Hacktivists, Pirates, and How Nation-States and Corporations
Can Communicate

Zachary Ilan Paige

THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
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University of Haifa
Faculty of Social Sciences
School of Political Sciences

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ABSTRACT

As a result of a resurgence in maritime piracy over the past two decades and the rise of internet anonymity, nation-states and corporations have been forced on multiple occasions to communicate directly with decentralized extremist groups. Groups like the hacktivist collective known as Anonymous and pirate bands throughout the shipping lanes have gradually positioned themselves such that direct communication with them is not only expected, but required. This analysis will illustrate how those negotiations can succeed and fail, and how it is possible to successfully negotiate with decentralized groups.

Introduction

Over the past several years, much of the attention of the world's security establishments have focused on the activities of two groups; the resurgence of pirates along the high seas, and a newer more electronic form of pirates, that of the hacktivists. For the purpose of this study, both are understood and conceptualized as decentralized extremist groups, a term that is outlined in detail below. In January of 2013 we saw 108 hostages held alongside four ships in Somalia (Source: EU Naval Force - Somalia), the United States Sentencing Commission and the New York Times websites hacked on completely unrelated instances (Moyer 2013, Ward 2013), and a rolling gun battle between hired security contractors and pirates off the cost of Mombasa in an attempted hijacking (Apps 2013). However, the majority of that attention has centered on the more ostentatious events, those featuring Special Forces embattled in ship to ship combat, and that of law enforcement's attempts to detain those involved in major internet hacks. Little has been said for the efforts to actually communicate with those groups, and lesser still the times when those efforts at communication have proved successful. In the years since then, while we have witnessed a gradual decrease in the frequency of pirate attacks, the concept of hacktivism and electronic "piracy" has become a daily understanding.

Generally, the focus of not only the media, the powers that be and the public's attention has been toward the more easily understandable kinetic options available at combating groups like pirates and hacktivists as was made evident by the increase in military forces along the coast of Africa (and the subsequent decrease in piracy in the area). However, it is imperative to note that this is not the only option available in the venerable tool box of methods for conflict resolution. Negotiation and communication is just as attainable an option as utilizing the end of a rifle, or the crack of a pair of handcuffs. It is one thing to continue to treat the symptoms of a problem, it is another thing entirely to address the

core issues, and discuss the ways in which we may be able to solve our problems without resorting to our general go to solutions. To paraphrase Abraham Kaplan, when the only tool at your disposal is a hammer, all of your problems begin to look like nails.

Research Question

The basic question that will be asked and its answer subsequently analyzed is thus; can states and other institutions, when faced with a situation that requires interaction with a decentralized extremist group, take steps to promote the success of negotiations? Essentially, can we promote and encourage conditions to become more ideal so as to make negotiations a primary and successful means of resolution. Moreover, under what conditions would negotiations with decentralized extremist groups be more successful as a means of resolution? To answer this question may pose an effective solution to one of the major challenges faced in the 21st century; how to deal effectively with decentralized extremist groups.

In the first decade of the 21st century, piracy has seen a significant resurgence in popularity among several main commercial shipping lanes. Some statistics estimate that the number of pirate attacks in the years leading up to this decade have tripled, literally placing it at its highest level in contemporary history (Luft, Korin 2004). For instance, the Strait of Malacca and the Singapore Strait have seen hundreds of attacks by pirates in the past two decades, and as the two of them combined represent the "world's busiest waterway" they represent a significant nuisance on those companies and states that operate and do business in the area (Bradford 2008). These instances of maritime piracy representing just the maritime aspect of this research let alone the digital component.

Literature Review and Theoretical Background

Since this is an exploratory study, there is varying literature on the topic itself as internet hacktivism has only become the focus of academics in the past several years, and maritime piracy remains a minor concern. However, this does not mean to say that parallel fields of study and disciplines will not contribute greatly to discerning the methods and actions beneficial toward negotiating specifically with decentralized, extremist groups. Additionally, the concept of negotiations is a highly transferrable skill. Understanding and being able to react with qualified knowledge of the development of negotiations would prove useful in any context related to the negotiation process between two or more groups, whether it be between nation states, corporations, or elsewhere.

With that in mind, the tools, theories, and hypotheses that are utilized in modern negotiations in conflict environments prove beneficial as primary sources of theoretical background for this research; negotiating with extremist groups in general and terrorists serves as an excellent springing off point. As mentioned earlier, the work laid down previously by Zartman (2003, 2008), Faure (2003) and Pruitt (2006) have all provided great strides in illuminating the context for negotiating with extremist groups. Their efforts, collected over the past forty years were developed in response to the rise of contemporary terrorism and untraditional extremist methods by politically motivated groups. Through their own analysis and research, they provide a framework for potential practitioners of negotiations on how to better understand such situations, treat them and react to them, to encourage a positive and successful outcome. This concept is fundamentally one of the chief concerns of any negotiator, not just to successfully conduct their negotiations after they have begun, but to maintain a level of control and encourage their appellation from before the negotiations even begin to take place.

As explained by Zartman, one of the primary goals of negotiation against extremist groups is to "lower their terms" (Zartman 2003 Pg 447), and thus encourage the likelihood of

being able to provide to those terms. Moreover, the role of the negotiator is to converse with the attacker and institute parity between the parties, establishing the attacker and the target as equals, and not as unbalanced opponents. In Zartman's words; "treatment as equals, development of the legitimacy of a solution, and expansion of options are all ways of moving the hostage-takers off position bargaining and opening the possibility of a fruitful search for mutually satisfactory solutions," (Zartman 2003, Pg 447) in so doing, the negotiator opens the playing field to meaningful dialogue.

There are numerous paths that a negotiator may take in order to accomplish this goal of approaching their interlocutors as equals. They may literally approach them on a one on one basis, sitting down with them without or with a similarly sized cohort as the individuals with whom they are negotiating with. A negotiator has the option to meet with their target audience on numerous types of ground. One may hark back to the nine types of ground with which Sun Tzu determined all battles must take place (Sun Tzu, Griffith, 1971), however for the sake of simplicity of argument, one may be able to reduce them to controlled (as in territory controlled by the negotiator), uncontrolled (territory controlled by the target), or neutral (territory controlled by neither).

With regard to Zartman's approach, the general implication is that a negotiator may help to encourage the likelihood of successful negotiations by ceding the right to location to the target audience to begin with. With this in mind, those being negotiated with are left with the opportunity and/or the sentiment that they have already gained in the negotiations, and are therefore more likely to be willing participants in successful negotiations. Of course if the territory has already been decided based on situational controls, then the approach becomes more intangible and abstract, who makes the first phone call, who approaches whom first, these are elements that may contribute to how the relationship develops between the negotiator and their adversary/partner. There are numerous approaches that may be

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maintained, as in looking to develop the relationship as a partner or as adversaries, based on the opinion of the negotiator and their analysis of the situation and their target.

If the perpetrator fears for their own existence they may be less likely to behave and act as rationally as one would hope in a negotiating process. "Along with his victims …[…]… the hostage-taker has taken himself hostage: he cannot escape from the barricade, kidnap hideout or hijacked plane any more than his captives can" (Zartman, 2003 Pg 444). If they fear they will not exit the negotiations intact, how might this affect their motivations? Not surprisingly, this is also an element that Sun Tzu felt the need to conclude his section on Maneuvers. "When you surround an army, leave an outlet free. Do not press a desperate foe too hard" (Sun Tzu, Griffith, 1971). It is generally understood that he included this as a point to not necessarily provide an actual escape route to the other party, but to encourage them to believe that there is an actual way out of the situation. In parallel with Zartman, where the hostage taker has taken himself hostage, it is clear that for them to feel as though they will be able to exit the encounter, they must have some tangible evidence that they may do so.

In many situations it may be quite difficult for the negotiator's party to be able to provide some semblance of an escape route. Often in such situations, particularly as noted in Zartman's hostage scenario, the hostage taker has found themselves in the undesirable position of a full confrontation with the negotiator, and more specifically the armed individuals that often accompany them. In this case it may be necessary then to approach the hostage taker/s with a force that is not overly dramatic or implies a final solution that does not result in force, or the untimely end of the hostage taker. It is of the utmost importance that the result, particularly in situations where violence has been used, or is in the process of being utilized, that any response does not encourage further use of force, or potentially escalate the situation to any higher levels of conflict. The process of responding without an overwhelming show of force has more than just the effect of assuring the hostage taker that there is in fact a

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peaceful solution and/or outcome to the scenario, but that it further encourages parity. While there is of course certain benefits toward a display of force that says there is no other way out than conceding to the demands of the party the negotiator represents, this may work in certain instances, however, in many situations (and later displayed by the two case studies reviewed in this paper) that such a display of force may compound the issue, or even attract the ire of and/or further conflict by the opposing party and their associates.

Faure argues that the mere act of being the one to approach the negotiating table is extraordinarily relevant (Faure 2003 Pg 493). The attacking party is likely to be more open to an opponent that addresses them as equals, and not merely as targets for elimination. Lastly, Pruitt suggests five major strategies for dealing with extremists in general; capitulating, combating, isolating, mainstreaming, and negotiating (Pruitt, 2006, Pg 373). For the sake of this proposal, capitulating and combating will not be discussed as they either suggest an option that authoritative figures would be unlikely to adopt (capitulation) and action not discussed at length in the article (combat).

Pruitt suggests through "isolation," that concessions may be made to supporters or potential supporters that may undercut [extremists] (Pruitt, 2006, Pg 375). For instance, in the case of Anonymous, altering policies that infringe on internet freedom undercuts their purposes, or in the case of piracy, providing support for impoverished communities that have turned to piracy for employment will reduce the attractiveness of piracy as a means of financial support. To further elaborate, the basic premise here is to remove the various reasons the institution like Anonymous exists. In many cases, their influence was derived from attaching themselves to various policies regarding internet freedoms, and freedom of speech in general that they believed were/are being threatened by the powers that be. However, by implementing policies that assured those freedoms and removing policies the limited them, the impact of anonymous is nullified. A related comparison, one taken from

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experience in the realm of critical infrastructure defense; is that of a parking lot as a security threat. Say a major event, with prominent politicians is occurring in a major hotel and there is an adjacent parking lot. The lot could serve as a platform for a violent group to launch an attack on the venue, possible solutions could be to control who goes in and out of the lot, to monitor every vehicle, conduct extensive patrols, and so on. However, another option is to close the lot entirely. The principle here is basically the same, remove the threat and the risk is mitigated.

Alternatively, in areas where maritime piracy is present, by encouraging commerce in the area, or developing positive institutions, both security and economic in nature could reduce both the opportunity and motive of pirates to approach such a lifestyle. This option of course is far more difficult to master as it requires fundamental shifts in the status quo, participation by a fully functioning and agreeable government and populace, major investment, among a plethora of other factors. This does represent yet another example of Pruitt's suggestion at "undercutting" the opposing groups. By reducing the need for illicit professions to provide much needed funds and supplies to an impoverished people, they are less likely to resort to said methods. That is to say, eliminating the threat so as to mitigate the risk. This process fundamentally alters the nature of the organization in question and supports the previously discussed encouragement of success by offering an alternative to scenario that brought about the negotiations to begin with. By utilizing processes that delimit the use and display of force, by actually addressing the group in question as a whole and the reasons for their existence, and approaching that group on their own territory, these processes all help to encourage a potential successful negotiations scenario.

