly, the use of PCASP was *de facto* impossible before October 2013 because of an incomplete and unclear regulatory framework. In July 2011, Decree 107/2011 – later converted into Law 130/2011 – called for the adoption within three months of a Ministry of Interior decree written in agreement with the Ministries of Defence and Transports. The decree, which was meant to contain all the provisions regarding the use, type, quantity and storage of weapons and to clarify the relationship between the PCASP and the Ship Master, was drafted only in December 2012 and entered into force in March 2013 (DM 266/2012). However, persisting uncertainties on the procedure required for the authorization of PCASP aboard required the drafting of yet another document, namely a Memorandum signed by the Chief of the Italian police. This document contains all the provisions ensuring a consistent interpretation of antipiracy regulations by the Interior Ministry officials (*Prefetti*) responsible for authorizing the activities of domestic private security companies. The use of PCASP became legally possible only after the memorandum was released in October 2013 (Ministero dell'Interno 2013, Studio Legale Garbarino Vergani 2013).

According to the above mentioned regulations, in case of unavailability of VPDs, protective services on board of vessels can be carried out either by PCASP either directly hired by the ship owner or employed by a Private Military and Security Company (PSMC). In both cases, PCASP should be no less than four. In Italy, private security personnel and companies are governed by the

Code of Public Security (RD 733/1931), also known as *Testo Unico delle Leggi di Pubblica Sicurezza* (TULPS). The TULPS obliges PMSCs operating in Italy to obtain authorization from the *Prefetto* and to provide the names of their personnel to this agency. Also, PCASP need to be licensed by the Ministry of Interior for the carrying of weapons and should have a clean criminal record (RD 773/1931, Atteritano 2009). In addition to these general requirements, which apply to all Italian private security guards both on land and at sea, personnel operating in maritime security have to comply with the following supplementary conditions: they need to possess a license for carrying long guns for personal defence; have "preferably" served in the Armed Forces as volunteers and have passed specific courses organized by the Ministries of Interior, Defence and Transports (DM 266/2012). However, no such courses have been organized yet. Personnel who have served in the armed forces and have participated for at least six months in international operations, however, have been exempted from the obligation to attend and pass any course until the possibility for additional compulsory training will be provided (Ministero dell'Interno 2013). Hence, this limited opening to the private sector still excludes any personnel without a military background.

The body of regulations descending from Law 130/2011 also introduced another major change, namely the possibility of employing foreign PMSCs, an option previously prohibited by Italian legislation. In order to operate as maritime security providers, non-Italian PMSCs have to be established in another EU country and receive a specific authorization from the Italian Ministry of the Interior. As lamented by Italian private security companies, the delays in and the complexity of the regulations governing the use of Italian private security companies have given an inherent advantage to foreign firms, which do not have to abide by all the above mentioned provisions (Gaiani 2013, Ministero dell'Interno 2013). Indeed, the first firm to obtain an authorization to operate on board an Italian flagged vessel was Triskel Security Services, headed by an Italian

national but headquartered in London. Relying to a large degree on French and British personnel with a military background, Triskel still controls the largest share of the Italian maritime private security market (Il Tempo 2014, Gaiani 2013).

Specific provisions also apply to the carrying, storage and use of firearms. Firstly, contractors onboard vessels need to have a license for the use of long guns. Firearms need to be stored and locked into a specific safe, for which the Ship Master holds the key. If the vessel is attacked in international waters, the key is given to the Ship Security Officer (SSO), who will then, in turn, hand the weapons to the PCASP. When firearms are no longer needed, they have to be stored back to the safe and the key is returned to the Master. Only one firearm per private security guard and no more than two spare ones can be stored on board. The weapons available to PCASP are small arms with a calibre no larger than 308 Win (7.62 x 51 mm), and ammunitions cannot exceed 1,500 bullets per weapon. The possibility to employ automatic firearms, normally forbidden under Italian law for non-members of public security forces, can be decided on a case-by-case basis by the Ministry of Interior. Information about the number and description of firearms, together with the number and nationality of PCASP and the route of the ship, have to be provided in advance to the Commander in Chief of the Italian Navy Fleet (CINCNAV), the Italian Foreign Ministry office responsible for authorizing the export of weapon systems, and the appropriate Italian embassies or consulates (DM 266/2012).

