

**Book Review:**  
***Piracy and the Privatisation of Maritime Security: Vessel Protection Policies Compared***

Eugenio Cusumano and Stefano Ruzza  
Palgrave Macmillan, Springer Nature, Switzerland  
ISBN: 978-3-030-50155-6 (hardcover) ISBN: 978-3-030-50156-3 (ebook)

**Reviewed by**  
**Dr Jessica K. Simonds**  
Queen's University Belfast, UK

Eugenio Cusumano is an Assistant Professor in International Relations and European Union Studies at the University of Leiden, Netherlands. Cusumano's expertise spans a broad range of spaces in the maritime domain but is centred on the role of Private Maritime Security Companies (PMSCs), private militaries and the role of Non-Governmental Organizations (NGOs) in search and rescue operations in the Mediterranean. Stefano Ruzza is an Associate Professor of Political Science at the University of Turin. Ruzza's expertise is focused on non-state armed actors in International Relations and PMSCs. Ruzza and Cusumano complement each other's knowledge and scholarship through shared interests in PMSCs and the role of the Italian Navy in global naval missions to enhance maritime security.

Private military companies and modern private maritime security companies (PMSCs) such as those explored throughout *Piracy and the Privatisation of Maritime Security: Vessel Protection Policies Compared* are situated within a more extended history of the private acquisition of non-state, for-profit security at sea. Within this volume, Cusumano and Ruzza seek to answer the question: "Why have countries worldwide departed from such norms [of limiting the use of non-state actors] and increasingly authorised the resort to commercial security providers aboard vessels?". They answer this by unpacking the contemporary regulatory histories of the PMSC industries in the UK, Netherlands, and Italy. The rest of this article will review the insightful comparisons made within the book to outline a summary of their key arguments, areas of contention such as the regulation of vessel-based armouries (VBA's) and other vital works to situate the book amongst relevant literature. Finally, this review will demonstrate how this book may be used by academics, consultants, and security practitioners as both a *handbook* and a source of academic literature.

In the opening of the book, Cusumano and Ruzza state that "for centuries the most powerful states in the international system sought to limit private violence on land and sea alike, marginalising the use of actors like mercenaries and privateers as dangerous aberrations" (Cusumano and Ruzza, 2021: 2). The utilisation of private military companies is not unique a phenomenon in the twenty-first century. References to pirates and mercenaries can be traced back to North Africa as the details of a piratical attack are inscribed on a clay tablet during the reign of the Egyptian pharaoh Akhenaten Field (Vallar, 2009). Mercenaries are employed under several different brands thereafter. Mercenary armies were considered "the norm for eighteenth-century European states... with naval mercenaries common throughout the eighteenth century" (Thomson, 1994: 31). The definition employed during this era centred mainly on the utilisation of "private", where the state's involvement centred around the success of a particular operation. This meant that if a "private" brand of overseas violence was met with success, the ruler could claim a share in the profits (Thomson, 1994:31). The most prominent in history - the privateers - were defined as actors at sea on privately owned and operated armed ships commissioned by a belligerent

government to fight, capture, and harass enemy ships (Gounaris, 2017: 135). The employment of the historical privateer was disbanded due to a lack of regulation, prolific violence, and financial ambiguity. This is not to say that the modern PMSC should be compared to notorious privateers such as Sir Frances Drake, but they do share a history of methods of non-state maritime violence –which the book also recognises.

The regulation of modern shore-based security companies has faced a familiar critique in the lack of regulation that surrounded the 17<sup>th</sup>-century mercenaries. The contemporary usage of private security companies has received criticism, particularly in the case of shore-based company *Blackwater* which struggled with overzealous guards, mounting legal issues and multiple ethical catastrophes (Dutton, 2013: 111, Khalili, 2020). Cusumano and Ruzza place the PMSC response to piracy within the field of Security Studies, situating the rise of the PMSC industry amongst scholars such as Thomson, Colas, Bulgar, Edmunds, Geiss and Petrig (to name a few). Yet throughout the opening of the book Cusumano and Ruzza outline that the employment of PMSCs as modern PMSCs grew in response to the threat of Somali-based piracy in the late '00s and early 2010s. To understand this phenomenon, Cusumano and Ruzza shaped their book to provide an in-depth, controlled comparison of the British, Dutch, and Italian cases of employing privately contracted armed security personnel (PCASPs) aboard vessels in transit of risky maritime spaces, in particular the Indian Ocean.