Furthermore, there is the concept of mainstreaming (Pruitt, 2006 Pg 379), or attempting to legitimize entities like Anonymous or the Pirate bands. By doing so, the groups would have mediums to express their beliefs or desires without having to resort to extreme

tactics. Moreover, it allows the group as a whole the means to address all of their concerns rather than relying on one representative. Upon acceptance, all members have the right to have their voices and grievances heard. This concept approaches the topic from several different facets; for one, it allows the groups in question to operate in a positive manner on a territory that they feel comfortable on and are less likely to threaten with dangerous actions. It addresses the group as a whole, rather than a single interlocutor and seeks to find a solution to the existential nature of the group itself. Finally, it reflects a process that does not resort or encourage violence or shows of violence. There are of course scenarios where violence represented the best possible course at arriving at the best possible conclusion, however, considering the relative youth of decentralized extremist groups as entities, the relatively low level of violent conflict they have operated in, and minimal threat that they pose to international security, analyzing non-violent approaches to interacting with them remains the most ideal form of negotiating with them.

Argument

In the process of negotiations, both (or at least the minimum of two parties, as it requires such to have some sort of negotiation) parties ideally seek to enter the negotiations with the effort of coming away from the bargaining table having succeeded in all of their objectives. Naturally, and nearly by definition, when two or more parties come to the table to negotiate, they will have conflicting if not entirely contradictory goals in mind. It is here that negotiations come into play, and both parties will ideally compromise on various demands in order to arrive at an outcome where both parties are least-unsatisfied with the results. In the context of negotiations where lives, or the livelihood of one or both parties are at stake, this process can be far more complicated, such as the events described later in this research. However, there is no reason to believe that even if such major complications are about to take place within the negotiations, that one or both of the parties can't set the stage so to speak, to

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encourage a faster, and ideally more successful negotiations. This is done all the time with all manner of negotiations, however given that negotiations with decentralized extremist groups remains (even now, four years after penning the first words to this research) a relatively untouched subject. Many tactics are utilized in negotiations the world over to help encourage such endeavors, in international politics, many nations will meet on neutral ground, or in luxurious locations to place negotiators in mental states more conducive to agreement. In the commercial world, organizations will offer up a variety of carrots (of the carrots and sticks variety), to each other in order to make acquisitions more palatable, the same goes for sports teams, police negotiations, even children trading Pokemon.

Hypotheses

It is proposed that negotiators can actively seed the negotiating tables with decentralized extremist groups to provide positive outcomes. Therefore, three hypotheses are promoted, all of which are formatted along the basis of binary (dummy) variables. One, approaching a decentralized extremist group on their own territory (digital or physical) encourages success (as it treats them as equals, a main point of Zartman). The independent variable represented by the attempt to interact with the decentralized group on their territory or not, and naturally, the dependent being the success or failure of negotiations. Thereby the hypothesis is thus:

H1) Approaching a decentralized extremist group on their own territory encourages the likelihood of success.

Two, addressing the group as opposed to the individual increases the chances of success. In essence a form of mainstreaming, the independent variable of either addressing the group as opposed to the individual, appeals to each individual's senses rather than the commands of a single authoritative figure. Moreover, since the nature of decentralized extremist groups is to act without leaders, this method promises to show great promise. Once

again, the dependent variable is the resultant failure or success of the negotiations. Thereby the hypothesis is thus:

H2) Addressing the group as whole as opposed to the individual negotiator increases the chances of success.

Three, shows of force negatively impact the chances of success. The independent variable, the show of force, presents a situation where if it of a level of such extremity, the extremist group may be terrified such for their continued survival that they may not act in a manner that is conducive to negotiations, i.e.; irrationally. Alternately, if the extremist groups exhibits overwhelming force, their own interlocutors may be less willing to negotiate with them and settle for the more classic, kinetic response. Finally, and in line with the previous hypotheses, the dependent variable is the instance of failure or success of the negotiations. Thereby the hypothesis is thus:

H3) Shows of force negatively impact the chances of success.

Research Design

Main Concepts (Working Definitions)

Negotiation

For the sake of general understanding, negotiation will be defined as "… the process of combining divergent viewpoints to produce a common agreement" (Zartman 2008 Pg 17). Simplistic though it may be, in the context of finding common ground between such diverse cases such as pirates and hacktivists, it provides relevance for both. Regardless of whether the negotiations take place for the termination of hostile acts, extortion, or simple disagreements between two parties with clear and contrary goals, it is necessary that they find a mutual and common agreement.

Decentralized Extremist Groups

The concept behind a decentralized extremist group is actually the amalgamation of two different ideas, that of a decentralized authority structure and the extremist (one or a

group that utilizes and believes in extremist methods). Extremism, to paraphrase Ronald Wintrobe, is in its most basic form the belief in goals or views outside what is considered to be normal. He elaborates further that the means utilized by extremists to achieve goals (typically political) also fall outside of the norm, traditionally including violent ones (Wintrobe 2006). Thus the basic understanding of extremism will be; the belief in goals or views other than the norm, while utilizing methods that are nonconforming to societal norms.

The term decentralization however has been difficult to define with regard to political science. There is some discussion in the context of decentralized governance, however it is typically limited to the management of middle ranked officers for corporations and lower level government staff. As such, for the sake of this research, the concept of decentralized will reflect an organization whose command structure is not based on a hierarchical structure and is more anarchic in nature. The command is coordinated by the entirety of the group whereby all opinions are taken into account and the group acts as a collective unit rather than following the commands of a core group of elites or single commander.

A decentralized extremist group differs from that of a traditional organization in that their purpose is more specifically designed to provide for the goals of the organization and its members equally. In a traditional organization, goals and decisions typically are arranged to benefit the organization as a whole and then in priority of those at the upper echelons of the group down. A military, a corporation, act according to these terms where decisions are made to benefit the organization itself, then those who have the most invested interest in the group or have seniority and lastly those at the base or have the least seniority. Corporate heads, commanders, etcetera are often viewed as possessing indispensable roles and therefore require the most attention while those with least seniority or filling lower ranking positions are expected to exist in a more dispensable category, decisions made regardless of their personal desires. A decentralized group attempts to make decisions based off of the needs and

wants of the collective, with no individual's needs taking priority over any others. The rationality behind this is an idyllic worldview that each individual deserves to have their needs/wants provided for by the group with equal weight to the needs/wants of all other members.

Piracy

The use of the word piracy when used in context can be fairly well understood. However, in a situation such as the research of this paper where it comprises elements of two distinct and very different uses of the term, it is essential that both varieties are clearly defined. Over the centuries piracy has taken numerous forms. While for most people the classic understanding of piracy is that of Jonny Depp swinging sword in hand, over cannonades and throngs of well-choreographed explosions, the reality of maritime piracy is that of an anarchic group of loosely organized individuals seeking profit illegally. Now this explanation poses its own problems as in the 16th to 19th centuries, piracy could be made legal by way of a state mandate, thus birthing the concept of the privateer; essentially pirates who act on behalf of the state. Moreover, in the modern context, internet piracy has been employed into the service of defining acts of electronic intellectual property theft. In the interest of clarity, the following definitions of the terms "maritime piracy" and "internet piracy" will be utilized.

Maritime Piracy

The United Nations Convention of the Law of the Sea will suffice as the defining source of maritime piracy, specifically articles 100 to 102 which refer to is more precisely as "piracy on the high seas." See Appendix A for articles 100 to 102. Maritime piracy is generally considered to be "any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, on the high seas, against another ship or aircraft, or against persons or

property on board such ship or aircraft against a ship, aircraft, persons or property in a place outside the jurisdiction of any State." That is to say, any illegal manipulative action instigated by one party unto another by way of a ship or airplane purely for individual gain.

Internet Piracy

Internet piracy, as opposed to maritime piracy is a distinctly different creature. Guns and ships are traded for computers and internet connections, and the goal of attaining profit by means of theft, is often the free transfer of material that would otherwise cost money. For the context of this research, the definition used by Mr. Darrell Panethiere for UNESCO, derived from Prof. J.A.L Sterling's World Copyright Law is employed. "In its usual sense, 'piracy' refers to the activity of manufacturing unauthorized copies ('pirate copies') of protected material and dealing with such copies by way of distribution and sale." (Panethiere 2005 Pg 13) While Panethiere's utilizes this definition in his own research as the definition of "piracy" as opposed to "internet piracy," it will be used here in the service of internet piracy.

Hacktivism

The term hacktivism is somewhat more difficult to refine. As a topic of research, hacktivism remains in its infancy in terms of its review by academia. The research that does exist tends to pit those who see hacktivists as little more than potential terrorists, and others who see them as the voice of the internet. However, for the sake of impartiality, the definition of Hacktivism is derived from the Oxford dictionary's definition of hacktivist ("hacktivism" 2010), thus hacktivism will be defined as; the process of gaining unauthorized access to computer files or networks in order to alter, damage or destroy them to further social or political ends. This is significant to address as in recent years; numerous publicized actions have caused the line that defines hacktivism to be somewhat blurred. However, it is well understood, particularly after the events of the Arab Spring, the civil war in Syria, the Egyptian Revolution, just to name a few, that hacktivism often entails electronic attacks on a

foe's digital/online footprint and/or enhancing or hindering an opponent's ability to utilize the internet for political purposes.

Success

The basis for all of this research is to encourage the possibility of success in negotiations with decentralized extremist groups. Success for the purpose of this research will be when the two parties involved obtain either all or most of their desired objectives while simultaneously preventing the opposing party from withdrawing or otherwise ending negotiations through violence and/or aggression.

Group

The group as an entity will be represented by the organization as a whole that is taking part in negotiations, as opposed to any individual person.

Individual Negotiator

The individual negotiator is the person who has been assigned, ordered or otherwise elected to represent the interests of the group at the negotiating table.

Shows of force

Negotiations are a sensitive and often quite delicate action that requires the utmost restraint on the part of the parties involved, lest failure is sure to follow. In the context of nation-state to nation-state hostilities, a show of force can be used to discourage an escalation of violence. However, negotiations with decentralized extremist groups suggest a more sensitive, lighter touch. Thereby for the sake of these instances, a show of force is defined as a significant or disproportionate display of military, law enforcement, combatant or otherwise offensive personnel and/or hardware noticeable by the opposing party.

Variables

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Dependent

The dependent variable that is common within all three of the hypotheses is that of success and failure. The purpose of the design is to determine which situations will contribute to either the success or failure of negotiations, and therefore promote well prepared negotiation as a means of dealing with decentralized extremist groups rather than alternate violent methods.

Independent

The independent variables utilized are also presented in a binary form. They are; either approaching the target group on their perceived home territory or not, directing negotiations toward either an individual representative of the target group, or the group itself as a whole, and presenting the target group with a show of force (military or law enforcement, or otherwise aggressive in nature) or not. Once again, each of these elements contributes to the overall success or failure of negotiations.