As any other personnel on board, PCASP are subject to the authority of the Master of the ship, who maintains exclusive control over the vessel. While the Ship Master has the power to authorize the arming and deployment of PCASP, he cannot influence the tactical choices of the contractors, who are led and supervised by their Team Leader. The Master, however, retains the power to order a ceasefire (DM 266/2012).

The PCASP's duties include surveillance, identifying threats, assisting the Ship Master in implementing the appropriate protective measures, preparing the crew for the attack in compliance with the shipping industry's Best Management Practices and protecting the ship itself. The Team Leader is responsible for offering advice to the Ship Master on security matters, conducting security inspections, supervising the activities of other contractors and drafting a daily report of their activities. In accordance with the Italian Code of Public Security and Criminal Code, private guards can act only in defence of goods and property, not persons; the task of PCASP is thus restricted to the protection of the ship and its cargo (DM 266/2012), in analogy with the activities of private guards ashore (e.g. the protection of banks, valuables, premises). Likewise, the use of lethal force can only occur defensively, in accordance with article 52 of the Criminal Code.

Each PMSC is responsible for adopting a protocol on how to respond to threats (Ministero dell'Interno 2013). Each protocol, however, must contain four subsequent phases and comply with the specific rules for the use of force suggested by the international shipping industry. Firstly, when a threat is identified, the Team Leader has to notify the Ship Master that he intends to initiate the procedures deemed appropriate to deter an imminent attack. Upon the Master's authorization, the Team Leader can then conduct non-kinetic measures such as evading manoeuvres and warnings that include the use of spotlights, eye-safe lasers, water cannons and glare rockets. Firearms can also be displayed, but not used. Only when these measures are not sufficient to deter the attack can warning shots be discharged from firearms. The resort to lethal force can only occur upon the Master's authorization.

As mentioned above, the first PMSC licensed to operate onboard Italian vessels was a British firm, Triskel Security Services. Two Italian firms, Metro Security Express and SKP Consulting – the latter headed by a retired military police (Carabinieri) general – have also obtained the

authorization and started operating in 2014 (Ship2Shore 2014, Galli 2014). Both Triskel and Metro Security Express have conducted several escorts and have at least once been engaged in confrontations with pirates. In March 2014, a team of four Triskel PCASP on board the merchant ship Jolly Quarzo displayed their firearms and repeatedly fired rocket flares at pirate boats before a Japanese Navy helicopter came to their support (Il Tempo 2014). In August 2014, Metro Security Guard PCASP on board the tanker Giacinta also fired rocket flares at pirate boats. When these measures proved to be unsuccessful, the guards used their firearms to discharge some warning shots, forcing the pirates to withdraw (Ansa 2014). To date, PMSCs have conducted around 50 transits on Italian flagged ships, as opposed to over 300 escorting missions carried out by VPDs.<sup>5</sup>

## **Conclusions: unpacking the change**

The year 2011 marked an important turning point in the Italian approach to antipiracy protection and security commercialization at large. After the passing of Law 130/2011 and ensuing regulations, armed personnel have been authorized to be deployed onboard. As explained above, the Italian approach remains first and foremost grounded on the use of military personnel through the deployment of VPDs. Such a measure already entails a blurring of the line between the public and the private domain, as the activities of VPDs are financed by the ship owner. Furthermore, the VPDs travel on merchant vessels that remain under the exclusive control of the Ship Master. In addition to VPDs, Italian legislation now allows the use of PCASP, but only when VPDs are not available. The status and prerogatives of maritime PCASP resonate with those of their counterparts ashore, as they are only entitled to protect property and to use lethal force defensively. Unlike guards on Italian soil, however, maritime PCASP can be equipped with

automatic firearms. PCASP have already been deployed on Italian vessels during at least 50 transits, and have engaged in armed confrontations with pirates.