As the book progresses, the key theoretical argument centres on the notion of “institutional isomorphism” as the convergence of similarities between military and police forces worldwide, arguing that such a tendency is especially pronounced among security organisations. They unpack literature that explores logistical isomorphism in the IR context by unpacking the commonalities amongst PMSCs’ internal structures (Kinsey 2005) and legitimising discourses (Joachim and Schneiker 2014; Spearin 2008). The debate even extends to PMSCs’ logos that appear to have converged, losing any reference to military organisations’ visual identity systems (Cusumano 2020). In response to this body of literature, Cusumano and Ruzza argue that nearly all states with shipping industries have converged through their employment of PMSCs (Cusumano and Ruzza, 2020: 236) and deploy a process-tracing approach to unpack the extent of functionalist, ideational, political and organisational factors that play a role in the development and convergence of regulations within the context of three case studies to conclude that all have morphed to the point where the employment of PMSC’s is the norm. Evidence for these theoretical arguments is presented through document analysis and a set of semi-structured interviews with public officials, military officers and shipping and private security industry representatives conducted between May 2014 and March 2020.

The case studies of The United Kingdom (U.K), the Netherlands and Italy constitute a substantial space within the book. They are examined to demonstrate the isomorphism of the PMSC sector within their state contexts. The case of the UK that is covered in Chapter 4 unpacks the development of the *Interim Guidance to UK Flagged Shipping on the Use of Armed Guards to Defend Against the Threat of Piracy in Exceptional Circumstances* (interim guidance) to outline that the UK shipping industry was the first to support the direct commercialisation of counter-piracy organisations. The British case study offers a rich source of empirical shipping data relating to the UK’s economic reliance and impact on the global shipping industry and demonstrates the immediate authorisation of private security contractors in the counter-piracy context. International Maritime Bureau (IMB) data is utilised to flourish a contextual understanding of the impact of Somali piracy against other global piratical threats (Cusumano and Ruzza, 2020: 93). This data is essential but would have benefited from some direct analysis that links the exceptionality of the Somali case within the British PMSC context.

The case of the Netherlands contrasts the case study of the United Kingdom. The UK experience reflects a lack of commercialisation over the private security market as the approach by the Dutch saw the deployment of vessel protection detachments (VPDs) in 2011 (Cusumano and Ruzza, 2020: 115) as a more appropriate approach. The Dutch case has been included as a unique opportunity to investigate the interplay between the pressure to commercialise vessel protection and the pronounced unwillingness of some states to privatise armed security (Cusumano and Ruzza, 2020: 116). The enhanced advantage of exploring the Dutch case is the recognition of the rich entangled history between Dutch shipping, the historical development of maritime legal infrastructures such as the Antwerp Rules (Noussia, 2007: 264) and an acknowledgement of a shrinking naval fleet (Cusumano and Ruzza, 2020: 119). A stark finding of the Dutch case study is the acknowledgement of new policies developed in 2020 that signifies a pattern of three phases in the development of a PMSC legal regime. These include the pre-2011 phase that required “no security”, the 2011-2019 phase that permitted “VPDs as the only providers of onboard armed protection”, and the most recent legislation which facilitates the use of “PMSCs when VPDs are unavailable, too costly, or require long re-routing” (Cusumano and Ruzza, 2020: 137).