With regard to measuring the concept of decentralization of an extremist group, a few factors must be understood, primarily the typical structure of organized groups. Generally, organized groups do so by electing/appointing or otherwise assigning leaders (or inheriting in the case of some religious or royal forms of governance) to facilitate the efforts of the group. Those leaders either control the group directly, or appoint/assign or are assigned managers/officers to implement the instructions they provide (typically the use of leaders subservient to a head leader, is to assist in the management of larger groups). This process is generally understood as a hierarchy, and is the primary management style for groups the world over, whether it be the management of a small business, or the organization of a military with millions of soldiers and personnel.

As discussed previously, a decentralized group does away with the concept of a hierarchy in favor of group control over its own direction. Coordination is based off of mutually agreed upon goals, and tasks are assigned according to the abilities of their

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respective members. With regard to the case studies contained herein, their measurement and subsequent classification as "decentralized" extremist groups, is based off of their relative utilizations of a group control over their directions. So in essence, the lack of a central leader or leaders, the lack of a hierarchy for internal governance, and the assumption of tasks based not on assignment by leaders, but voluntary assumption based on ability and availability. The measurement of the groups as decentralized is based off of an individual analysis of the groups *modus operandi* based off of their behavior in the specific case studies.

The hacker collective Anonymous is very much the illustration of the concept of decentralization with regard to internal governance. Firstly, there is no central leader, at all. Secondly, there is no internal hierarchy. At times there were core individuals who helped facilitate actions, however their use as core subjects was based solely off of their ability as hackers, and their charisma in influencing others. Finally, and alluding to the previous point, assignments of tasks were based solely on ability, attendance to group actions/functions and charisma.

With regard to Somali pirates, their classification as decentralized is slightly more abstract but arguably falls inside the categorization. The pirates do operate as decentralized groups, but tend to associate with singular entities, that is to say a ship. The ship itself is often owned by one or more people and maintains a captain. However, generally the captain is selected more as a "first among equals" rather than a captain when considered apropos a US Navy ship. Secondly the hierarchy is near non-existent. Which may or may not play into the violent outcome of the case study later, as the pirates made decisions based off of group consensus, and when there are competing groups within the larger whole, conflict occurs. Finally, tasks were assigned based off of need and ability. Every pirate operated according to their own ability, and even in the case of the negotiators sent to interact with the US

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representatives, they went due to their language skills, proximity and willingness to go, rather than commands from a central authority commanding them to.

Research Method

The research will be conducted according to a multiple (specifically a dual) case study analysis. More precisely a comparison between one instance where negotiations failed and one where they succeeded will be pursued. By analyzing the paths to the resulting dichotomy of outcomes, one may be able to deduce the necessary data that contributed to their success and failure. Thus one may provide a context toward understanding how to promote a successful negotiation.

The use of a case study analysis is beneficial in this context for a number of reasons, not the least of which are illustrated by Alexander George and Andrew Bennett in their authoritative work, "Case Studies and Theory Development in the Social Sciences." By utilizing a comparison between multiple cases and analyzing their differences, this research aims to provide "contingent generalizations . . . intended to help policy specialists first to diagnose and then to prescribe for new situations, much as medical doctors do in clinical settings" (George, Bennett 2004 Pg XI). Moreover, in the effort to "compare and contrast two or more different types of intervention" (George, Bennett 2004 Pg 78), in this case negotiations taken on by parties to bring the end to a potentially dangerous if not fatal outcome, the case study provides the opportunity to directly review the different methods and reactions employed by the parties. It should serve as no surprise that when reviewing the actions and reactions of the parties in the ensuing cases, there leaves no doubt that a clear and apparent set of conclusions may be drawn.

With regard to the units of analysis, the two cases themselves will act as the units of analysis. Each group represents an illustration of a unit, i.e. a decentralized extremist group; both however are subjected to different conditions and are thus available for comparison.

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The data collected will be drawn from all of the subsequent sources and systematically reviewed with the intent in mind to discern the paths each party undertook to arrive at the negotiating table. Specifically, each case will be looked at with the themes of each hypothesis in mind, a) was the institution in question faced with a clear and present danger to their existence, and b) did the extremist group present some form of hierarchy for the institution to contend with. What is key, is not just the yes or no answers to these questions, but how the established institutions in question responded to results.

The data collection for each case poses its own set of unique challenges and issues. For instance, due to the recent rise to stardom of Anonymous, the vast majority of the documentation of their activities is almost exclusively online. The wealth of academic knowledge on the subject is limited to journals as few individuals have had the time, let alone the wherewithal, to write books on the matter. The remainder of the data exists on open source websites, media and news sites and various technology blogs.

The piracy case on the other hand has a wealth of knowledge both in print and online regarding the general state of things in the maritime piracy world, primarily the more kinetic methods nation states have undertaken to combat piracy; however, there is not much coverage on the actual negotiations. Furthermore, as there tends to be a great deal of behind-the-scenes cloak and dagger work done with regard to relations with pirates, a great deal of the information is locked behind various classified or protected barriers. Therefore, the usual approach will suffice for an initial review of the information; data collection on the piracy case will cover an analysis of published articles, media and books on the subject. Like the Anonymous case, the data will be analyzed in accordance to understanding the mindset of the individuals as they interacted during negotiations. However, should success on the matter permit, there is the intention to file requests for information and possibly freedom of information requests from the relevant United States defense department and federal branches

and any corporations, law firms and insurance groups that have had a direct impact on the proceedings. Should this prove successful, the data will be analyzed accordingly.

Review of Case Studies

HBGary

In the instance of the Anonymous attack on HBGary Federal, communication between the parties was the essential point that led to an end to the attacks. In early February of 2011, CEO of HBGary Federal, a subsidiary of HBGary, Aaron Barr made several public announcements that he had infiltrated Anonymous through the use of Internet Relay Chat (IRC) and Facebook, and discovered many of the identities of their members. He then declared that his intent was to expose the names and locations of those members to law enforcement and the Federal Bureau of Investigations. In response, Anonymous attacked HBGary's website, computer systems and networks. Anonymous alleged that since HBGary was HBGary Federal's principle investor, they would be held particularly responsible for the actions of their subordinate. In the attacks, tens of thousands of documents were copied and their originals deleted, these were integral files and emails pertaining to clients and projects run by HBGary and HBGary Federal, many of which would ultimately be published online (Anderson 2011). In all, estimates claim that approximately 71,000 emails were stolen, Aaron Barr's Twitter account was defaced (Greenberg 2011), over a terabyte of backup information deleted (Anderson, 2011), in addition to any harm that may have come to the partnerships and agreements with other companies.

In light of the continuing and increasingly damaging attacks, Penny Leavy, President of HBGary, contacted Anonymous through the IRC service and discussed a cessation of hostilities (Anonymous, Leavy, 2011). Over the course of several hours in the online channel, Ms. Leavy discussed the event in extensive detail with numerous individuals from

Anonymous. On a side note, the nature of the conversation itself was also extraordinarily fascinating, as during it the parties would go on tangents to discuss numerous topics ranging from corndogs to the self-immolation of Mohamed Bouazizi. After hours of discussion, the attacks ended and the parties parted ways. Within three weeks, Aaron Barr announced his resignation from the firm to "focus on taking care of [his] family and rebuilding [his] reputation" (Greenberg, 2011).

HBGary Analysis

The analysis of this event will be conducted with a heavy weight on the actual transcription of the event (Anonymous, and Penny Leavy). Direct interactions between Ms. Leavy and the participating members of the hack on HBGary will be utilized to provide evidence that will either demonstrate or refute the hypotheses of this paper. Each hypothesis will be presented, individually and reviewed in the context of the interactions between Ms. Leavy and Anonymous.

H1) Approaching a decentralized extremist group on their own territory encourages the likelihood of success.

In the midst of the attack on her company, Ms. Leavy approached the Anonymous collective via a program called IRC (Internet Relay Chat), which is an online means of communication similar to a chat room. She accomplished this with the assistance of Barret Brown, an American journalist, essayist and satirist. He is often referred to as an unofficial spokesperson for the hacktivist collective Anonymous. Through IRC she was able to directly communicate with the individuals who were actively participating in the ongoing hack on HBGary such as the famous "Sabu" (Hector Monsegur) who would not much later turn on the group and become an FBI informant in the years following. However, the importance of this event is quite unique in that she was able to directly communicate with all nearly all of the major players involved simultaneously and in an environment where they had control

over the direction and even the continuance of the conversation. The conversation begins as

a general body meeting of Anonymous members discussing the nature of the ongoing hack,

Aaron Barr's involvement and what is to be accomplished next.

> Each individual inside the chatroom (known as a channel) is differentiated by their tag inside brackets such as <@BarrettBrown>. Additionally, the "@" symbol (or "&" in some cases) indicates the channel founder and admins (as a prefix to their name). Finally, the "+" in the context of this chat represents individuals of particular note or sub-admins/moderators.

- [03:31] <antivigilante> he was SELLING it as an investigation protocol/standard
- [03:31] <+c0s> that should be a punishable offense
- [03:31] <RealNick> that is good
- [03:31] <+c0s> isnt that fraud?
- [03:31] <@BarrettBrown> yep. Push that point hard.
- [03:31] <MGMX> what? selling fraud info the us gov would have been nice...
- [03:31] <RealNick> you call it fraud, I call it easy money
- [03:31] <ComradeBush> BLESSED BE
- [03:31] <MGMX> don't car dealers do this all the time

Shortly thereafter, Mr. Brown is able to make phone contact with Ms. Leavy, and relays

various messages to Anonymous members.

- [03:50] <+Laurelai> BarrettBrown: you here?
- [03:50] <@BarrettBrown> I'm on the phone with president of HBGary
- [03:50] <@BarrettBrown> she wants to tell you
- [03:50] <deafboy> butts +1
- [03:51] <Smiley> lol
- [03:51] <@BarrettBrown> that they are a separate company
- [03:51] <Eddy> I'm sure she has nice things to tell us
- [03:51] <@BarrettBrown> they only own 15 of the stock
- [03:51] <+Laurelai> BarrettBrown: would you like to do an interview with crowdleaks
- [03:51] <@BarrettBrown> and their e-mails were also released
- [03:51] <Sneux> lol
- [03:51] <&Sabu> BarrettBrown: ask PENNY to come here and speak.
- [03:51] <butts> maybe they should deal w/ it
- [03:51] <antivigilante> an irresponsible low life - he wasn't selling info - he was SELLING training - he was going to lobotomize the FBI with his techniques - millions jailed and harrassed over the next 10-20 years
- [03:52] <@BarrettBrown> she's on
- [03:52] <&Sabu> antivigilante: please post hat you're saying online. you are 100% correct mate
- [03:52] <&q> hi Crikey :)
- [03:52] <&Sabu> BarrettBrown: ask her to idendity herself

Approximately eight minutes later, Ms. Leavy joins the chatroom as <Penny> and then

<+Penny> and proceeds to introduce herself and discuss the nature of HB Gary, HB Gary

Federal, and Aaron Barr's involvement.

- [04:02] <&Sabu> Penny: did you also know that aaron was peddling fake/wrong/false information leading to the potential arrest of innocent people/
- [04:02] <+butts> How much was the US government willing to pay for you ridiculous data collection?

