

Somali Piracy Negotiations: Resolving the Paradoxes of Extortionate Transactions

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Abstract

This article examines the negotiation process within piracy hijackings that occur around Somalia. Access was provided to two Somali pirates who were interviewed about their roles: a financier and a navigator. This article views these hostage negotiations as extortionate transactions, which requires negotiators to confront five paradoxes in the course of forging an outcome. The interviews with the two pirates reveal how the pirates and the ship owners who do the negotiations manage these paradoxes in the settling on a ransom. The interviews reveal how the hijackings are organized and financed, how the negotiations are organized logistically, how the ransoms are paid, and what happens when negotiations reach sticking points. The article concludes with a discussion of how the negotiations are shaped by the paradoxes as each side crafts its position.

In a recent article, Donohue (in press) conceptualized hostage negotiations as extortionate transactions (Muir, 1977) that are coercive exchanges based on the threat of physical harm that revolve around a set of paradoxes, or inherently contradictory conditions. The goal of police or other authorities is to understand how these paradoxes shape the negotiation circumstances so they can develop strategies to resolve them. Donohue argued that when these paradoxes are understood and managed effectively, authorities are able to transform the crisis bargaining context focused on relational and identity issues into a normative bargaining context that deals with substantive issues. Unfortunately, Bateson, Jackson, Haley, and Weakland's (1963) seminal work on the Double Bind revealed that resolving interactive paradoxes is very difficult and time-consuming largely because they are difficult to recognize, particularly when there are multiple paradoxes in play simultaneously.

The goal of this article is to use this extortionate transactions framework to understand the hostage negotiation process in the ongoing Somali pirate hijackings being played out on a daily basis off the horn of Africa. A student of the senior author was able to interview two former Somali pirates to learn how these hijackings are organized and the negotiations are conducted. To accomplish this goal, it is useful to first identify the paradoxes inherent in the extortionate transactions before learning how they are addressed in the course of resolving Somali pirate hijackings.

The Paradoxes of Extortionate Transactions

As indicated above, an extortionate transaction involves bargaining over human lives, which certainly characterizes the circumstances surrounding Somali piracy. Muir's (1977) book focused on this kind of criminal activity and sought to understand the mindset of individuals who would pursue extortion as

a solution to their specific problem. Muir settled on the notion of paradox to draw attention to the kinds of self-defeating traps that criminals set for themselves that police must learn to confront.

The first of these traps is the paradox of *dispossession*, or the less one has, the less one has to lose. This sense of being dispossessed creates an aggressor who is simultaneously both powerful and powerless. On the one hand, the hostage taker feels powerless to affect change through legitimate channels and resorts to coercive acts since there is nothing to lose if the coercion fails. Upon implementing the coercive, violent acts the hostage taker derives power from taking something of value (i.e., freedom) from the hostage. From an analysis of 186 terrorist negotiations, Donohue and Taylor (2003) found that more desperate terrorists used more power-focused, aggressive strategies, which result in less optimal outcomes.

Counteracting this sense of desperation requires building a context of self-minimization to create the hostage-taker's perception that there is something bigger to lose by continuing to extort (Holmes & Fletcher-Bergland, 1995). In the initial stages of hostage negotiation, police are often trained to use this self-minimization tactic by encouraging the hostage taker to look at the others who might be impacted by the event while building a positive relationship (Donohue, Ramesh, Kaufman, & Smith, 1991).

Second, the paradox of *detachment* holds that parties are simultaneously attached and detached to one another and to the situation. This paradox originates through the intersection of interdependence and affiliation in Relational Order Theory (Donohue & Roberto, 1993). Parties are attached to one another, or highly interdependent, in the sense that they must co-confront a difficult problem through negotiation. At the same time, they are detached in the sense that they dislike and mistrust one another, which results in a desire to escape from each other, or push the other away.

Resolving the paradox requires building a context of positive trust and constructive negotiation, so all parties can attach themselves to the process and bargain in good faith. During a prolonged negotiation managing these values is difficult given the restricted lines of communication and the many sources of interference that may impact the sense of detachment. However, building attachment can often be achieved by facilitating direct communication with family members while minimizing overt signs of threat from authorities that might cause the hostage taker to become less attached and more desperate.

Third, the paradox of *face* focuses on the issues of identity and threat. Authorities want to be viewed as firm and tough but also understanding and fair. Hostage takers must manage their face to be perceived as a credible threat to secure a desired outcome, although not so much of a threat that the ship owners will pursue tactical action to preserve the lives of the hostages. In an empirical test of coercive power and concession making in bilateral negotiation, De Dreu (1995) found that balanced power produced fewer threats and demands than unequal power. This result suggests that the role of the authorities is to manage the face paradox by making threats less necessary so the parties can shift to more of a normative bargaining context and resolve the situation appropriately.