The Italian case is presented as a ‘middle ground’ compared to the UK and Dutch legal contexts for the employment of PMSCs – indeed, until Dutch liberalisation of the use of PMSCs in 2020. The critical aspect is that the duality of the Italian approach to employing PCASPs has not been experienced simultaneously nor changed through a legal regime – instead of through regulation (Cusumano and Ruzza, 2020: 143). The Italian case is significant for adding to the already rich maritime history between the Italian state and the maritime domain, not least through the development of insurance practices (Kingston, 2014; Simonds, 2021: 128). Cusumano and Ruzza have a well-established publishing history (Cusumano and Ruzza, 2015; Cusumano and Ruzza, 2018) on this case, and the chapter allows this material to be presented within the comparative contexts of the Netherlands and the United Kingdom. The Chapter covers several disputes that shaped the morphism in legislation, including the arrest of two marines who had opened fire inside Indian waters, resulting in the arrest and charge of two counts of murder against Indian fishermen (Cusumano and Ruzza, 2020: 155). The chapter navigates the legal, political, and personal debates of those involved in developing the Italian regulatory market for PCASPs. As is presented in the Dutch case, it shows ‘phases’ that include moments in the progression of PMSC regulation. Pre-2011 is an era where “no onboard protection [was] available”, 2011-2013 marked an era where “VPDs were considered the only *de facto* providers of onboard vessel protection”, 2013-2015 marks the ‘hybrid era’ where VPDs constituted the leading providers of armed protection, and PMSCs were marked as appropriate when these detachments were not available. Finally, from 2015 onwards, PMSCs have been considered the only *de facto* provider of onboard armed protection, completely replacing the role of state military VPDs. The genealogy of events that the authors outline to explain this process reflects the isomorphism of the Italian case into a commercial PMSC environment.

The comparability of the UK, Dutch and Italian case studies are reflective of their similar statistics concerning gross tonnage. In December 2019, it was reported that Italy’s merchant fleet stood at 1,370 vessels and 15 million gross tonnages (GT) (Pietro and Lopez, 2021). In 2021, it was reported that the Dutch fleet stood at 1,220, inclusive of cruise ships and commercial superyachts (NLFlag, 2021). In late 2019, the UK registry was reported to hold a gross tonnage of 10.5 million, with 1,229 vessels (Saul, 2019), making them comparable European cases to explore. Cusumano and Ruzza explore the largest naval registries Panama, Liberia, and the Marshall Islands. The purpose of investigating these cases is because Liberia became the second-largest registry worldwide during the peak of Somali piracy. By exploring the world’s most extensive registers, a global perspective can be applied to the comparisons made between the European cases (Cusumano and Ruzza, 2020: 207). Cusumano and Ruzza recognise that “as soon as

the global shipping industry supported armed protection, the rest to PMSCs became a widespread practice on vessels flying the flags of these countries [Panama, Liberia and the Marshall Islands" (Cusumano and Ruzza, 2020: 229) – consequently, exploring the experiences of the open register also demonstrates a broader isomorphism of PMSC utilisation on a global scale.