Each of the different factors identified by the existing literature as the main drivers of security commercialization provides valuable insight into the gradual acceptance of private security providers by Italian decision-makers. Functionalist explanations focus on the increasing inability of state military and law enforcement personnel to address today's security threats in the wake of budgetary and financial downsizings, arguing that the private sector can provide better protective services at reduced costs. PCASP have been seen as especially effective in countering pirates due to the commercial nature of the interests to be protected, the magnitude of the piracy threat and the vast geographical scope of the attacks, which decreases the utility of Navy patrols (Fitzimmons 2013, Caldwell 2012, Spearin 2010). As discussed above, functionalist arguments have been adopted by Italian ship owners, who pushed for the introduction of armed teams to contain threats and to reduce costs to their business, and advocated their views on the benefits of private armed protection of vessels in public auditions. To date, according to representatives of the Italian maritime industry, the PMSCs that have obtained a license to operate on board Italian vessels have not offered significant cost savings in comparison to VPDs. PMSCs, however, are deemed to offer much greater flexibility. Private teams are seen as especially suited to the needs of fisheries and tramp merchant vessels, whose schedules and flexible routes are often incompatible with the possibility of embarking and disembarking VPDs. Italian decision-makers have proved sensitive to such needs. The resistance intrinsic to the Italian context, however, made a wider opening to the private option unattainable, limiting the role of PCASP to those circumstances in which VPDs are not available.

Ideational lines of argument thus provide crucial complementary insights to functionalist explanations. The scholarship focusing on domestic norms and culture has maintained that openness to and resistance against commercialization are grounded in ideologies, national discourses and historical experiences (Krahmann 2010, Leander 2013). As argued in the first part of this article, the decision to allow the use of PCASP onboard was initiated by a right-wing parliamentary majority and occurred in parallel to other attempts to expand the scope of security commercialization, epitomized by the establishment of Difesa Servizi (Defence Services), a for-profit venture fully owned by the Ministry of Defence (Ruzza 2013). The ideological preferences of some Cabinet and Parliament members, however, could not entirely overcome resistance against the use of PCASP grounded on the specificity of the Italian context with its inherent wariness of security commercialization (Ruzza 2013). Hence, such initiatives could only introduce the possibility of using PCASP when military VPDs are unavailable. The advantages available to foreign PMSCs over Italian companies seems also to point out that while some space for private providers of armed protection can be tolerated, there is an unwillingness to allow the creation of a high-profile national industry in a sector considered sensitive and potentially controversial. Moreover, only personnel with a meaningful military background have been permitted to conduct armed security onboard until specific training courses are organized by the Ministries of Defence, Interior and Transports, which further epitomizes the willingness to maintain the private provision of armed force tightly connected to the Italian military.

Political instrumentalist explanations of the increasing use of maritime private security and PMSCs at large focus on the usefulness of outsourcing as a way to reduce state liability and avoid the domestic political costs and diplomatic externalities arising from the use of state military personnel (Caldwell 2012, Brown 2012). Indeed, the Italian Senate Committee (2012) enquiry on

the application of Italian antipiracy legislation used the Italian Marines case to suggest a need for greater openness to market solutions, capable of avoiding diplomatic complications should incidents occur (Senate 2012, Marchetti 2013). To date, however, this argument has not substantially changed the Italian approach to the use of armed contractors, which remains a secondary measure subordinate to the unavailability of military teams.

Explanations focusing on bureaucratic interests and cultures attempt to provide a more fine-grained account of security commercialization by looking at the preferences of the different bureaucratic actors involved in the decision-making process (Cusumano and Kinsey 2013, Cusumano forthcoming). Indeed, bureaucratic resistance within the Italian Navy and Ministry of Interiors provide insights into the late adoption of the regulations needed for the use of PCASP and the persisting absence of training courses for PCASP, which prevents personnel without a military background from working on Italian vessels. The Italian Navy, which maintains a belief in the superiority of military teams to protect ships in order to preserve its monopoly over antipiracy efforts, acknowledged the utility of PCASP only when it became clear that VPDs were ill-suited to protect tramp vessels. At the same time, the awareness that PCASP could offer much greater flexibility than VPDs helps explain the ship owners' association's preference for PCASP. As suggested by organization theory, conceptualizing government decisions as a purposive process based on a rational assessment of means and ends oversimplifies the realities of policymaking, which can be better understood as the outcome of different organizations' "pulling and hauling", driven by parochial interests and perceptions. Italian maritime security regulations, which assign prominence to the detachment of VPDs but leave control of the ship to the Master and allow for PCASP involvement only in case VPDs are not available, can indeed be conceptualized as a