Fourth, the paradox of *irrationality* emphasizes the tendency of both authorities and hostage takers to vacillate between appearing both rational and irrational depending on their levels of emotional involvement. Irrationality is important to assess in a crisis situation because "a rational party cannot assume that an irrational party recognizes any threat made against it" (Holmes & Fletcher-Bergland, 1995, p. 250). As a result, if either the authorities or the hostage takers are irrational, they will have difficulty understanding the nature of the threats leveled against them. Managing this paradox means working to balance the complex set of emotional issues that all parties face in resolving a very intense crisis situation (Rogan, 1997).

A final paradox that frames Muir's (1977) four relational paradoxes in the extortionate transaction is the paradox of *time*. On the one hand, as Magers (2007) has pointed out, authorities want to confront criminal behavior swiftly, which often requires expedient solutions. On the other hand, authorities want to lengthen the process to both maintain order and let the negotiation process work. Hostage takers also work to balance their concerns for a quick resolution to the crisis with the need to take the time to establish themselves as a credible threat. David Koresh, leader of the Branch Davidians, who was consumed by fire in Waco, Texas in 1993, manipulated time extensively during exchanges with FBI negotiators by

alternatively threatening and joking with them as a tactic to lengthen the negotiations to gain publicity for his apocalyptic vision (Agne, 2007).

It is important to note that these five paradoxes are in play at different times throughout the hostage negotiation process. If emotional involvement at the beginning of a hostage incident is extensive, then the paradoxes of *dispossession* and *detachment* are likely to come into play. Markers of these paradoxes are threats and high demands as hostage takers seek to communicate their resolve and establish their position as serious negotiators. Parties lack any kind of working trust because the parameters for normative bargaining have not yet emerged.

Once the authorities have been able to establish some working trust the paradoxes of *face* and *time* begin to emerge as individuals start identifying issues and jockeying for various advantages. The paradox of *irrationality* often emerges toward the end of hostage situations during the resolution period when the hostage taker agrees to surrender into police custody. This abrupt power transition makes the hostage taker feel very out of control and concerned about police retaliation. Of course each hostage situation is different, but the important issue is that hostage negotiators are able to recognize which paradoxes are in play at any given moment and are prepared to respond accordingly. This article now turns to a discussion of marine piracy and how the extortionate transaction paradoxes function in this context.

The Piracy Challenge

Piracy is an escalating problem worldwide. Attacks and hijackings have increased dramatically since 2006, with most occurring around African coastal countries (Ploch, Blanchard, O'Rourke, Mason & King, 2011). In 2010, over 1,180 hostages were taken around Somalia. Economically, global losses are estimated between \$7 and 12 billion each year from damage to ships, cargo, delays, and ship insurance (Gilpin, 2009; Ploch, Blanchard, O'Rourke, Mason, & King, 2011). With this increase in piracy, many shipping companies have hired bodyguards to protect ships and their crews (Kraska, 2009). The average amount of ransom for a captured ship has increased to well over \$5 million (Ploch, Blanchard, O'Rourke, Mason & King, 2011).

One of the justifications for this movement toward piracy is that many Somalis believe that increased ship traffic around their country has destroyed their fishing nets while polluting traditional fishing areas. These fishermen were not able to turn to their government for recourse because it lacked any ability to redress grievances. Piracy gives unemployed young men an opportunity to make a large profit in a short time, which enables them to build a life at home with their family or to emigrate to a more prosperous region (Hanson, 2009).

Research Questions

This piracy context is particularly interesting because it provides a unique opportunity to observe how the five paradoxes of the extortionate transactions function in an international context. What enabled us to conduct research about piracy was the involvement of an undergraduate student from Somalia who had an internship with the North Atlantic Treaty Organization (NATO) in the summer of 2011, which gave him access to Somali refugee populations in Europe. He knew that former pirates would be among those refugees and that he might be able to interview them about their piracy activities. At that point, we constructed an interview schedule around the following research questions:

- (1) How are the hijackings organized and operated? It would be interesting to gain a more precise understanding of how pirates are funded, how they target ships, and how they manage the hostages during their capture.
- (2) What is the negotiation process during a piracy hijacking? Once the hijacking has occurred how does the negotiation process unfold? What are the various tactics and strategies that are used? Who does

the communication, and how are offers and concessions made and deliberated? What makes piracy negotiation successful?

- (3) What are the communication strategies that pirates use with each other and those people involved? Since piracy is a logistically difficult and time-consuming task, how do the various units interact with one another? What prevents a ship from being recaptured after a ransom has been paid?