Cusumano and Ruzza recognise that the reason that 70% of worldwide tonnage flies the flag of a country different to that of ownership is based on the utilisation of flags of convenience (FOCs). They present their analysis of Panama, Liberia, and the Marshall Islands compared to the use of VPDs by Italy and the Netherlands. Their main argument is that open registries could not provide vessels flying their flag with VPDs due to the vast size of their merchant fleet and their military capabilities (Cusumano and Ruzza, 2020: 212). Gujar and Yang define FOCs as "small island states or impoverished nations that have looser standards for ship registrations" (Gujar and Yang, 2018: 198). The benefits of FOCs for shipowners are premised on the looser standards and lower taxation fees (Burlando, Cristea and Lee, 2014: 15). Cusumano and Ruzza further recognise that different flags offer a range of employment terms for seafarers (thus setting labour standards), a range of safety and environmental standards, and a flag can be valued based on the level of political protection and acceptability it carries (Cusumano and Ruzza, 2020: 209). Panama is a vital flag to unpack. It is recognised that 22% of worldwide tonnage flew under Panama's flag between 2007 and 2013 (Cusumano and Ruzza, 2020: 213) as the time that reflects the peak of Somali piracy. The inability of Panama to provide naval escorts or VPDs stems from the stance that the country relinquished its armed forces in 1990 (Cusumano and Ruzza, 2020: 213). In the case of Liberia, the flag was flying on about 11% of global tonnage and between 2 to 3.6% of the vessels worldwide during the peak of Somali piracy (Cusumano and Ruzza, 2020: 218) and was again unable to contribute to naval missions or provide VPD's as the state does not have a navy (Cusumano and Ruzza, 2020: 219). Thirdly, in the case of the Marshall Islands, the flag could also not resort to military missions to protect their merchant fleet, as they rely on the US for their defence and security (including coast guard activities (Cusumano and Ruzza, 2020: 224). The lack of autonomous naval power amongst the largest flag states has meant that the regulations that have been produced from each display a global isomorphism towards the utilisation of PMSCs as a standard practice. Yet – as Cusumano and Ruzza explore, this is not experienced as a blanket practice, instead of on a spectrum ranging from a liberal stance (in the case of Liberia) to hyper-regulation and an 'approved' list in the case of Panama. Just as each of the European cases has displayed individual journeys in their isomorphism, each FOC has embarked on a similar path.

Cusumano and Ruzza situate this discussion as part of the broader volume aim by arguing that the need to protect vessels from pirates has introduced a new factor in consideration of one flag over another – particularly in determining the flag regulations over the employment of a PCASP team. Panama has otherwise released a list of licenced PMSCs, whilst in contrast, the Liberian approach "leaves the maximum room of manoeuvre to ship owners and operators" (Cusumano and Ruzza, 2020: 221). As a fascinating case study, the Marshall Islands has also been unable to draw on VPDs to protect its fleet. The state relies on the US for defence and security and thus does not have its attaché of soldiers or sailors (Cusumano and Ruzza: 2020: 224). Consequently, during the acceleration of Somali pirate attacks, the response from the Marshall Islands was to favour the use of PMSC's onboard flagged vessels. This is reflected in the registry's growth, which Cusumano and Ruzza recognise to have occurred faster than any other registry worldwide (Cusumano and Ruzza, 2020: 228). The volume details the legislation and political journey that each flag state took to demonstrate the isomorphism of these cases from very different starting points into a consensus over the acceptance of PMSCs. The common thread that pulls the larger flag state cases towards that of the European states is the range of starting points and legislative processes that led the state to accept employing PMSCs. This exhibits Cusumano and Ruzza's theoretical

argument within a global context - that the utilisation of the PMSC industry has experienced an individualised isomorphism into a general acceptance of their services in the navigation of risky maritime spaces.

An aspect of the book that could be developed in future works is the claim that “no regulation of floating armouries exists to date” (Cusumano and Ruzza, 2020: 45). In drawing on the regulatory scene in the United Kingdom (drawing from this author’s professional experience in that sector), PMSC’s hold a weapons license with the United Kingdom and thus, their VBAs are regulated by the licencing arrangements as imposed by the United Kingdom, requirements of the carriage and storage of weapons as detailed by the flag state and relevant insurance bodies. It is, however, confirmed that no universal regime exists to cover every VBA. Efforts have been made by the UN Monitoring Group on Somalia and Eritrea, who have requested that the UN Security Council:

*consider options for the establishment of an international regulatory authority that regulates, monitors, and inspects the activities of private maritime security companies operating floating armouries and providing armed protection to vessels in international waters* (Chapos and Holtom, 2015: 363; UNSC, 2012, para. 116(d))

The UN did not act on this request, and consequently, there is no blanket arrangement (as with many maritime endeavours). VBAs are subsequently managed by a myriad of overlapping structures designed to regulate different components of the operation from the weapons to the armourers, vessel maintenance and transit arrangements – the majority stemming from the flag state (Chapos and Holtom, 2015: 364). This would mark an exciting space for future research and legal examination, drawing on both the qualitative research methods employed by Cusumano and Ruzza and the utilisation of isomorphism as a theoretical lens.