- [04:03] <+Penny> I did know he was doing research on social media and the problem associated with it, the ease of pretending to be one of you
- 15[04:03] * heyguise is now known as voice_plz
- 15[04:03] * q_ is now known as q
- 15[04:03] * voice_plz is now known as heyguise
- [04:03] <+Penny> He was never planning on giving it to the gov't. He was never going to release names, just talk about handles
- [04:03] <Eddy> are you aware all data he collected are incorrect?
- [04:03] <+Laurelai> hi Penny
- [04:04] <+butts> then why create it? if it had no purpose?
- [04:04] <+butts> You were just going to discuss it internally? I find that highly doubtful
- [04:04] <Eddy> I hope that guy gets fired by tomorrow
- [04:04] <+Penny> We have no idea we have not seen the list and we are kind of pissed at him right now

Herein we discover a genuine dialogue between the aggressors and their target. We witness here the beginnings of a series of negotiations that will last for the next few hours. Flatly put, this simply would not have been possible outside of this context. Given the nature of Anonymous, it would have been impossible to establish dialogue with them in a traditional setting. They have no genuine spokesperson or individual assigned in the role of negotiator that would have even remotely been able to address the member's needs and wants from a negotiation. Moreover, as all of the members are located around the world, and additionally, remain largely unaware of each other's actual identities, to be able to have them join Ms. Leavy for a such a situation, would have subjected them to a high possibility of arrest without ever coming close to ending the hack in question.

By approaching the Anonymous collective on their own territory (or at least via a medium that in all respects, acts as a home territory for them), Ms. Leavy was able to provide them a platform with which they could comfortably (without fear of undue retribution clouding any possible judgments or demands they may have had) and efficiently portray all of their grievances up front. If we are to take into consideration the concepts previously mentioned by Zartman the essential "treatment as equals" allows for a "development of the legitimacy of a solution" (Zartman 2003, Pg 447). The fundamental fact that a president of major company with substantial government contracts approached the individuals of Anonymous allowed them the significant sentiment that they were in fact being treated as

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equals, that their opinions mattered enough to warrant the attention of the company's president was a significant factor in allowing them to address their complaints throughout the course of their dialogue. This is clearly illustrated in a brief back and forth by the moderators of the chatroom here:

- [04:07] <@BarrettBrown> That Penny was very nice when she called
- [04:07] <@BarrettBrown> And seems reasonable
- [04:07] <&Sabu> yeah shes nice.
- [04:07] <Eddy> :)
- [04:07] <+butts> 15 percent is a significant amount
- [04:07] <@q> mh? we have nothing against penny :)
- [04:08] <+Sneux> She seems very reasonable and intelligent, no doubt.
- [04:08] <@q> just stating facts here :)

Less than seven minutes later we witness members of Anonymous go out of their way to reign in other members allowing Ms. Leavy to communicate:

- [04:13] <+Penny> Can you guys slow down, this is coming at me so fast and I want to respond
- 15[04:13] * WHYISITPLUSM is now known as AnonLeaving-PlusM
- [04:13] <+goober> Hello. I'm moot, founder and CEO of Anonymous, LLC.
- [04:13] <&Sabu> EVERYONE SLOW DOWN
- [04:13] <+Sneux> ^
- [04:13] <&Sabu> admins talk to penny first
- [04:13] <&Sabu> then regular users
- [04:13] <&Sabu> please
- [04:13] <+Isis> done c0s
- 09[04:13] * +Sneux nods, "Please give Penny time to respond."
- [04:13] <+Agamemnon> kk
- [04:13] <@blergh> Penny: Are you a representative from *Gary?
- [04:13] <~tflow> she's the ceo i believe
- [04:13] <+Agamemnon> slooooooooooooowwwwwwwwwwwwwww dowwwwwwwwwwwwwwnn for her
- [04:13] <Eddy> give her time
- [04:14] <+heyguise> Maybe we should do this on a pirate pad?
- [04:14] <+Agamemnon> let her respond
- [04:14] <+Penny> I am the President of HBGary Inc which is a private company

So in a very short time, within twenty minutes of arriving, the various members of Anonymous are not only relating with her on a closer level, and respecting her as partner in a conversation, but are keeping their other members in check to both respect her and allow her to communicate.

From these few excerpts, we can see a very distinct correlation between the fact that Ms. Leavy approached the collective on their own turf and the increase in respect and appreciation that Anonymous had for her. This very distinctly represents a positive apropos

the independent variable, which could not be better illustrated than by the comment from one of the collective's primary members "Agamemnon."

- [04:22] <+Agamemnon> Guys ...Penny showed up ...give credit for alpha response at least ...most would never

H2) Addressing the group as whole as opposed to the individual negotiator increases the chances of success.

This variable is somewhat more difficult to analyze with respect to its effectiveness in the negotiations. While we do know that in the course of the conversation between Ms. Leavy and the members of Anonymous that the ongoing hack against HB Gary's accounts officially ended during the course of the conversation, however it would be weeks before the last of the hacks ceased (Fantz, Ashley, and Atika Shubert, 2011). We see very early on two points made back to back that illustrate the importance of negotiating directly with the group as there are facts that are more succinctly pointed out but one individual and others, by another:

- [04:11] <&Sabu> penny. we will not target hbgary.com. its done. what you can do is motivate your investment from hbgaryfederal over to bradley mannings defense fund. and distance yourselves from aaron barnetts' research
- [04:11] <+heyguise> Eddy, we cant remove any info. ITs already leaked.

It is here that we see the official hack end, with the statement by Sabu. No more personal details were released after this event, and the majority of malicious attacks perpetrated against HB Gary could be better associated with irritating pranks, like spamming a fax machine, or performing a DDOS attack. For clarifications sake however, heyguise' comment is a reference to the information having already been distributed freely across the internet. Once such an action occurs, permanently recovering information of that natures largely becomes impossible as it is rapidly, and anonymously stored on both private and public computers and servers around the world. A metaphor would be like tearing open a feather pillowcase while flying in a plane over a city and then expecting someone to retrieve

all of the feathers, while technically it is imaginable, it is nearly impossible to achieve in reality.

Further on, we see the members of Anonymous begin to make demands. However, these are downgraded to strong suggestions once Ms. Leavy is able to communicate to them the limitations of both her company and herself. A fascinating change of pace occurs when we witness the members of Anonymous not only begin to back down on some of their demands, but attempt to assist and provide ideas to Ms. Leavy on ways to mitigate the problems that she is concerned regarding the associations HB Gary has with its clients.

- [04:32] <+heyguise> Penny, fire him, black letter.
- [04:32] <+Agamemnon> Your clients, Would they really know or understand the import Penny?
- [04:33] <+Penny> OH, OK, I get it,
- [04:33] <+Baas> http://en.wikipedia.org/wiki/Burn_notice_%28document%29
- [04:33] <+Penny> Yes I think they'd understand it
- [04:33] <+Agamemnon> hm ...that is bad
- [04:34] <+Agamemnon> Aaron is to blame
- [04:34] <+Penny> Hey guys, I get you are trying to make a statement, but you are out of the realm of it being pertinent now, you crossed over to not a good place
- [04:34] <+heyguise> Penny, desperate times.
- [04:34] <+Penny> I get you all hate Aaron, got it
- [04:34] <evilworks> Penny, get rid of him
- [04:34] <Neo> unfortunately Penny, if you haven't realized yet: It's too late to change what's been done today.
- [04:34] <evilworks> this is what we want
- [04:34] <evilworks> thats all
- [04:34] <evilworks> info is out
- [04:34] <evilworks> can't be stopped
- [04:34] <evilworks> he worked under your company name
- [04:34] <+Agamemnon> We dont hate Aaron ...just what he did...
- [04:34] <evilworks> it got in the way
- [04:35] <+Baas> What is done is done. Your association with Aaron is limited - we get it. Easy enough to mitigate further damage.

While there are individuals who remain adversarial to Ms. Leavy, we do see a trend of Anonymous members who keep them in check and who ultimately play devil's advocate on behalf of Ms. Leavy and assist her in explaining her own position. This is also very well demonstrated in the following exchange.

- [04:37] <+Penny> Hey I"m not sure how this whole Torrent thing works, I'm sure I"ll find out but I can tell you that if you want freedom of press and
- [04:37] <+heyguise> c0s, she sees that
- [04:37] <~tflow> Penny: ironically, the vulnerability was on hbgaryfederal.com, not hbgary.com.
- [04:37] <+Penny> documents, there is a better way than doing it this way. What you did was illegal and it will hurt you guys as well

- [04:37] <+heyguise> what shes argueing is that "THINK OF THE CUSTOMER THEY WILL BE HURT"
- [04:37] <+heyguise> which is a legitmate arguement.
- [04:37] <Neo> that's unlikely Penny.
- [04:37] <+joepie91|coding> Penny
- [04:37] <&Topiary> Penny: We're not hurt.
- [04:37] <+c0s> Penny: it wont hurt them at all.
- [04:37] <Eddy> very unlikely
- [04:37] <+joepie91|coding> what Aaron did was probably illegal as well
- [04:37] <+Baas> The solution is simple. Put a knife in Aaron's back and everyone is happy.
- [04:37] <+c0s> PEnny: in fact it will lead to a lot of press that works in their favor
- [04:37] <+heyguise> I think it will hurt the customer a little.
- [04:37] <+joepie91|coding> if he would indeed have gone to the FBI
- [04:38] <+heyguise> In the short run.
- [04:38] <+Agamemnon> \no ...she is arguing that ppl who never intended any harm are going to be hurt
- [04:38] <+joepie91|coding> legality is completely irrelevant in this matter
- [04:38] <+Isis> its pretty hard to give Anonymous a bad name or hurt the image we carry :P

We see heyguise once again come to the aid of Ms. Leavy and try to at least give her points merit. Additionally, as a moderator, he maintains a higher degree of influence and is able to repeatedly express points that are reflected and respected by the rest of the community, such as the following in his remark to member Topiary; "[04:39] <+heyguise> Topiary, our "Evil" should be compared against the "Evil" we don't liek." This in and of itself is a rather amusing comment because it is in essence a paraphrasing of the Proportionality clause of Just War Theory derived from St Thomas Aquinas' *The Just War*. Which in and of itself either suggests that there are members of the Anonymous collective who are highly educated in classical military doctrine, or are deeply reflective individuals that upon being approached as a group are able to negotiate in an amongst themselves as to the merits and morality of their own actions (not that the two are mutually exclusive of course.

The next point is one of the more integral ones of the negotiations thus far. After having repeatedly explained to Anonymous about the relationship of Aaron and his involvement at HBGary Federal (as opposed to HBGary), about how HBGary was actively trying to distance themselves from his actions, she finally poses to the group what she may be

able to get in return for their requests of dismissing or at least cutting Aaron out of the
company.

- [04:44] <+Penny> You only leaked Ted and Aaron and Phil, that much has been said,
  so why release the rest? What am I not getting?
- [04:44] <evilworks> Penny: realize this: THE INFORMATION IS OUT!
- [04:44] <evilworks> it CANNOT be stopped
- [04:44] <+heyguise> joepie91|coding, has a great point
- [04:44] <+Isis> evar
- [04:44] <evilworks> it is OUT on the internet
- [04:44] <&Sabu> penny WE WILL NOT RELEASE THE REST.
- [04:44] <evilworks> period.
- [04:44] <+c0s> Penny: no more is set to be released.