Method

The senior author of this article was able to secure the interest of a Somali undergraduate student to participate in this research project. From prior contact with leaders in the community, the student was able to determine that there were several former pirates in the community. One leader agreed to introduce him to two of the pirates. After communicating with them by phone, each agreed to meet with the Somali student in person and answer any questions about the piracy process. These pirates' identities remained anonymous, and they were assured that the conversation would be private. The student translated the questions into Somali, and the former pirates gave their answers in Somali. The student then transcribed the responses into English after returning from the internship.

The two pirates are from separate tribes in Somalia and played different roles during the piracy process. One was a businessman and financed the missions while the other was a former navigator who emigrated to Europe after serving in his role for two years. The questions that were asked are listed below and paraphrased in the Discussion section. The questions focused on the piracy process, communication, negotiation strategies, and tactics used. For the purpose of this article, we will refer to the navigator as "N" and the financier as "F".

The questions asked included the following:

- (1) Tell us about how the piracy process works. How do the pirates select their targets? How do they gather information about the ships and what to target? Where do you get the weapons and high-speed boats and other support vessels? What do they cost? Is there a difference between those who capture ships and those to plan and strategize?
- (2) Funding the effort. Who funds the mission? How much money does the crew have to work with initially? Does the tribal leadership fund the effort and get the crew to implement the plan? Are these separated? For example, is there a funder who has nothing to do with the mission and is just trying to make money (the businessman)? Or are these people all integrated? Would a funder ever be outside your tribe? How do you feel about these businessmen? Are they respected and trusted? If the funders are separate, are they inside or outside the country? How much do they know about the missions?
- (3) Let's turn to implementation. To start, how many ships have you been involved in taking? How are the teams organized to take a ship? What was your role in taking the ships? What is the process that you used most often; for example, did you most often take ships to port or typically leave them anchored off shore? Do you work in shifts after you take a ship to guard the crew? How do you treat the crew? What do they do while you are holding the ship? How are the crew fed? Are there some people who do the spotting or gathering intelligence and others who simply take the ships?
- (4) Command and control issues. Tell us about the command structure. Is there a tough captain? What are crew duties? Are there specific roles in taking the ships? Who actually controls the process? Is there a captain on shore, or in the boats, or both? Does the captain stay on the mother ship, or is the captain in the boat? When a boat is taken, who makes the decision about what to do next?
- (5) Let's turn to the negotiation process. After a ship is taken, what is the first step in the negotiations? For example, how do you identify who to talk to about the hijacked ship? Are you contacted by the owners, or does the negotiator make the call after talking with the captured captain? Who is the negotiator—is he part of the tribe? Why does the pirate leadership trust the negotiator? Does the negotiator get a share or a straight salary for the negotiations? Is the negotiator neutral, maybe not part of the tribe? If the person isn't part of the tribe, how can this person be trusted?

- (6) How does the leader set the initial price? Are prices based on crew and the number of crew members or on the value of the ship and cargo? Why is one selected over the other? Who decides to make price adjustments? What is the pricing strategy? Do they start high? What impacts price adjustments? For example, if a country tries to take a ship and is unsuccessful, does that impact the price? How many exchanges are typical in the negotiations? How long do they last? What strategies are used to put pressure on the ship owners and their negotiators?
- (7) Negotiation sticking points. What are some of the things or strategies that the ship owner's negotiators do that hinder successful negotiations? What are some of the things that they do to make negotiations more difficult? During an extremely difficult negotiation, what are some of the critical turning points that help bring the situation to a resolution?
- (8) Pirate coordination. How do different pirate groups work together? Do they exchange information work exchange boats, weapons? Do they like or trust each other? Have the leaders ever talked to each other and discussed the topic of working together?

Results

Background

While most pirates are uneducated, some went to religious schools and learned the Quran. They are recruited by pirates who show them the ransom money that they received for hijacking ships that destroyed their fishing nets. Piracy is not seen as a positive lifestyle but as it became increasingly difficult to live off of fishing, communities decided to take a stance. As Pirate N explained,

We are fishermen and have livestock. We sell fish and livestock. Yes, I went to a religious school where I have learned the Quran. I like the school. I like to go to school, but after learning the Quran, there is nothing else to learn, so I had to make a living and support my family. I was smuggled into Finland after paying \$24,000. Somalia doesn't have police or a government that we can report to who can do something about these big ships. So it doesn't bring prestige or shame to my family since we lost our daily income from the lack of fishing. It was entirely voluntary, but I was reluctant and uncomfortable.

Community

In their communities, pirates are negatively judged and seen as robbers, as Pirate N continued:

Some of our staff members are told that the money they have is not "Halal" and their relatives and family members are told by religious groups not to associate with them. So some become isolated and even don't wish to go back in our families for fear of being demonized.

Recruitment

Recruitment is selective in each tribe, and each piracy operation includes different pirates that work together. Pirate N:

I was recruited by one of our family members who was a fisherman [...], after he showed me a large sum of ransom money that he has received from a captured ship that destroyed "his fishing nets." I sympathized with him, since I have faced similar problems from big ships. As a fisherman, I always felt helpless from big ships that were destroying our fishing nets and dumping garbage on areas where we fished.