Each case that is presented in this volume demonstrates the convergence into the commercial utilisation of the PMSC industry in the contexts of the United Kingdom (initial phase), the Netherlands (through three phases) and Italy (through four phases). The inclusion of these states offers a rich triangulated analysis of both quantitative and qualitative sources that demonstrates the value of numbers relative to a temporal trajectory of experiences and evince that contextualises them in a way that offers a clear timeline of events, consideration of the theoretical approach of identifying isomorphism and a comparative element between each state. The book is essential for situating the role of the Netherlands, the UK and Italy within a more extended history of their maritime engagements by unpacking PMSC legal frameworks their practical regulation and development. The methods employed throughout can be further deployed to understand the future of the PMSC industry as it evolves to address new and emerging threats such as the Houthi rebels in the Red Sea, Iranian maritime drone warfare and the piratical threat in the Gulf of Guinea.

## References

- Affi, L., Elmi, A. A., Knight, W. A., & Mohamed, S. (2016). Countering piracy through private security in the Horn of Africa: prospects and pitfalls. *Third World Quarterly*, 37(5), 934–950.
- Burlando, A., Cristea, A. D., & Lee, L. M. (2014). *The Trade Consequences of Maritime Insecurity: Evidence from Somali Based Piracy* (Issue 1).
- Chapos, I., & Holtom, P. (2015). Floating Armouries in the Indian Ocean. In K. Krause (Ed.), *Small Arms Survey 2015: Weapons and the World* (1st ed., pp. 335–378). Cambridge University Press.
- Cusumano, E., & Ruzza, S. (2018). Security privatisation at sea: Piracy and the commercialisation of vessel protection. *International Relations*, 32(1), 80–103.

- Cusumano, E., & Ruzza, S. (2020). *Piracy and the Privatisation of Maritime Security Vessel Protection Policies Compared*. (1<sup>st</sup> ed.). London: Palgrave Macmillan.
- Dutton, Y. (2013). Gunslingers on the High Seas: A Call for Regulation. *Duke Journal of Comparative and International Law*, 24(107), 108–160.
- Gounaris, B. C. (2017). Unwanted Heroes? British Privateering, Commerce, and Diplomacy in the Mid-Eighteenth-Century Eastern Mediterranean. *Mediterranean Studies*, 22(2), 135–165.
- Khalili, L. (2020). *Sinews of War and Trade* (1st ed.). New York: Verso.
- Kingston, C. (2014). Governance and institutional change in marine insurance, 1350-1850. *European Review of Economic History*, 18(1), 1–18.
- Kinsey, C. (2005). The Organisational Structure of Private Security Companies. *Defence Studies*, 5(2), 188–212.
- Kinsey, C. (2006). *Corporate Soldiers and International Security. The Rise of Private Military Companies*. (1<sup>st</sup> ed.). Abingdon and New York: Routledge.
- Noussia, K. (2007). *The Principle of Indemnity in Marine Insurance Contracts: A Comparative Approach* (1st ed.). New York: Springer.
- Pietro, P & Lopez de Gonzalo, M. (2021). *The Shipping Law Review: Italy*. <https://thelawreviews.co.uk/title/the-shipping-law-review/italy>. (Accessed 29/12/2021).
- Saul, Jonathan. (2019). *Shipping Firms Drop British Flag as Brexit Risks Loom*. <https://www.reuters.com/article/us-britain-eu-shipping-idUSKCN1TX1SQ/>. (Accessed 29/12/2021).
- Simonds, J. (2021). *Navigating Gods and Monsters: The Production of 'Safe' Insecure Spaces in the Deterrence of Risk at Sea*. *Unpublished Doctoral Thesis*.
- Vallar, C. (2009). *Ancient Piracy: Pirates, Privateers: The History of Maritime Piracy*. <http://www.cindyvallar.com/piratearticles.html>. (Accessed 20/11/2021).
- 

Date: 20<sup>th</sup> August 2022