There is initial confusion from some of the lesser members of the group such as
evilworks who believes Ms. Leavy is still referencing the data that has already been leaked
(as opposed to a much greater chunk that contained a substantial amount of data on HBGary
clients), however this is very quickly clarified by Sabu who very authoritatively orders that
no further information from HBGary is to be released. It is here that we see a very
substantive illustration of the success of this variable. By discussing the various concerns
exhibited by all of the members of Anonymous (of which the vast majority of which centered
around the demands that Aaron Barr be openly fired, and failing that, excluded from the
company), Ms. Leavy is able to make substantial headway in not only ending the ongoing
attack (which concluded at the beginning of the negotiations), but even to prevent data that
has already been obtained by the individual members from being openly released to the
public.

H3) Shows of force negatively impact the chances of success.

It has been repeatedly shown through the course of the experiences with anonymous
that threats to their existence either fall entirely on deaf ears, or go so far as to inspire them to
even more aggressively go on the attack. This is integral with regard to the third hypothesis
as it represents one of at least two possible explanations that are reviewed in this research as
to why shows of force negatively impact the chances of success; that is to say, potentially

compounding the issue. With regard to this particular case study, the example of Aaron Barr's initial threat of revealing the identities of Anonymous members to federal authorities represents the show of force. In so doing, Mr. Barr presented to those individuals involved with Anonymous at the time, that his actions would bring upon them the might of federal law enforcement, that his connections with them could spell negative consequences to anyone who may impede his work. However, this clearly had the opposite reaction from Anonymous members.

After learning of Mr. Barr's threats, it spurred to action the collective energy of Anonymous who settled their rage upon not only the company that Aaron Barr worked for, but their parent company as well, bringing about one of the largest and most effective attacks on a corporate entity until that time. This displays quite clearly the potential threat that displaying a show of force would have negative consequences.

On the contrary, as represented by Ms. Leavy's actions in response to the attacks that Anonymous conducted on them, she made repeated and concentrated efforts to defuse any possible interpretations of her actions as being threatening. It is fortunate that her actions represent the antithesis of the actions of Aaron Barr. Particularly, her actions for the sake of this research act as a display even in the same case study, the effectiveness of positive interaction with her interlocutors, non-threatening, as opposed to that of Aaron Barr, where threatening advances and an aggressive display of force drew about an extreme negative outcome. In developing a positive non-antagonistic relationship with Anonymous she was able to develop an atmosphere where all parties were able to communicate without the fear of retribution.

With that said, it is important to note that during her conversation with Anonymous, the members of Anonymous made numerous and repeated threats toward her. This is distinct

as it should be made aware that perhaps the hypothesis is relevant only for the group that would be perceived as the dominant party. While it is clear that Anonymous was able to bring to bear an overwhelming show of force against HBGary and HBGary Federal, because the later existed as an established corporate entity, more or less on the side of legal right, they could be interpreted as the more dominant party. Another plausible explanation for this abnormality is that perhaps the party on the receiving end of an aggressive attack (or representing the victims), would find that displays of force represent a decreasing potential of success, as it obviously is the case that one of the two parties has already presented an element of aggressive actions, or may even interpret it as a show of force. With regard to this case study, Anonymous' response to Aaron Barr's negative displays was in itself, a tremendous show of force, with the explicit intention of threatening actions similar to that of Mr. Barr, or discouraging similar actions by other organizations or individuals. However, this question, of how the various hypotheses interact with the non-dominant party will not be reviewed in this research. It is important to make the distinction between which parties the various hypotheses contained within this research are relevant too. It may be so that the various actions discussed within this research may be applicaple to both parties in such situations, however for the sake of this research, it will focus only on the side of the more dominant party. That is to say, the representatives behind the individuals seeking to end hostile actions by another group.

S/V Quest

Friday afternoon, February 18th, 2011, the S/V Quest, a private American yacht owned by Jean and Scott Adam was making its way from the southern tip of India, across the Indian Ocean with the intent to make landfall in Oman some days later. They were accompanied by their two friends Phyllis Macay and Robert Riggle on what they intended to be a world sailing experience. However, it was at this time they would send out a distress

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call saying they were being shadowed by pirates. The mayday was picked up by a Danish vessel and subsequently responded to by four American Navy ships, the USS Leyte Gulf, the USS Sterett, the USS Bulkeley and the USS Enterprise (Somalia Report). 19 men (Maritime Security Review) of the "Central Regional Coast Guard" a pirate band that fashions itself as protectors of the waters off the coast of Somalia from illegal fishing, dumping and providers for their families (Gettleman 2008), would face off against two Arleigh Burke-class guided missile destroyers one Ticonderoga-class guided missile cruiser and one nuclear powered aircraft carrier (the longest naval vessel in the world), totaling over 6000 American sailors. What would begin as a nearly standard negotiation procedure would ultimately end in tragedy for the hostages onboard the S/V Quest, and the deaths of two pirates at the hands of American Navy SEALs.

On Monday the 21st, two of the pirates were brought onboard the USS Sterett to begin consultations with FBI negotiators who had been sent by air for the occasion (Miklaszewski 2011). At the same time negotiator-pirate Mohammad Saaili Shibin, in an offsite location, who was in contact with the pirates on the S/V Quest and the USS Sterett, used the internet to research the hostages in order to determine what ransom demands should be made (Macbride 2011). It would not be long however until a debate emerged between the pirates on the S/V Quest. One party believed that the hostages should be exchanged for money, while the other insisted on demanding the release of a recently convicted Somali teenager Abdiwali Abdiqadir Muse who was captured during the infamous Maersk Alabama incident. The debate escalated to the point of violence which culminated in two of the pirates being killed. The following morning, gunshots were heard onboard the S/V Quest, and during the moments thereafter, one of the pirates launched a rocket propelled grenade at the USS Sterett. According to Vice Adm. Mark Fox, Commander of the US Navy 5th fleet in a press conference, a group of pirates then emerged on the deck of the S/V Quest, waving their

arms indicating a desire to surrender (Miklaszewski 2011). A Navy SEAL team was dispatched to the S/V Quest where they promptly took control of the ship, killing two pirates in the process. Upon arrival, the SEALs discovered all of the hostages had been shot, and the two survivors, died shortly after first aid was administered.

S/V Quest Analysis

Both cases represent two very distinct outcomes with regard to attempted negotiations with decentralized extremist groups. The HBGary case, has what can be considered a substantial success, where mediation and moderate heads prevailed. On the other hand, the S/V Quest case provides a glimpse at where things can go dramatically wrong, and unfortunately where lives may be lost as a result. However, by comparing and contrasting the areas where the parties acted differently, their stories offer a strong understanding of how to seed a situation to provide a better terrain for success. Initial analysis would suggest that Penny Leavy, by approaching Anonymous on what would be considered their own territory, and purposely developing a rapport with her interlocutors, made great strides in implementing (albeit unknowingly) the basic guidelines proposed by Zartman, Faure and Pruitt. She brought parity between her organization and that of her aggressors, providing a context for insightful dialogue and ultimately developed a partnership that concluded with successful negotiations. Within the S/V Quest case however, the United States Navy approached a small pirate sized vessel with enough military hardware to invade a small country, brought two representatives of the pirate band onboard a supremely powerful instrument of warfare and gave little impression of parity. The pirates that had remained onboard must assuredly not have felt secure with their surroundings which may very well have led to the violent conflict that broke out among them. In this case, while it may or may not have been intentional, it is reasonable to assume that the pirates felt extremely intimidated by their environment and this could have affected the outcome and dramatic end to

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negotiations. Other elements come to mind in the analysis, time, the ability to address one or two opponents as opposed to all of them, and the threat of loss of life. These all must be analyzed in order to determine how or if their involvement affected the outcome of the negotiations process.

H1) Approaching a decentralized extremist group on their own territory encourages the likelihood of success.

As the S/V Quest was the first American flagged vessel to be hijacked since the infamous Maersk Alabama incident, it seems apparent that the natural response by the United States armed forces would be to send overwhelming force to respond to any pirate incident. However, in this case, it is possible that this action may have negatively impacted the probability of successful negotiations. As addressed previously, showing some kind of power parity with one's rival in the negotiations process (even if there is none), may be a positively contributing factor to a successful enterprise at negotiations. In the instance of the S/V Quest, the US Navy responded with the USS Leyte Gulf, the USS Sterett, the USS Bulkeley and the USS Enterprise (Somalia Report), totaling over 6000 American sailors. To say that this represented an image of parity with the 19 members of the pirate band, would be hilariously misguided. Not only that, but the pirates in question were left alone on the small craft that was the S/V Quest, without the aid of their own mothership to provide a sense of security. This is not to say of course that this justifies the actions they would then perpetrate, it does however illustrate the extreme disparity between the size and scope of the pirate band, and the United States Navy.

In a relatively recent publication by the Federal Bureau of Investigations, following the conviction of three of the pirates in American courts, the follow was stated;

> "On February 21, 2011, two co-conspirators representing the pirates onboard the *Q*, were transferred to the *USS Sterett* to negotiate. The negotiations reached an impasse when the co-conspirators were told that they were not going to be allowed to take the hostages ashore in Somalia. The decision was

made to detain the co-conspirators after they refused to release the hostages and threatened to kill them if they were not allowed to return to Somalia." (Eastern District, 2013)

In this situation, while it is understood the need to refuse the request of the pirates to relocate the hostages to the mainland (from a security standpoint, it makes more sense in the protection of hostages to be aware of their location and to have it controlled, as opposed to allowing their captors to be in control of their location in an uncontrolled environment such as Somalia), it is important to take note of the response of the Navy to imprison the individuals intended to negotiate on behalf of the pirate band. While this may not reflect the idiom of "shooting the messenger" the effect however was essentially the same. Serving a few different detractions, not the least of which were; by jailing the negotiators, the Navy ceased the ability to effectively communicate with the pirates and eliminated the rapport they had with their interlocutors in general. Finally, and possibly one of the more damming repercussions of the event was threatening the negotiators lives. Not only is this not approaching a decentralized extremist group on their own territory, but it also removes the options of a "way out" for the pirate negotiators. As previously discussed, and illustrated by Zartman, by removing the sense of a way out (that is to say, the pirates were led to believe that not only were their demands not going to be met, but that the Navy would kill them if the demands of the Navy were not met), the Navy reduced their own chances of success by forcing the hand of the pirates. With no more options left before them for negotiations, the pirates may have seen the options of "surrender or death," which in the case of contending with manpower outnumbering them 315 to 1, the prospect of a safe departure from the situation likely looked dubious at best.

H2) Addressing the group as whole as opposed to the individual negotiator increases the chances of success.

In the context of the S/V Quest incident, the process of the negotiations was conducted between the Navy and FBI negotiators, and the two representatives provided by the Somali pirates. After at least three days of communicating via radio, two Somalis ultimately would board the USS Sterett to continue negotiations in person (and were subsequently imprisoned there). Details are poor on what occurred in the less than 24 hours between when the negotiations continued on the Sterett and when the shooting started, however it is clear that the lines of communication between the Somali negotiators and their comrades was either poor, or broken at this time. Moreover, with the abrupt shooting that occurred, either as a result of the Navy's encroachment on the captured ship, or misguided enthusiasm on the part of the pirates themselves, it may be safe to assume that whatever communication that was provided by the Somali negotiators to their comrades was not enough to deter the shooting that led to the deaths of all of the hostages and two of the pirates onboard the Quest.