Thoughts on Piracy

The move to piracy was not widely embraced at first.

Piracy is not seen as a positive move by our communities; however, after it became difficult to sustain our fishing life style, we had to do something. Somalia doesn't have a police or government that we can report to who can do something about these big ships. So, it doesn't bring a prestige or shame to my family since we lost our daily income from the lack of fishing. It was entirely voluntary, but I was very reluctant and uncomfortable.

Piracy is a "very difficult and risky job, and it's a job, which has a lot of stress and high tensions." Piracy is popular among youth, who, as Pirate N explained,

...beg us to join the hijackers because youths lack job opportunities and education; they grew up during these messy years and all they know is the gun.

Pirate Training

Once pirates are recruited, new Somalis require some training regarding to how the procedure works. Pirates are warned about the possible retaliation by hostages. Pirate N explained,

In Somalia, almost everyone owns a weapon, since there is a lack of central authority. So, I and my family have guns to protect our livestock and did not require training of how to use weapons. I have extensive maritime [and] fishing experience before getting involved in piracy.

Target Planning

Pirates select their targets based on the type of ship and company it is owned by. Pirates take on different roles that differ in spotting or intelligence gathering when capturing a ship. Pirate N expanded,

We attack big ships that could pay us. However, after capturing several ships we have learned about what type of ships to target and which ship owner is able or willing to pay ransom money and the countries these ships usually come from. We get the weapons and high-speed boats and other support vessels from our communities. We gathered our resources and bought high-speed boats and weapons to conduct our strategies. Specifically, our elders provide the logistics, planning, and strategies. We exchange information and execute every mission properly. So there are several roles, but we have a general consensus of the operations and strategies.

Hijacking Procedure

In a hijacking, one Volvo, a big boat, and two small boats are used by pirates. The smaller boats travel faster and in longer distances and are used when pirates see a ship that could be valuable. Once the ship is captured, it is placed in private pirate hub stations such as Gracad, Eyl, or Xarardheere. Once it arrives, it is equipped with new pirates and translators that secure the ship in shifts until the boat gets released. The first thing they do when hijacking the ship is turn off all the communication devices. Then, they collect the entire crew and let them know what is going to happen. After the ship is docked, communication tools are turned back on and the negotiation process starts. They usually include 15–30 men.

Gilpin (2009) explained that most attacks last 15–45 minutes and are based on opportunity, but there are also government insiders who leak ship information in some cases. Ships that are usually attacked travel 15 knots with low sides and are attacked further into the sea in case they choose to travel around Somalia.

Pirate F shared his insight on the hijacking procedure:

The team is deployed once an Intel is received from a given ship or when we see a ship that could yield valuable ransom money in the ocean. So, we send the two small boats, which travel longer distances at high speed to capture the ships. These two boats carry a plastic/rubber ladder that we use to climb up to the ships we capture.

Once a ship is captured, pirates immediately select all communication equipment and shut it off in order to take the ship off the radar. This step starts the negotiation process.

Usually, if the company or ship owner is unable to get hold of their ship, they begin to worry and when we turn the communications of the ship back on, the ship owner or the company is ready to negotiate. Furthermore, the captain of the captured ship is the person who establishes the communication by using the ship's communication devices, and with the help of our translator, we are able to get our points across. To verify whether the captain is communicating with the right owners, we ask the person to whom the captain is speaking to send a fax letter to the pirate base.

Once the communication technologies are shut off, pirates

...route them into our own pirate hubs or stations such as Gracad, Eyl, or Xarardheere, Somalia. After the ship is brought to these pirate operation centers, it is handed over to the businessman/funders, which equip the ships with new militiamen/pirates and translators. These new security personal and translators take day and night shifts until the ship is released.

Confrontation

Pirates from Somali are accustomed to war because it happens in their communities and backyards each day. According to the interviews, they try to avoid confrontation as much as they can. When asked about retaliation, Pirate N said,

Indeed, I was warned about the possibilities of retaliation, but I took the risk since I have daily faced similar risk inside Somalia every day. One of [my] family/tribal members, told us not to harm anyone, otherwise, we will not be paid.

If a pirate gets murdered during one of the hijackings, his family or next of kin receives the money for the operation.

It doesn't change our mission or work even when a ship gets taken by force and some of our staff are killed or taken by foreigners to prosecute them abroad, [...] but we do not face tribal retaliation for such deaths, because responsibility rests with the foreigners. If a shareholder dies or gets killed or detained, his share is being taken by the people who own his blood.

Somali pirates' motive is the ransom. They do not want to harm the crew members and establish strict rules.