resultant of the different preferences of the government bureaucracies and commercial organizations involved in the policy process.

In sum, the recent Italian opening to maritime private security, still limited but likely to increase further in the future, is extremely significant as one of the first of its kind in a state that has adopted a very tight monopoly over the provision of armed services. The opening to commercial security that occurred after 2011 can ultimately be explained as the interplay between the willingness to respond to the needs of a strategic industry accounting for a meaningful share of the national economy and a long-standing resistance against loosening state control and management of the use of force. The resulting outcome has been a peculiar public-private hybrid, the effectiveness of which has yet to be fully tested.

## Sources

ADN Kronos. 2014. "Sventato attacco dei pirati a nave italiana nell'Oceano Indiano". 8 March 2014.

Ansa. 2011a. "Pirateria: La Russa, su navi no soldati ma vigilantes". 8 February 2011.  
[http://www.ansa.it/mare/notizie/rubriche/shippingecantieri/2011/02/08/visualizza\\_new.html\\_1590493939.html](http://www.ansa.it/mare/notizie/rubriche/shippingecantieri/2011/02/08/visualizza_new.html_1590493939.html)

Ansa. 2011b. "Pirateria: Federpesca, adottare misure sicurezza urgenti". 22 April 2011.  
[http://www.ansa.it/mare/notizie/rubriche/ambienteepesca/2011/04/22/visualizza\\_new.html\\_898623013.html](http://www.ansa.it/mare/notizie/rubriche/ambienteepesca/2011/04/22/visualizza_new.html_898623013.html)

Ansa. 2014. "Pirateria: guardie giurate sventano attacco a cargo italiano nel Golfo di Aden". 7 August 2014. [http://www.ansa.it/mare/notizie/rubriche/shippingecantieri/2014/08/07/pirateria-guardie-giurate-sventano-attacco-a-cargo-italiano\\_6dafaa3a-f65c-4412-a912-ce27e8d98474.html](http://www.ansa.it/mare/notizie/rubriche/shippingecantieri/2014/08/07/pirateria-guardie-giurate-sventano-attacco-a-cargo-italiano_6dafaa3a-f65c-4412-a912-ce27e8d98474.html)

Atteritano, Andrea. 2009. *Italian Legislation on Private Military and Security Companies*. Priv-War National Report Series, February 2009.

International Maritime Organization, *Best Management Practices*, version 3. June 2010.

International Maritime Organization, *Best Management Practices*, version 4. August 2011.

Bevilacqua, Giorgia. 2014. "The Montecristo Case", *Italian Yearbook of International Law XXII*, 39-57.