To reiterate from earlier, and from a different source, in an article in the New York Times on February 24th, 2011, a great deal of unconfirmed evidence was provided on what may have occurred on the 22nd of February that led to the deaths of the four Americans. Unfortunately, the evidence is provided by a source who cited the ongoing FBI investigation as their desire to remain anonymous and cannot be verified as true. In essence, the situation may have progressed as follows (Schmitt 2011).

1. On February 22nd, the two Somali pirates, one of them a "seasoned veteran" and commander who had participated in several successful negotiations boarded the USS Sterett to continue and/or finalize negotiations.

2. Soon thereafter, the FBI negotiator and Navy representatives came to the conclusion that the negotiations and the negotiators themselves were not serious about an actual conclusion to the hostilities. They subsequently jailed

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the two Somali representatives, and informed the pirates who had remained on the Quest of the actions they had taken and that they wished to continue negotiations with representatives interested in the safe resolution of the situation.

3. It is speculated at this point that a conflict arose on the Quest between the remaining pirates over the best course of action at this point. There is some testimony that the "seasoned veteran" and commander who had boarded the Sterett had left instructions that should something happen to him, that the remaining pirates were to execute the hostages. Another theory surmises that there was a difference of opinion between two factions of pirates onboard the Quest, and how to proceed which culminated in violent conflict between them, leading to the the deaths of two pirates and the four hostages.

4. Regardless of the rationale of the events, early on the 23rd, the pirates came to blows with each other. One fired a rocket propelled grenade at the USS Sterett and gunfire broke out on the Quest which killed two pirates and mortally wounded the hostages.

5. After the shooting, a group of pirates walked onto the deck of the Quest with their hands up indicating surrender. A small craft full of US Special Forces was dispatched to the Quest who boarded it, and during the process of clearing the ship, discovered the wounded hostages, and attempted to administer first aid. The surviving hostages subsequently died of their wounds. At some point, two pirates exhibited resistance to the Special Forces operators who killed them.

The entire course of events exhibits strong evidence to suggest that negotiating with the two specific negotiators may have negatively impacted the outcome of the standoff. For one, the

ability to understand the intent of the remainder of the pirates was unknown to the negotiators in the custody of the FBI and Navy. There was no indication at the time that there may have been a division within the pirate group on how to end the situation, as the representatives that they were working with (whom they imprisoned) represented only one of the two groups. Had the FBI and the Navy been able to discuss with the collective of the pirates, it is possible that they may have been able to glean that understanding. While this may not have prevented the deaths of the four hostages (since that division would likely have manifested itself later), it may possibly have provided more knowledge on how to approach the two groups to find a non-violent solution.

So how else could negotiating with the group as a whole been more successful than traditional methods? In the context of the fact that the pirate group was an extremist group with a decentralized internal governance system, it stands to reason that they would not function according to a traditional hierarchy. In a very similar context to Anonymous, the Somali pirates may have one or two higher "ranking" individuals like a captain of the ship, however this is typically the individual with the most experience or who owns the ship itself. The rest of the group are individuals for the most part on an opt-in basis who are independent people and not bound to the particular ship captain. Thus while they will operate and listen to orders from their captain, they do so based on the understanding that he knows more than they do, and not because they are obliged to do so by rank. With this in mind, one can assume that each pirate has not only the capacity but the opportunity for independent thought and the capability to act on it. This could not have been made more evident by the closing events of the attack. A group of pirates came to blows with another group, the hostages died, and the entire crisis ended, at a major loss to the pirates. It is clear from this action in and of itself, that the group itself was simply not cohesive enough to represent a group that was held together based on a hierarchical structure.

With that understanding in mind, the concept of negotiating with the group sounds more reasonable. It is clear that if the opportunity had presented itself to negotiate with the group as opposed to the two representatives, it may have presented an opportunity to encourage the disagreement between the two pirate parties without them having to resort to violence with each other. Alternatively, it may also have hastened the time it took for them to come to blows with each other. However, if an agreement had been arranged with either party to assure the safe return of the hostages, then that party may have had invested interested in assuring their safety.

H3) Shows of force negatively impact the chances of success.

As said previously, shows of force negatively impact the chances of success. The show of force, presents a situation where if it is of a level of such extremity that the extremist group perceives an existential threat to their continued survival, they may not act in a manner that is conducive to negotiations, i.e.; irrationally. Alternately, if the extremist groups exhibits overwhelming force, their own interlocutors may be less willing to negotiate with them and settle for kinetic response.

In the context of the S/V Quest, and as mentioned before, the US Navy responded with a missile cruiser, two destroyers and an air-craft carrier, with over 6000 sailors. One cannot illustrate in better terms, or concoct and example so flawlessly perfect of an overwhelming show of force. One may argue that this display of force could be likened to cracking open a walnut with a 49 ton bulldozer. In no such small terms, it can be assumed that the pirates involved, having been surrounded with a multitude of naval warships designed for combat with other countries, let alone small fishing boats and not even enough men to field an American football match, were surrounded, outgunned, and faced with a clear and present threat to their continued survival. Furthermore, they were all packed into a craft

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that up until their act of piracy, had housed four people, total. Moreover, after having been separated from their mothership, and understocked on the small craft, it was evident that supplies would be limited and the ability to return to the safety of shore, was rapidly diminishing to nothing.

> "But there were also strong signs that pirates had begun to panic when their hijacking of the American ship went wrong. Andrew Mwangura, maritime editor for Somalia Report, a news website, says his contacts have told him that the approaching U.S. naval vessels, responding to the SOS, separated the initial pirate raiding party from its mother ship, one of the faster, larger vessels that the pirates use to prowl the high seas. Normally, the pirates would ditch the slow-moving yacht and transfer the hostages to their own ship, which would have ample supplies and a fast engine, and make for the relative safety of the Somali coast. But this time, it looked like the entire raiding crew — 19 pirates — got stuck aboard the yacht. With so many people aboard, they likely would not have had enough food or water to make it back to shore.
>
> "There was no proper rationing, no proper supply of fuel," says Mwangura. "I think the naval forces did something bad by coming closer, and those on the mother ship were scared so they left the yacht with a big number of gunmen on board, and the yacht was not moving fast." Mwangura explains: 'Now you have a lot of killing and torturing of seafarers whenever naval ships come closer or patrol pass overhead. Many seamen, when they get released, tell us the same story. When the pirates see ships getting closer, they put the crew at gunpoint and use them as human shields.'" (Wadhams, 2011)

With supplies likely dwindling, and conditions being tense as they were, it was only a matter of time until someone made a mistake, a boat came too close, or a signal was misinterpreted. Then, on Tuesday the 22nd of February, opinions are conflicted about the course of events, however on that day, all four hostages were killed, along with four pirates, two by a team of Navy SEALs and two from unreported means. Generally, it can be understood that when faced with such an existential threat, and recalling the experience of the Maersk Alabama (which had occurred just months before where multiple pirates were killed by American forces), the pirates on board the Quest killed their hostages in an apparent "if I go, I'm taking them with me" sort of action.

> "According to Fox, who commands the U.S. Navy's 5th Fleet, two pirates had gone to negotiate on board the U.S.S. Sterett, the ship trailing the yacht. Then,

early Tuesday morning, the pirates aboard the Quest fired a rocket-propelled grenade at the U.S. warship. That was followed, Fox said, by the sound of gunfire. A party of Navy SEALS then raided the yacht, where they killed two pirates and found two more of them had been killed earlier. But the hostages — Scott and Jean Adam, Bob Riggle and Phyllis Macay — had all been fatally shot.

The pirates dispute the details. While Fox said that the pirates started the shooting, one pirate reached by phone in northern Somalia told TIME the violence started when American forces launched a rescue attempt. "When Americans tried to rescue the hostages and arrest our friends, our friends decided to fight until death," Ali Jama told TIME. "The U.S. navy forces started the shootings. They are to be blamed for what happened. They are making us nervous. They want to rescue and arrest our mates without any damage to themselves." (Wadhams, 2011)

What can be determined from the stories from both sides, is that the pirates, faced with an overwhelming show of force, either attempted to discourage the Navy from encroaching too closely on the small craft that they were defending, or attempted to defend themselves from an encroaching action force. Either way, they saw no other way out, and instead of relying on negotiations to continue, murdered their hostages, perhaps killed two of their own, and were ultimately captured by the United States Navy. Thus, the overwhelming show of force in this case may even be directly attributed toward the failure of negotiations.

Limitations

Due to the sensitive and volatile nature of both groups, limited direct interaction will be pursued. As a result, the majority of the data employed for analysis has come from readily available historical accounts and analysis of events already transpired. It goes without saying that other methods which require a more direct, hands-on approach are simply impractical. There is neither funding nor time available to approach and subsequently interview maritime pirates (not to mention an insurance company that would likely cover such an endeavor), nor the option to meet Anonymous operatives in person (although an online encounter may be distinctly possible, if however untraditional). Attempts have been made to procure documentation from the United States Attorney's Office, Eastern District of Virginia, where

three of the pirates from the encounter with the quest were sentenced in 2013, however repeated phone calls and emails went unanswered. Additionally, due to the nature of attempting to contact individuals from Anonymous directly might impact one's records with the FBI, that option was vetoed as unnecessarily risky for the purposes of this thesis.

However, considering the amount of data that has been made available in the subsequent years since this paper was initially drafted, a great deal of information has become more available. Historical accounts and records have become quite open for review and research and despite the inability to have direct contact with the various accounts and case studies, the documentation freely available has become invaluable.

Outcomes

In order to acutely demonstrate what essentially is the argument, that successful negotiations rather than a kinetic response to decentralized extremist groups is increasingly beneficial to all parties, the case studies have been reviewed in order to establish whether they exhibit a reflection of the logical proofs suggested by the hypotheses. Specifically, the case studies have been analyzed in accordance to the hypotheses. That is to say; approaching a group on its own territory, addressing the group as a whole rather than the individual and limiting shows of force all prove positive, than the general argument holds true. However, it was anticipated that evidence could have suggested that the conditions for a successful negotiation would not necessarily require these elements, for instance, if it were to have been determined that a show of force can prove to encourage bargaining techniques, than the concept that perhaps a hybrid kinetic/negotiatory approach may have been most effective (this was not necessarily proven, nor disproven). Alternatively, perhaps ignoring negotiations entirely and proceeding with a kinetic response may have been found to be most effective as it eliminates the opposing party and discourages others (how very Machiavellian) as was the case in numerous other situations involving pirates over the years not including in this paper.

The MV Maersk Alabama incident in 2009 (subsequently made into a movie with Tom Hanks), or perhaps the now infamous Russian encounter with pirates in 2010 where rather than returning to Russia with them to try them in court, the Russian navy set them adrift in a ship with no engine or navigational equipment in the middle of the Indian Ocean (needless to say the pirates were never seen or heard from again). However, the case studies contained within this research represented two very distinct and textbook examples for which this research would be undertaken.