Usually, the crewmembers and the pirates come to an understanding of the situation and the crewmembers end up establishing communication with the ship owners. So we keep the hostage and the captivity process in a friendly atmosphere.

In most cases, hostages are allowed to cook their own food and will have pirates go shopping for them. Pirates warn the crew to not retaliate or escape. They are aware that hostages will try to seek chances to escape, which leads pirates to make sure to not give them any. In case ship owners are not cooperative Pirate T explained,

We use coercive techniques such as mild torture and threats in an attempt to create an urgent environment where the ship owners feel the need to pay the ransom money. If the ship owners are not being responsive, we call the families of the crewmembers in order to increase the pressure and resolve the matter.

Cost of an Operation

An operation costs around \$30,000, which is provided by a businessman or former pirates who have made substantial amounts of money through previous hijackings. These funds can be provided through cash or logistics for an operation. Once the ransom money is paid, the businessman receives 60% of it. These people can range from former pirates to government officials that have access to security and ship information. The funder stays out of the operation and will only be involved in the negotiation process

where they will find out about the origin of ship, number of crew members, cargo it is carrying, its destination, and what type of ship it is. Pirate T revealed that,

Most of the financiers are in small towns where they operate but there are some who reside in big cities of Somalia, like Mogadishu, Boasaso, or Hargaysa; or outside of Somalia. In addition, some of these funders are government officials who work for administrative regions of the country. . . . These funders have full information about security, and sometimes the ship information because if a funder is not around, he or she has an access to people they know in either government or other places in or outside Somalia.

While most funders have nothing to do with the operation, Pirate N also explained that,

There are small tribal leaders who fund some piracy operations but most of them are not supportive of piracy operations and are not aware [of] pirate activities. The majority of men who are used in this industry . . . take great deals of risk [and] are militiamen who are in fact not on good terms with their financiers. These young men complain about the inconsistency of their work and the small share of the ransom they receive.

When the negotiation process is not going the way that pirates imagine it should, they will harm the crew and threaten the destruction of the ship and cargo.

Pirate Payment

The group of pirates receive a payment once an agreement is made between the owners of the ship and financier.

We don't settle an amount up front, but instead we settle for a percentage. Normally, we don't receive the amount we demand. My share doesn't affect others; everyone controls his share, and it's up to him if he used [it] before the ransom or if he didn't spend a penny.

Pirates don't settle upon an amount up front because the amount a ransom payment costs can change drastically with the economy and other factors.

How Payments Are Made

Once an agreement is made, ship owners are told what their next steps are, according to Pirate T:

The money dropped off on the ship is cash. There is a small amount of money for miscellaneous expenses, but no money is paid to a port owner or to a clan. The miscellaneous expenses can go to elders or to respected local leaders. But some local leaders refuse to take the money. About 5% of the ransom goes to the administration of that region in order to reward the operators of the port and the clan. Unusually, the money is delivered by helicopter on top of the captured ship. Then we authenticate by using a money verifier machine. Once the committee allocates everyone's share of the ransom money on the surface of the ship, a group of pirates board the ship and the committee gets off. After the committee gets off the ship and gets to the city safely, the ship is kept by these militiamen/pirates for 12 hours to make sure no other country is attempting to re-capture the ship or trying to retrieve the ransom money. Then, the ship is released and we don't try to recapture them since NATO ships are in the area to escort the ship.

Communication

Hijacked ships have an office that is open 24 hours to exchange information. Due to this availability, all activities are clear, and there is no miscommunication regarding the ransom money and when it will be delivered.

To strike a good deal and make the communication process simple, we ask the ship owners to contact us directly and do exactly what they are asked to do.

If no agreement is made, the ship might be released after a year with its crew and cargo.

Pirates are organized and quick to adapt to new situations because of their extensive knowledge of their surrounding water with a good understanding of their legal and political limits around them. According to the navigator's interview, "Everyone respects each other as a group." Based on the interviews, decisions are made through a consensus among elders in a multilateral way. In most cases, the pirates who do the hijacking do not trust the financiers due to their inability to care for the well-being of the pirates, but because financiers are usually from the same tribe, there is some respect.

Command Issues

Pirates take different roles depending on their skill set, as revealed by Pirate N:

The captain is selected on experience, leadership, and perhaps seniority. However, since we usually come from the same tribe, community, and similar work background, the role of the captain is not that important. We all respect each other and work together as a group. So on a raid mission, the captain might stay in the boat and let the youth take care of all the operations. Once the crews are rounded up and the ship is secured, the captain comes in and takes a command and leads the ship to the port with the help of the captain of the hijacked ship. On the other hand, sometimes the youth are more experienced at this point, the captain feels confident that they will be able to execute the mission perfectly. So the captain sometimes goes offshore and sometimes stays onshore. However, it is important to note that the decision making is not unilateral, but instead, it is based on consensus among elders in a multilateral way.

