

# The Psychology of Piracy & Terrorism

## Maritime Excellence Programme

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# What is piracy? 1

- Piracy, according to article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) is defined as:
- “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;
- 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;
- any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).”

# What is piracy? 2

- The UNCLOS definition of piracy developed into international law and the International Maritime Organization (IMO)8 recognized and accepted this definition.
- Thus, according to international law, any illegal acts of violence and detention which are committed within State's territorial waters are not defined as piracy.
- However, according to the IMB, nearly all illegal acts in Southeast Asia occur within territorial waters and thus would not fall under the definition of piracy.
- Technically, if an attack occurs within the territorial jurisdiction of a state, the event is only classified as piracy if that nation's penal code criminalizes it as such.
- Moreover, the IMO defines any unlawful act of violence or detention or any act of depredation at anchor, off ports or when underway through a coastal State's territorial waters as armed robbery against ships.

## How did the maritime environment change ?



“In the old days, the ships were made of wood and the men who sailed in them were made of iron. Nowadays, the ships are made of iron ..... “ (attributed to a retired British admiral)

# Emma Maersk 3

397m long, 200ft-high (61 metre)



# Criminal activity directed against vessels

- Outside territorial waters
- Inside territorial waters (sea robbery)
- Private vs. state-sponsored/state-tolerated
- Acts of violence
- Detention of ship and crew (for ransom)
- Depredation (the act of plundering, robbing, or pillaging.)
- For commercial gain vs. political reasons
- Mysteries? (The Arctic Sea) 😊

# Piracy works!

- Piracy might have started in Somalia in response to a failed government/failed state, overfishing and dumping of nuclear waste, but it has now become a fully fledged industry supposedly condoned by 70% of the Somali population (The Robin Hood effect, the Great Satan effect, etc.)
- More than \$150 million has been paid to pirates around the Horn of Africa in 2008 according to Kenya's foreign minister
- By the end of 2008 they were holding 17 vessels and were estimated to have attacked more than 90 ships in the region, according to the International Maritime Bureau's Piracy Reporting Center, which monitors piracy around the world



# The economic model of piracy

- The economic model of crime, including piracy, explains crime as predominantly an economic activity.
- Accordingly, one tries to maximize the return on one's investment.
- When one looks at the actual investment required to hijack a commercial vessel at high seas, one can see that the potential commercial gains are enormous.
- Risk analysis also shows that pirate activities around Somalia carry relatively low risk to the pirates.





# The relationship between piracy and terrorism

- Criminal activity, such as bank robbery, drug running, fraud, extortion and piracy are often used to raise money for financing terrorist activity (IRA, Red October, Black Panthers, etc.)
- Piracy might become the precursor of a major seaborne terrorist attack (i.e. a vessel is seized and subsequently used for a terrorist attack)
  - "The capture of the Sirius Star raised the spectre of an environmental disaster should the hijackers decide to turn the ship into a weapon or foreign navies attempt to release it by force," said Andrew Mwangura of the Kenya Seafarers Association

# The relationship between piracy and terrorism (cont.)

- Terrorist attacks might be the consequence of reprisals by pirates for their losses (see their threat after the action of the American navy)
- Pirates are likely to be encouraged and lauded by terrorists since they inflict damage and cause embarrassment to the West (i.e. non-believers). In return, it is likely that pirates might use some of their loot to support terrorist organizations
- There appears to be a link between the drugs trade, the illicit arms trade, piracy and terrorism



# The difference between piracy and terrorism

- While piracy could be considered a rational, commercial activity influenced predominantly by cost and benefit calculations and risk assessment, terrorism has a different logic and is driven by religious and political considerations and superficially might appear to be irrational.
- The consequence of this is that while pirates wish to escape with their lives and preferably with their bounty, this does not apply to the terrorist suicide bomber who in the name of his or her cause wishes to cause maximum damage in exchange of his or her life.

# Approaches to defeat piracy 1

- Top down: multi national or even supra-national task force
  - Don't pay the ransom (it is now too late for this!)
  - Blockade pirates' home ports
  - Use intelligence based countermeasures
  - Use intelligence based retribution:
    - Confiscate assets
    - Demolish houses
    - Collective punishment
    - Extricate and trial
  - The interesting psychological and sociopolitical question is: Why the superpowers are unwilling to tackle the problem effectively? 😊
  - The difference between liberal and neo-con world-views. ☹️

# Approaches to defeat piracy 2

- Bottom up : measures taken at ship's and shipping company level to minimize the risk of a successful pirate attack
  - Prevention of attacks
  - Defending the vessel in case of attack
  - Dealing with the situation in case of a successful attack, i.e. hijacking of the vessel by pirates
  - If one considers piracy as an economic activity, then by making it more expensive and risky for the pirates, i.e. a hard target, they will seek alternative activities and/or alternative targets.
  - Hard versus soft targets

# Prevention of attacks

- Prevention in the nautical environment
  - Ports
  - Coastal waters
  - The high sea
  - Airborne
  - Seaborne
  - Underwater
- Vigilance & early warning
- Training and rehearsing (testing the system)
  - Complacency is the mother of all fubars
- Information obtaining vs. withholding
- Deception

# Defending the vessel in case of attack

- The element of surprise
- Defense by unarmed crew
  - Legal issues
  - Personnel issues
  - Psychological issues
- Defense by armed crew (cf. Securewest International)
- Strength in numbers
- In my opinion, the situation is going to deteriorate to the point where underwriters will offer substantial financial inducement to ships carrying armed guards to make hiring such guards worthwhile.



# Dealing with the situation in case of a successful attack

- On this point I refer to tomorrow's talk by Toyne and O'Leary of Securewest International with the title: "Negotiate or Wait?"



# Psychological factors to be considered

- Ship's crew vs. pirates
- The psychology of fear
- The psychology of vigilance and preparedness
- The psychology of training
- The psychology of power
  
- The Art of War
  - Bluffing
  - Deception
  - Disinformation
  - Intimidation

# Solutions to the problem

- Complex problems require complex solutions, thus no quick fix
- Provide better protection for ships
  - External (convoys, naval escorts, armed guards, etc.)
  - Internal (LRAD, more crew, trained crew, early detection systems, anti boarding measures, etc.)
- Stabilize Somalia (this won't solve the problem of the South China Sea)
- Provide alternative occupation and income locally
- Project power and a unified world view
- Create deterrents
- Don't let excellence get in the way of the very good



In summary

# Further reading and useful sources

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