- Bongiorni, Roberto. 2011. "Assedio dei pirati alle rotte del petrolio. Carlo Biffani: «L'Italia apra ai contractor»". *Il Sole 24 Ore*, 24 April 2011.
- Brown, James. 2012. *Pirates and Privateers: Managing the Indian Ocean's private security boom*. Lowy Institute for International Policy.
- Caffio, Fabio and Natalino Ronzitti. 2012. "La pirateria: che fare per sconfiggerla?", *Istituto di Affari Internazionali*, Rome, April 2012.
- Caldwell, Graham. 2012. "Private Security and Armed Military Guards: minimising State liability in the fight against maritime piracy". *Rusi Journal*. October-November, 2012.
- Capuzzo, Nicola. 2014. "Nave italiana attaccata dei pirati in Oman". *Ship2Shore*, 7 August 2014.
- Confitarma. 2014. *Report of the Annual General Meeting*, Rome, June 2014.
- Cusumano, Eugenio and Kinsey Christopher, "Bureaucratic Interests and the Outsourcing of Security. The Privatization of Diplomatic Protection in the United States and the United Kingdom", *Armed Forces & Society*, DOI 10.1177/0095327X14523958
- Cusumano, Eugenio. Forthcoming. "The Scope of Military Privatisation: Military Role Conceptions and Contractor Support in the United States and the United Kingdom", *International Relations*.
- Decreto Legge 12/07/2011, n. 107, *Proroga degli interventi di cooperazione allo sviluppo e a sostegno dei processi di pace e stabilizzazione, nonché delle missioni internazionali delle Forze armate ed polizia e disposizioni per l'attuazione delle Risoluzioni 1970 (2011) e 1973 (2011) adottate dal Consiglio di Sicurezza delle Nazioni Unite. Misure urgenti antipirateria*.
- Decreto Ministeriale 28/12/2012, n. 266, *Regolamento recante l'impiego di guardie giurate a bordo delle navi mercantili battenti bandiera italiana, che transitano in acque internazionali a rischio pirateria*.
- Federazione del Mare. 2011. *IV Rapporto sull'economia del mare: cluster marittimo e sviluppo in Italia e nelle regioni*. Rome, September 2011.
- Fitzsimmons, Scott. 2013. "Privatizing the struggle against Somali". *Small Wars & Insurgencies*, 24 (1), 84-102.
- Gaiani, Gianandrea 2013. "Mercantili italiani, via libera alle guardie private. Ma solo se i maro' non bastano". *Il Sole 24Ore*, 4 August 2013.
- Galli, Andrea. 2014. "Security, arrivano da Milano le prime sentinelle anti pirati", *Il Corriere della Sera*, 3 September.
- Grignetti, Francesco. 2009. "Mercenari in campo contro i pirati". *La Stampa*, 20 April 2009.
- IMI Security Service: <http://www.imisecurity.com/>
- International Maritime Bureau. 2010. *Piracy and Armed Robbery Against Ships: report for the Period 1 January - 31 December 2009*. London, January 2010.

- International Maritime Bureau. 2011. *Piracy and Armed Robbery Against Ships: report for the Period 1 January - 31 December 2010*. London, January 2011.
- International Maritime Bureau. 2012. *Piracy and Armed Robbery Against Ships: report for the Period 1 January - 31 December 2011*. London, January 2012.
- International Maritime Bureau. 2013. *Piracy and Armed Robbery Against Ships: report for the Period 1 January - 31 December 2012*. London, January 2013.
- International Maritime Bureau. 2014. *Piracy and Armed Robbery Against Ships: report for the Period 1 January - 31 December 2013*. London, January 2014.
- Krahmann, Elke. 2010. *States, Citizens and the Privatization of Security*. Cambridge: Cambridge University Press.
- L. 01/08/2011, n. 130, *Cooperazione allo sviluppo e a sostegno dei processi di pace e di stabilizzazione, missioni internazionali e misure urgenti antipirateria*.
- Leander, Anna. 2013. *Commercialising Security in Europe: Political Consequences for Peace Operations*. London and New York: Routledge.
- Marchetti, Esther. 2013. *Private Military and Security Companies: il caso italiano nel contesto internazionale*. Roma: Edizioni Nuova Cultura.
- Ministero dell'Interno, Dipartimento di Pubblica Sicurezza. 2013. *Circolare 19/10/2013: D.M. 28 dicembre 2012, n.266, regolamento recante l'impiego di guardie giurate a bordo delle navi mercantili battenti bandiera italiana, che transitano in acque internazionali a rischio pirateria. – Direttive*.
- Ministero della Difesa. 2011. *Protocollo d'Intesa tra Ministero della Difesa e Federazione Italiana Armatori (Confitarma)*.
- Oxford Economics. 2014. *The Economic Value of the EU Shipping Industry*. April 2014.
- Regio Decreto 18/06/1931, n. 773 (TULPS), *Approvazione del testo unico delle leggi di pubblica sicurezza*.
- Regio Decreto 6/05/1940, n. 635, *Approvazione del regolamento per l'esecuzione del testo unico 18 giugno 1931-IX, n. 733 delle leggi di pubblica sicurezza*.
- Repubblica, La. 2009. "Dotare di armi le navi mercantili? I dubbi della marina militare". 1 May 2009.
- Reuters. 2011. "Shippers back private armed guards to beat pirates". 11 February 2011.
- Rocca, Luca. 2014. "Anche noi abbiamo sparato ai pirati". *Il Tempo*, 9 March 2014.
- Ronzitti, Natalino. 2011. "Scorte armate contro la pirateria". *Affarinternazionali*, 4 July 2011.
- Ronzitti, Natalino. 2012. "Law of the Sea and Immunity of State Officials Issues", *Italian Yearbook of International Law XXII*, 1-22.