Financier

This role is fairly well established.

I am a funder and do not conduct the operations. So, as a funder, I am only given information regarding the captured ship, such [as] the country the ship is from, the number of crew members that are on the ship, and the cargo it's carrying, the ship's destination, and the type of ship it is.

Setting up the Negotiations

The negotiation process begins by first regulating communication in an attempt to create anxiety for the ship's owner, which is aimed at decreasing the owner's Best Alternative to a Negotiated Agreement (BATNA; Fisher & Ury, 1991). One pirate remarked,

Immediately after capturing a ship, the first step is to secure the communication equipment of the ship by shutting it off and taking the ship off of the radar. This is how we establish ourselves and begin the negotiation process. Usually if the company or ship owner is unable to get hold of their ship, they begin to worry and when we turn the communications of the ship back on, the ship owner or the company is ready to negotiate. Furthermore, the captain of the captured ship is the person who establishes the communication by using the ship's communication devices, and, with the help of our translator, we are able to get our points across. To verify whether the captain is communicating with the right owners, we ask the person to whom the captain is speaking to send a fax letter to the pirate base. We examine that letter to see whether it has the same letterhead and symbols as those found on the ship. If the symbols match, then we continue the negotiations.

The tactic of having the ship's captain establish communication serves to establish the credibility of the pirates in terms of having control of the ship, it verifies the hijacking as a legitimate event, and it builds the relationship between the captain and the owners. This relationship is important to the pirates since it will enhance the ability of the captain to bring pressure on the owners to settle if that is needed. And the captain is able to build sympathy for the crew with the owner making alternatives to negotiation that much more difficult to find. The fact that the pirates insist on having the captain talk to decision

makers is also important. They want to verify that they are talking to someone who can make a deal without intermediaries delaying the process.

In terms of conducting the negotiations, the pirates turn that process over to the translators, as indicated by Pirate T:

Usually, the translators conduct the negotiations, but the militia commander and representatives of the committee accompany the translators. However, when the negotiations enter the final stages, we switch to cell phones and fax, and we limit the movements of those cellphones. We also demand everything to be in writing and sent via fax.

It is interesting to note that the pirates turn over the negotiation process to the translators with the militia commander and committee representatives in tow. By removing the captain from the process, the pirates immediately create an adversarial role with the ship owners. If the captain performed the negotiations, then the captain would be able to exchange the relational messages necessary to build sympathy for the plight of the crew. It may be the case that the pirates need the captain to be with the crew to insure crew stability. However, the reason for switching from the captain to the translators was not revealed by the pirate.

It is also worth indicating that the pirate leaders will only talk with the owners who may not be skilled negotiators and experienced in working with pirates. It would be tactically more advantageous for the owners to select a skilled hostage negotiation team that is capable of reading all the signs necessary to craft a deal that will bring the hostages home safely. Perhaps the pirates know this and have experienced this kind of negotiation model in the past and realize the value of speaking with an inexperienced decision maker.

The translator's role appears to be fairly significant, particularly with respect to establishing the skill and loyalty of that person.

The translator's tribe is not that important, but what's important is that our translator is reliable and trustworthy. He/she will get his share of the ransom money, but if his loyalty and trustworthiness are questionable, we exchange them for another translator, which sometimes leads them to lose their job. So when a translator realizes that we are exchanging and hiring other translator, it is a sign that we doubt their loyalty and/or their competence. They also don't receive any payment until we receive our ransom money. So if they don't work hard to get ransom money, they don't get paid. However, if they wish to borrow money for the moment to pay their bills, then that amount will be deducted from their ransom payment. The tribe of the translator doesn't play a huge role since the community and, the elders in the village all have a vested interest in capturing a ship. Eventually, the ransom money trickles down to everyone in the community.

Ransom Demands

Pirate T indicated that the ransom money is dependent on,

media attention, the country to which the ship belongs, the nationality of the crewmembers and many other things that arise from the context at the time of negotiations. If a country tries to re-take a ship by force, or if a pirate is killed by foreign navies, the price goes up. Before doing any calculation of ransom money, it's important to know the owners and what the ship is carrying and also the nationalities of the hostages. Also, we communicate with other pirates to determine the market price, and then a decision is being made mainly by the financiers.

Pirate negotiations can last anywhere between three days and a year. This process is difficult due to the language barrier and the number of people involved. The negotiation process begins as soon as the ship is captured. First, the pirates secure the communication equipment from the ship and its workers by shutting their technology off and allowing the ship to go off radar. This step makes crew members worry about their safety and not act out. The captain of the ship will then be asked to contact the ship's boss, who is instructed to send a fax letter to a pirate base to verify the legitimacy of their business.