Both case studies represent two distinctly different situations, whereby the hypotheses were approached with the same questions they from exact opposite results (one a catastrophic failure, the other an overwhelming success). It was intended that the research contained within this paper would help to illustrate that these two case studies may be representative of a larger phenomenon. The hypotheses were intended to provide, not necessarily universal, but clarifications and rationalizations of occurrences within the realm of negotiations with extremist groups that maintain decentralized internal governance structures. Additionally, it was anticipated that while the research focuses specifically on those organizations in the world that adhere to decentralized internal governance structures, such as Anonymous and maritime pirates, that perhaps the hypotheses contained within this research may even be applicable to other groups as well. This research however has remained only with the focus of analyzing decentralized extremist groups, as it is expected that in the years and decades to come, that this form of internal governance will grow in popularity as an alternative to classic hierarchical governance styles.

The effects of one extremist group in particular that started its existence as a decentralized one, holds a resounding impact on recent international political events; the Islamic State of Iraq and the Levant, also known as ISIL. While its present form is that of a

well-organized and developed government and military, it was not always that way. In what is generally considered to be one of the original incarnations of the extremist group, ISIS started out as a loosely associated series of Sunni extremist groups. The groups themselves up until April of 2007 (Associated Press, 2007) were in actuality, exceptionally antagonistic toward each other, partaking in open conflict, suicide bombings and assassinations on each other, despite all of them being Sunni militant groups operating in Iraq, for generally the same basic principles. It was only after a tape recording made by the now "Caliph of the Islamic State," al-Baghdadi, that specifically addressed the infighting among the various and suggested a coordination among them, did what we now know as ISIL begin to take form. While even I am inclined to say that attempting to negotiate with them even at the best of times may prove to be a wildly challenging endeavor, it is not outside the realm of possibilities that at the time when they were still a largely decentralized extremist group, at the stage in which al-Baghdadi presented alternatives to the infighting, that negotiations may have proven plausible, even perhaps fruitful. In fact, one can even argue that al-Baghdadi employed the three various hypothesis presented in this research during his 42-minute tape. One, he approached all of the various extremist groups on their own territory. He himself was operating in and among them, and his message was delivered directly to them without any limitations of location and time. Two, he addressed every member of every group simultaneously. This message was not an arrangement of meetings with the various heads of the groups, secretly endeavoring to create a larger group (that is not to say that this didn't happen, but that this message is considered to be the beginnings of ISIL). Finally, he approached the groups in a verbal message and contained within it, largely open, and non-threatening language, the opposite of a show of force. "To my sons of the Islamic Army, please know that I will sacrifice my blood and honor for you…" or for instance is acknowledgment of not only preventing further violence, but allowing an opportunity to

safely and legally settle conflicts; ""We swear to you we don't shed the protected blood of Muslims intentionally. If I hear otherwise, I will set up a council of judges ... so even the weakest person in Iraq could take his rights, even if from my blood,"

Enough however with the grandiose statements and conjecture, the results of this research in brief can be described as having demonstrated the hypotheses to be at the very least, applicable and accurate for the case studies involved. Despite both case studies having ended with such dramatically different outcomes, the questions posed in them seem to have suggested similar answers. So once again, and in order;

H1) Approaching a decentralized extremist group on their own territory encourages the likelihood of success.

In the case study of Anonymous, while the concept of "territory" in this regard is slightly untraditional, in the mindset of the internet, it can be understood that the forums and chat rooms that Anonymous communicated may be the medium for which they may mark their own territory. Regardless of the powers of any country or corporation, those systems will always be in place and are unconquerable. Now, with that said, Penny Leavy came to the members of Anonymous in their own chatroom and addressed the problem head on, completed outnumbered by her interlocutors, and in some cases overwhelmed by their commentary. However, as what was illustrated in the various sections pulled from the transcriptions, the reaction of the members of anonymous was clearly more positive than negative. They appreciated her attempts to communicate with them on an equal playing field. Providing them the respect they feel they deserved and ultimately may have contributed to their own personal opinions on ending the hack on HB Gary and HB Gary Federal.

With regard to the situation with the Quest incident, not only were the pirates not approached on their own territory, they were actively prevented from reaching it and their representatives were only able to conduct communications on one of the US Navy's ships.

However, it is important to note that the situation itself is much more opaque and making a clear cut decision on whether this hypothesis is in fact true, is difficult to say. If the pirates were allowed to make landfall with their hostages in tow, it may have had the same result (the death of the hostages). There are hundreds of hostage negotiation cases at any given time all around the world that suggests that the result may have gone either way. In this case, perhaps a quantitate analysis of all of the hostage cases involving Somali pirates where the hostages were taken to land and kept imprisoned may have provided a more accurate understanding of a value to conclude definitively the success or failure of this hypothesis. So while the desire to say that the option to approach the pirates on their own territory went unheeded, and the result was the death of the hostages is quite strong, unfortunately within the context of this case study, there isn't sufficient evidence to make such a conclusion. One could conclude that no, the hypothesis was not proven correct in the context of the case study of Somali Pirates.

H2) Addressing the group as whole as opposed to the individual negotiator increases the chances of success.

Within the case study of Anonymous, this once again may be solidly assumed to be proved as a confirmation of the hypothesis. Not only were those individuals involved in the discussions with Penny Leavy, but they became self-moderating, and discouraged comments or actions by each other that would negatively impact the negotiations that were ongoing with Ms. Leavy. Those two phenomena were also unexpected prior to the analysis of the transcripts. Initially, the assumption that the fractionalization of the group would encourage positive motion by one, and subsequent (perhaps begrudged) acquiescence by the less dominant group would encourage positive results. However, the result was far more remarkable than that. The group began to collectively agree with a positive outcome of the negotiations, and those that were disagreeing were gradually brought along through the

negotiations at separate paces until they too felt that the situation was acceptable for them to cease their own independent actions against HB Gary and HB Gary Federal.

Reviewing the outcome of the Quest incident, the opposite appears to hold true. Both the Somali Pirates and the Navy/FBI continued on the typical path of standard negotiation methods and focused on direct contact between selected representatives detached from the overall groups. Not only that, but the Navy/FBI further divided the Somali representatives from their group by jailing them onboard an American destroyer. The lack of communication with the Somali group, coupled with the inability to maintain coherent agreement among all of the parties within the Somali group, appears to have strongly influenced the negative outcome of the case. Miscommunication, poor communication, and a lack of consensus due to both of those facts, all played major roles in the deaths of the hostages and several of the pirates. Had those situations been reversed, and reflecting on the outcome of the case with Anonymous, it would suggest that the situation may have turned out dramatically different. It is clear from the aforementioned discussions of what transpired among the pirates just prior to when the situation devolved, that there were disagreements between at least two subgroups over how to proceed. This disagreement spiraled out of control and ended with the deaths of the hostages, the storming of the ship by Navy SEALs and the deaths of several of the pirates.

Analyzing the results of both of the cases, it is clear that if not just for the ability to impact the decision making processes of all of the parties involved, but also to encourage communication between the parties own internal groups, this hypothesis is confirmed.

H3) Shows of force negatively impact the chances of success.

The case of Anonymous has the unique ability to actually display both sides of this hypothesis. Anonymous claimed that it was Aaron Barr's threats against the organization that inspired them to take action against HBGary and HBGary Federal to begin with. Barr's claims that he had information on Anonymous' members and planned to go to the FBI with

them was clearly interpreted as a show of force. In this moment, one can even argue that Barr was holding information belonging to Anonymous hostage and an immediate and ad hoc negotiation had just taken place, which devolved and ended in disaster due to an overwhelming show of force. This process ended with Anonymous' hack of HBGary's systems and concluded with substantial loss on their part and the end of those ad hoc negotiations. That is until Ms. Leavy stepped up to take control of the situation.

Ms. Leavy represents the opposite end of the spectrum apropos a show of force. She approached Anonymous on their turf (so to speak), on her own (with a little help from her husband to navigate the tech involved) and without any display of force or threats of aggression of any kind. Additionally, when shows of force we displayed against her, she systematically would rationally break them down and dissipate them in order to maintain negotiations. It is clear that her welcoming personality and openness to communicate not only helped to make her more approachable by those interested in developing or maintain negotiations and dialogue, but encouraged those individuals to reign in their compatriots who were less so. This fact in and of itself represented an unforeseen positive outcome. The ability to maintain positive dialogue with multiple interlocutors was the expectation of this, and the other hypotheses. However, to be able to accomplish that, and graduate to the point where the interlocutors themselves begin to argue for the positions of their opposition, is a strong indicator of the confirmation of the hypothesis.

Conversely, and as it has already been discussed several times throughout the course of this paper, the Quest incident very dramatically illustrates a situation where a show of force was so extreme, it may have negatively impacted their negotiations. While the Anonymous case represents clear cause and effect situations the support the hypothesis, the Quest position is not as cut and dry. In this case the result may be likened to confirm by result of negative space. There is no documentation that can utilized to display direct

evidence that the hypothesis is proved. No documents report that the pirates explicitly stated that the presence of the Navy impacted their decision making process. Nor is there any direct evidence linking the overwhelming show of force by the Navy, and the dramatic outcome of the case. With that said, the hypothesis in its negative, that is to say "a show of force positively impacts the chances of failure" cannot be proved. Thus in the case of HBGary and Anonymous, this hypothesis remains unresolved and unconfirmed.

Arguably, it may be reasonable to assume that the presence of the Navy and its extreme disproportion relative to the size of the pirate force could have made for a stressful environment, and caused the pirates to act irrationally. However, without a clinical and psychological analysis of the pirates themselves, this will remain only an assumption. Without this though, the converse must remain unconfirmed. Therefore, while there is a direct correlation confirming the positive format of the logic of the hypothesis, the negative cannot be confirmed. The hypothesis itself can technically be considered in its exact wording, however without the negative being proved true, I hesitate to consider it final.

Contribution of the Research

We live in an information age; we hear such expressions so often it is practically cliché. However, a distinct side effect of such an age is that we also live in a time where communication is easier and more effective than ever before. Knowledge of the world at large is available at the fingertips of nearly every person on the planet and thus through communication is that knowledge imparted. Now more than ever Isaac Asimov's words; "war is the last resort of the incompetent" rings ever more true. There are few reasons left that we cannot sensibly approach a negotiating table with tools at our disposal to not only discuss a solution, but to encourage the chances for success. Therein lies the contribution of this research. Groups like pirates, but more specifically Anonymous, or even the "Occupy" movements of the world increasingly find themselves adopting decentralized governing

structures. If we are to properly address not only the extremists of the world but the moderates and the conservatives, it is best to understand how the lessons of the past can be utilized and how the trends of the future can be understood. This research is just scratching the surface of a new style of self-governance that is not well understood, and yet is becoming increasingly prevalent in society.

It is expected that with the gradual understanding of not just what it takes to have a successful series of negotiations, but also how to encourage success, that the results from this research will serve to allow negotiators the opportunity to provide ever increasing modes of assuring successful negotiations. Additionally, there is the hope that this form of analyzing negotiations, and in particular apropos the decentralized governance structure for which this particular paper focuses, that individuals will seek to analyze the hypotheses contained here for their own merit and validity. The hope that the various proposals suggested within this research be either confirmed or disproved serve equally important roles. Should it be so that that the impact of this research provides a venue for which others may disprove all of the results of this research, their own research will provide the answers sought within that of this paper. There would be no greater success than to assure a positive and confirmed answer for all of the aforementioned discussions. Should the research here in this paper all turn out to be disproved, then the answers to the questions posed within this document will find themselves closer to objective truth, and that in and of itself is the nature and purpose of science. I hope that this research has provided that outcome and that the results of it may contribute to something more than just the final research paper of a prolonged graduate student.