Ruza, Stefano. 2013. "Keeping or Selling Stock?" In *Commercialising Security in Europe: Political Consequences for Peace Operations*, edited by Anna Leander, 181-201. London and New York: Routledge.

Security Consulting Group, <http://www.securitycg.com/>

Senato della Repubblica. 2011a. *Resoconto Stenografico n.1*. 1 June.

Senato della Repubblica. 2011b. *Resoconto Stenografico n.2*. 15 June.

Senato della Repubblica. 2012. *Risoluzione della quarta commissione permanente*. 2 October 2012.

Sindacato dei Marittimi, *DDL sulla pirateria: politici, armatori e media vogliono le armi*. 6 April 2010, <http://www.sindacatomarittimi.eu/>

Sindacato dei Marittimi, *Pirateria: Luigi D'Amato, ci sono armatori responsabili*. 9 February 2011, <http://www.sindacatomarittimi.eu/>

Sole 24 Ore. 2011b. "Blitz inglese libera dai pirati la nave italiana". 12 October 2011.

Somalia Report. 2011. *MV Savina Caylyn Released by Somali Pirates*. 21 December 2011. [http://www.somaliareport.com/index.php/post/2240/MV\\_Savina\\_Caylyn\\_Released\\_by\\_Somali\\_Pirates\\_](http://www.somaliareport.com/index.php/post/2240/MV_Savina_Caylyn_Released_by_Somali_Pirates_)

Spearin, Christopher. 2010. "Against the Current? Somali Pirates, Private Security, and American Responsibilization", *Contemporary Security Policy* 31(3), 553-568.

Stampa, La. 2013. "Via libera ai "contractor" anti-pirati sulle navi cargo italiane". 28 October 2013.

Stato Maggiore della Difesa. 2005. *Scheda notizie relativa alla partecipazione italiana alla operazione "Mare Sicuro 2005", Corno d'Africa*. Rome 2005.

Studio Legale Garberini Vergani. 2013. "Pirateria Marittima. Il definitivo via libera all'utilizzo delle guardie giurate (contractors) a bordo del naviglio mercantile italiano". Genoa, 28 October 2013.

Telegraph, The. 2011. "British marines free hijacked Italian ship off coast of Somalia". 11 October 2011.

UNCTAD (United Nations Conference on Trade and Development). 2013. *Review of Maritime Transport 2013*. Geneva 2013.

---

<sup>1</sup> Albeit with some disagreement between major shipowners. Stefano Messina (of the "Ignazio Messina & C." - whose "Jolly Smeraldo" was attacked by Somali pirates in 2009) was in favour of armed teams, while Luigi d'Amato (of the

---

"Fratelli d'Amato", owner of the later hijacked " Savina Cayln" and of the "Enrica Lexie" on which the Italian Marines imprisoned in India were active as VPDs) was in opposition.

<sup>2</sup> Circulars MSC.1/ Circ.1405 and MSC.1/Circ.1406.

<sup>3</sup> Fifteen requests were discarded because they were not filed in compliance with the terms of the agreement. See Senato 2012.

<sup>4</sup> Authors' interviews with Italian shipping industry representative

<sup>5</sup> Authors' interviews with shipping industry representative and e-mail exchanges with Ministry of Interiors official.