Most pirates stay with the original crew to make sure the negotiation process is running smoothly; however, pirates have nothing to do with the actual negotiation itself. If they choose to stay, they make sure that the crew is taken care of. If they leave, they are allowed to partake in other hijackings.

Negotiations are carried out by a translator who is accompanied by the militia commander, if applicable, and pirate representatives during each communication step. Translators are easily exchangeable in case the pirate crew mistrusts their judgments or questions their reliability and trustworthiness. According to the interviews, women are also allowed to be translators. The translator works with the financier to find a price of the ransom and then talks to the captain, who is in charge of speaking with his superiors. Their superiors include the owners of the ship and cargo and their corporate lawyers. The negotiation stage is solely concerned with the amount of money that the company of the ship is willing to pay and financiers are willing to be paid. It is important to note that normal negotiation and communication stages that are common in western civilizations are less commonly used in Somali situations given that Somali pirates are emotionless toward crews and the negotiation progress. Somali pirates' motives are solely about gaining profit while avoiding any harm to the hostages. However, if the ransom is not paid or a company is taking a long time, these pirates tend to threaten a life and use violence on a hostage to speed the process up. The negotiation process is ended when the ransom money is delivered by a helicopter on the ship's deck after an agreement has been made.

A crisis situation can arise when people involved see obstacles in goals or outcomes. When pirates hijack a ship, they make their intentions clear and have a set communication schedule. If crew members are cooperative, they are able to communicate with their families and given freedom within the ship. However, a crisis state has the potential to arise from the hostages fighting the pirates or the country of the ships' owners trying to retake the ship by force. If this happens, pirates place all hostages in the same room, add ammunition and weapons, and employ more pirates to watch the crew. In case of increasing violence, Somali pirates will use excessive force toward the people, which can result in the destruction of the ship's cargo in addition to murdering crew members.

Negotiation Sticking Points

The businessman Somali pirate identified several factors that can hinder negotiations from the pirates' perspective.

They do a lot of things. If a captured ship is owned by humanitarian organizations or if it is carrying cargo for those organizations, it raises special problems. Likewise, if ship owners attempt to re-take the ship by force, problems arise. Also, when negotiating with these ships, they offer a very small amount of ransom money. And to make matters worse for us, these organizations use some well-known Somali elders who are respected in the community. So the negotiations process is complex and multidimensional. To strike a good deal and make the communications process simple, we ask the ship owners to contact us directly and do exactly what they are asked to do. However, sometimes they try to backtrack on agreed conditions or lower their ransom price or tell us to keep the ship. Naturally these tactics lead us to take a coercive approach towards hostages. If no agreement is reached and the ship owners are unable to pay the ransom money, we sometimes release the ship and the crewmembers. This process could take more than a year.

Discussion

These descriptions of processes and events from the Somali pirates reveal a great deal about how parties confront and ultimately manage the paradoxes of extortionate transactions. The first paradox of dispossession is clearly evident in the descriptions of the circumstances that attract individuals to piracy. The respondents repeatedly described themselves as desperate people who face a daily struggle for survival. Their circumstances compel them to take whatever measures are necessary to escape the crushing bonds of continuous war and poverty.

However, the decision to become a pirate is not without some risk from a family and tribal perspective. Once the pirates' commit to that profession, they risk being ostracized by their tribal and religious communities and are often reluctant to go back to their families for fear of being demonized. Thus, the decision to pursue piracy has the potential of accelerating their sense of dispossession because the piracy choice runs the considerable risk of giving up family for the dream of having the money necessary to purchase a one-way ticket out of Somalia for a better life. That dream, coupled with the realization that going back to the prior family and tribal life is not really possible, makes the committed pirate just that much more focused on being successful in capturing a ship for a possible ransom.

That intense sense of dispossession also plays into the paradox of detachment. Pirates are simultaneously detached from their country, family, and religious community (in many cases) while trying to attach themselves to the task of capturing a ship and negotiating for the ransom. For the pirates capturing the ship, their immediate job is fairly short term, but they may not get their money for some time, which forces them to become attached to the ship's negotiation process until the final deal is cut. However, the negotiators are more directly engaged in the process, forcing them to be thoroughly attached to the negotiations while also wanting the process to be over as quickly as possible. The ill effects of being trapped in this paradox are usually manifest in chaotic shifts between being very involved and aggressive and checking out for extended periods.

One way that hostage negotiators and the Somali pirates avoid these ill effects is to engage in a more systematic process that provides a structure or path to disengagement. In these negotiations, the Somalis have extensive control over the process and exercise it by establishing protocols for communication, initiating a verification process for beginning the negotiations, verifying the identity of the ship owner's negotiator, and talking only with the ship owners. There are other protocols for the negotiation process, including how to handle offers and counter-offers and what to do if there are sticking points. This is a very business-like approach to this negotiation, and it enables the pirates to define a clear path to address the paradox of detachment.