Conclusion

Upon completion of this research I believe there to be sufficient reason to assume that the hypotheses themselves to be accurate. The case studies both offered two very distinct situations that analyzed the hypotheses from different outcomes and offered plausible

explanations for their results. I also believe that the research itself helps to confirm that which may be plainly obvious from a day to day perspective. Take the hypotheses themselves for instance;

H1) Approaching a decentralized extremist group on their own territory encourages the likelihood of success.

H2) Addressing the group as whole as opposed to the individual negotiator increases the chances of success.

H3) Shows of force negatively impact the chances of success.

They represent concepts that most people incorporate into their daily lives even from a very young age. They are not necessarily novel or outrageously unique, however they do reflect concepts that can sometimes be foreign. Conflicting with what may be logical, simple observations of humanity routinely display actions undertaken that appear ludicrous and counterproductive. People act in ways that they believe offer higher chances to manipulate others into fulfilling their objectives, rather than in ways that encourage others to want to fulfil one's objectives. Contrary to this, we learn to understand that if we want another person to perform any sort of task, that approaching them rather than having them come to you, or asking a group rather than a single person, and finally not threatening them, all encourage positive outcomes. They are simple every day tricks at getting others to fulfil desired tasks, and even concepts taught in numerous managerial courses for successful businesses.

So why is it novel to see these concepts here being researched? Why did a situation like the Quest incident end so poorly when in our daily lives we already understand these concepts? Perhaps we need an occasional reminder that yes, behaving rationally toward one another and developing communication skills encourages success. Alternatively, perhaps it is a level of mistrust that humans have for each other that encourage such counterproductive

behavior. Regardless of the reason, it is clear that in many forms the concept of "kill em' with kindness," may actually hold more persuasive power than other forms of negotiation. Despite Machiavelli's insistence that the best leaders are both feared and loved, many people adhere more toward the postulate that if one has difficulty being loved, focus on the fear. As a result, the proverbial stick is the preferred tool rather than the carrot.

This research attempted to encourage that the carrot should never be ignored over the course of negotiations, particularly when dealing with new and/or evolving groups such as the hacker collective Anonymous and Somali Pirates. Just because they maintain alternative internal governance structures should not mean that positive means of negotiations should be ignored. The "law of the hammer" states that "if all you have is a hammer, everything looks like a nail." Perhaps with this research, negotiators may enter into their negotiations with a more diverse tool chest.

Appendix A

United Nations Convention on the Law of the Sea

(Articles 100-102)

Article 100
Duty to cooperate in the repression of piracy

All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

Article 101
Definition of piracy

Piracy consists of any of the following acts:
(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Article 102
Piracy by a warship, government ship or government aircraft whose crew has mutinied

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft. ("United Nations Convention on the Law of the Sea")

Reference List

Associated Press. "Al-Qaida Linked Group Moves to Patch up Rift among Insurgent Factions." International New York Times 17 Apr. 2007. International Herald Tribune. Web. 12 July 2015. <http://web.archive.org/web/20080127050439/http://www.iht.com/articles/ap/2007/04/17/africa/ME-GEN-Iraq-Insurgent-Split.php>.

Anderson, Nate. "How one man tracked down Anonymous—and paid a heavy price." *ars technica* 09 Feb 2011, n. pag. Web. 20 Feb. 2012. <http://arstechnica.com/tech-policy/news/2011/02/how-one-security-firm-tracked-anonymousand-paid-a-heavy-price.ars>.

Anonymous, and Penny Leavy. "'tl;dr HBGary pwned. Info: http://www.dailykos.com/story/2011/2/6/20216/40699 | 50000 leaked company mails: http://is.gd/V3R4Dg (torrent, tpb) | leaked anonymous data (lulz): http://hizost.com/d/zjb | HOWS-MY-SECURITY? 719-510-8478 and http://is.gd/uQYYU8 (rootkit.com db)'." 07 Feb 2011. N.p., Online Posting to < http://pastebin.com/x69Akp5L>.

Apps, Peter. "Have hired guns finally scuppered Somali pirates?." *Reuters* [Aboard RMS Queen Mary] 12 feb 2013, n. pag. Web. 24 Feb. 2013. <http://www.reuters.com/article/2013/02/12/us-somalia-piracy-idUSBRE91B19Y20130212>.

Bradford, John. "Shifting the Tides against Piracy in Southeast Asian Waters." *Asian Survey*. 48.3 (2008): 473-491. Print.

Eastern District of Virginia, U.S. Attorney's Office. "Three Somali Pirates Sentenced to Life in Prison for Murders of Four Americans Abroad S/V Quest." The FBI Federal Bureau of Investigation. FBI, 2 Aug. 2013. Web. 6 July 2015. <https://www.fbi.gov/norfolk/press-releases/2013/three-somali-pirates-sentenced-to-life-in-prison-for-murders-of-four-americans-aboard-sv-quest>.

Fantz, Ashley, and Atika Shubert. "Anonymous Vows to Take Leaking to the next Level." *CNN*. Cable News Network, 24 Feb. 2011. Web. 16 Feb. 2015. <http://edition.cnn.com/2011/WORLD/europe/02/23/wikileaks.anonymous/>.

Faure, Guy. "Negotiating with Terrorists: The Hostage Case." *International Negotiation*. 8. (2003): 469-494. Print.

Gettleman, Jeffrey. "Q. & A. With a Pirate: "We Just Want the Money"." *New York Times* 30 Sep 2008, n. pag. Web. 18 Jan. 2013. <http://thelede.blogs.nytimes.com/2008/09/30/q-a-with-a-pirate-we-just-want-the-money/>.

George, Alexander, and Andrew Bennett. "Case Studies and Theory Development in the Social Sciences." Fourth Printing. Cambridge: *Belfer Center for Science and International Affairs*, Print.

Greenberg, Andy. "HBGary Federal's Aaron Barr Resigns After Anonymous Hack Scandal." *Forbes*. 28 Feb 2011: n. page. Web. 21 Feb. 2012. <http://www.forbes.com/sites/andygreenberg/2011/02/28/hbgary-federals-aaron-barr-resigns-after-anonymous-hack-scandal/>.

"hacktivist". Oxford Dictionaries. April 2010. Oxford Dictionaries. April 2010. Oxford University Press. 25 February 2012 <http://oxforddictionaries.com/definition/hacktivist>.

Luft, Gal, and Anne Korin. "Terrorism Goes to Sea." *Foreign Affairs* . 83.6 (2004): 61-71. Print.

MacBride, Neil. United States. Department of Justice. *Two Somali Pirates Sentenced to Life In Prison FOr Attack That Resulted In Murder Of Four U.S. Citizens*. Norflok: US Attorne'ys Office - Eastern

District of Virginia, 2011. Web.
<http://www.justice.gov/usao/vae/news/2011/08/20110822mohamednr.html>.

Miklaszewski, Jim. *Nightly News*. National Broadcasting Company: 22 Feb 2011. Television.
<http://www.today.com/id/41715530/ns/today-today_news/t/four-american-hostages-killed-somali-pirates/

Moyer, Edward. "In Swartz protest, Anon hacks U.S. site, threatens leaks." *C|Net* 26 Jan 2013,
Security & Privacy n. pag. Web. 24 Feb. 2013. <http://news.cnet.com/8301-1009_3-57566016-83/in-swartz-protest-anon-hacks-u.s-site-threatens-leaks/>.

Panethiere, Darrell, The Persistence of Piracy: the Consequences for Creativity, for Culture, and for
Sustainable Development [online]. *UNESCO*, Apr 2006,
<http://portal.unesco.org/culture/admin/file_download.php/piracy_e.pdf?URL_ID=30647&filename=
11444010025piracy_e.pdf&filetype=application%2Fpdf&filesize=329484&name=piracy_e.pdf&loca
tion=user-S/>.

Pruitt, Dean. "Negotiation with Terrorists." *International Negotiation*. 11. (2006): 371-394. Print.

"Pirates Murder Four American Hostages." *Somalia Report*. Robert Young Pelton, 23 Feb 2011. Web.
18 Jan 2013. <http://www.somaliareport.com/index.php/post/120>.

Schmitt, Eric, and Jeffrey Gettleman. "Seizing of Pirate Commanders Is Questions." *The New York Times* 24 Feb. 2011, New York sec.: A8. Print.
<http://www.nytimes.com/2011/02/24/world/africa/24pirates.html?pagewanted=1&_r=2&hp&adxnnl
=1&adxnnlx=1298552489-%20qVl2uaieRWj8pPyVmIpXg>

Sun Tzu, and Samuel B. Griffith. "The Art of War." London: Oxford UP, 1971. Print.

United Nations. *United Nations Convention on the Law of the Sea*. Montego Bay: Secretary-general
of the United Nations, 1982. Web.
<http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm>.

Ward, Mark. "How the New York Times cleaned house after its hack attack." *BBC* 31 Jan 2013, Tech
n. pag. Web. 24 Feb. 2013. <http://www.bbc.co.uk/news/technology-21273617>.

"Yacht Tragedy." *Maritime Security Review*. Maritime Security Review Ltd., 22 Feb 2011. Web. 18
Jan 2013. <http://www.marsecreview.com/2011/02/yacht-tragedy/>.

Wadhams, Nick. "American Hostage Deaths: A Case of Pirate Anxiety." *Time*. Time Inc., 23 Feb.
2011. Web. 26 Sept. 2015. <http://content.time.com/time/world/article/0,8599,2053344,00.html>.

Wintrobe, Ronald. "Extremism, Suicide Terror, and Authoritarianism." *Public Choice*. 128.1/2
(2006): 169-195. Print. Yaron, Oded, Dan Even, et al. "Pro-Palestinian hackers bring down Haaretz
Hebrew website." *Haaretz* [Tel Aviv] 25 Jan 2012, Web. 20 Feb. 2012. <http://www.haaretz.com>.

Zartman, William. "Negotiating with Terrorists." *International Negotiation*. 8. (2003): 443-450. Print.

Zartman, W. *Negotiation and Conflict Management*. 1st ed. Abingdon: Routledge, 2008. Print.

האקטיביסטים, פיראטים, וכיצד מדינות לאום ותאגידים יכולים לתקשר

זכריה פייג'

תקציר

כתוצאה מהתחדשות הפיראטיות הימית במהלך שני העשורים האחרונים ועליית האנונימיות האינטרנטית, מדינות לאום ותאגידים אולצו, במקרים רבים, לתקשר ישירות עם קבוצות קיצוניים מבוזרות. קבוצות כמו למשל "האקטיביזם (מהמילה האקרים ועל משקל אקטיביזם) משותף" הידועות כ"אנונימוס" וקבוצות פיראטים, אשר מיקמו עצמם לכל אורך נתיבי השיט, כך שתקשורת ישירה עמם אינה רק צפויה, אלא אף הכרחית. ניתוח זה ידגים כיצד משא ומתן שכזה (בהתקשרות ישירה) יכול להצליח או להיכשל וכיצד אפשרי לנהל משא ומתן שכזה באופן מוצלח עם קבוצות מבוזרות.

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ביה"ס למדעי המדינה

אוגוסט, 2016

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מאת: זכריה פייג'

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