The paradox of face focuses on the need for both sides to establish identities that will enable them balance appearing firm and tough with being understanding and fair. Striking this balance was clearly defined and even routinized by the pirates. They developed and enforced protocols to appear understanding by protecting the hijacked crew from harm and treating them fairly, at least as long as negotiations were making progress. However, if progress lagged, they would threaten the crew to make their demands more credible. It was clear from the interviews that the sticking points requiring more toughness were well known and well rehearsed.

Managing the face paradox for the ship owners appears more challenging for several reasons. First, these owners are probably not experienced hostage negotiators, and as such, they are less able to know how to create an identity that communicates both understanding and toughness. The owners were sympathetic toward the captain and crew but were faced with the challenge of how to be tough in such circumstances. Normally, being tough in a hostage negotiation would require an iterative process in which parties would make a series of small concessions in exchange for meeting small ransom demands. Since the demands are only about money to be delivered in one lump sum, the question is how to structure the process so the pirates are incentivized to make concessions in response to owner demands. Given that the pirates are well practiced at this negotiation process, they appear to have the upper hand in managing this face paradox.

This same conclusion could probably be drawn for the paradox of irrationality. Vacillating between big emotional shifts and periods of calm, particularly at the front end of negotiations, does not appear to be the strategy for the pirate hostage takers. They have a much more practiced approach that only shifts into emotional display when necessary. It is likely that when the ship is captured, there are very intense moments, but once it is in the hands of the pirates, a more emotionally controlled, systematic negotiation process begins. For the ship owners, their emotional involvement would be quite tense. After talking with the captain just after the hijacking to verify the event, the owners are then deprived of any contact

with the captain and crew, perhaps to heighten the owners' fears about crew safety. The pirate hijackers seem clearly able to ramp up their threats against the crew if needed or deal with any other contingencies that may arise. All of these moves are meant to keep the level of emotional involvement sufficiently high that the owners become increasingly motivated to pay the ransom.

Finally, managing the paradox of time, in some ways, summarizes the challenges that both ship owners and the pirates face in the negotiation process. The pirates' goals in managing the other four paradoxes effectively are aimed at creating a negotiation context that encourages immediate settlement—the sooner the better. They must make the owners believe that they are dispossessed and potentially emotional, but at the same time, engaged in the process and serious about reaching a settlement in an organized way.

The owners also play with time during the negotiation process. They have to decide how to stay engaged, but not look desperate. Their strategy has to strike a balance between the captured crew's needs with the financial issues. Should they even agree to a financial settlement or try a rescue? Should they prolong the negotiation process so they are not seen as a soft touch and vulnerable to more hijackings going forward? Will waiting longer make the price go up or down? The ship's owners will probably carefully examine the pirates' opening offer to see whether the pirates are eager for a quick settlement or are willing to delay longer. This cat-and-mouse negotiation process, like many hostage negotiations, places the paradox of time at center stage, and, in many ways, defines how these parties will relate to one another as adversaries in the extortionate exchange.

In addition to learning more about how the parties manage the extortionate transaction paradoxes, this study also reveals some interesting insights relative to the research questions posed above. Specifically, this case demonstrates that the hijackings are organized around a fairly sophisticated set of operations and rules. Ships are scouted out and targeted with inside information, operations are well organized and funded, pirates are trained and skilled, and the process for managing the ship's crew is well understood.

Logistically, the negotiation process is described as being very routinized and straightforward. It is portrayed as being efficient, with only few people involved on both sides. From the moment that the crew is captured, pirates ensure a simple process that can become more complex depending on the barriers that might arise. Calculating the opening ransom bid appears to follow an elaborate protocol depending on the country of origin, the ship's ownership, the cargo, and the crew. The negotiations are conducted largely by fax with very little opportunity for following a typical hostage negotiation protocol (Donohue et al., 1991). This business is based purely on profit, and pirates ensure they get rid of any nuisances throughout the process to make the negotiation process as efficient as possible.

What is also impressive is how well controlled the communication process is. After the hijacking, the pirates have the captain establish contact with the ship's owners. From that point, the translators take over, and most negotiations appear limited to fairly straightforward ransom exchanges via fax. In some cases, there are barriers to crafting the deal, and the group seems to have well-developed protocols for handling these issues.

Certainly, we are not attempting to portray these pirates in any sympathetic light, nor do we want this article to be viewed as an attempt to support piracy or any other Somali cause. These individuals are international criminals and place peoples' lives at risk. Our goal in writing this article is simply to understand more about extortionate communication and negotiation processes that are revealed in these illegal and dangerous acts. This activity provides another hostage negotiation context that can serve to expand our understanding of how these crisis negotiation activities evolve.

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