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Negotiating With Terrorists

Peter R. Neumann

DIRTY DEALS

THE ARGUMENT against negotiating with terrorists is simple: Democracies must never give in to violence, and terrorists must never be rewarded for using it. Negotiations give legitimacy to terrorists and their methods and undermine actors who have pursued political change through peaceful means. Talks can destabilize the negotiating governments' political systems, undercut international efforts to outlaw terrorism, and set a dangerous precedent.

Yet in practice, democratic governments often negotiate with terrorists. The British government maintained a secret back channel to the Irish Republican Army even after the IRA had launched a mortar attack on 10 Downing Street that nearly eliminated the entire British cabinet in 1991. In 1988, the Spanish government sat down with the separatist group Basque Homeland and Freedom (known by its Basque acronym ETA) only six months after the group had killed 21 shoppers in a supermarket bombing. Even the government of Israel—which is not known to be soft on terrorism—has strayed from the supposed ban: in 1993, it secretly negotiated the Oslo accords even though the Palestine Liberation Organization (PLO) continued its terrorist campaign and refused to recognize Israel's right to exist.

When it comes to negotiating with terrorists, there is a clear disconnect between what governments profess and what they actually do. But the rigidity of the “no negotiations” stance has prevented any systematic exploration of how best to conduct such negotiations. How can a democratic government talk to terrorists without jeopardizing

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the integrity of its political system? What kinds of terrorists are susceptible to negotiations? When should negotiations be opened?

The key objective for any government contemplating negotiations with terrorists is not simply to end violence but to do so in a way that minimizes the risk of setting dangerous precedents and destabilizing its political system. Given this dual goal, a number of conditions must be met in order for talks to have even a chance of success. Assuming that negotiations are appropriate in all cases would be no more valid a theory than one that assumes they never are.

WHO?

THE FIRST and most obvious question for any government considering negotiations is whether the terrorists it faces can make good negotiating partners. Bruce Hoffman, of Georgetown University; William Zartman, of Johns Hopkins University; and other experts believe that terrorists' stated aims and ideology should be the decisive factor in determining whether they might be willing to compromise. Hence, these experts draw a distinction between nihilistic terrorists, who have "absolute" or even "apocalyptic" goals (often religiously inspired) and for whom violence has become a perverted form of self-realization, and more "traditional" terrorists, who are believed to be "instrumental" or "political" in their aspirations and so have the potential to become constructive interlocutors.

This distinction between supposedly rational terrorists and irrational ones, however, is often in the eye of the beholder. If the IRA and ETA appear to be more rational than, say, al Qaeda, it is because their goals—nationalism and separatism—have a long history in Western political thought. The left-wing terrorists of the 1970s and 1980s—the West German Red Army Faction, for example, or the Italian Red Brigades—were seen as political because Marxism was a concept familiar to their targets. Al Qaeda's aim of re-creating an Islamic empire is no more absolutist (or realistic) than was imposing a nationality on a reluctant population or turning West Germany into a Marxist workers' republic. The difference is that al Qaeda's ideology has not become part of the twenty-first century's DNA and thus remains difficult to rationalize.

Rather than examining terrorists' stated ideology, policymakers should examine their thinking on the utility of violence. After all, it is terrorists' violent means rather than their particular political objectives that make them uniquely problematic. Moreover, many terrorist groups did not start out as such; they resorted to violence when their political ambitions were frustrated or when they began to see violence as an instrument to further their cause. For such movements, the utility of violence sometimes diminishes, leading them to conclude that their aims might be better served by nonviolent agitation. No one in the IRA ever abandoned the organization's absolutist ambitions for a united Ireland, but at some point in the late 1980s, the group's leaders realized that their military campaign no longer furthered that aim, and so they began exploring alternatives.

It may be that some religiously inspired groups—especially millenarian groups such as the Japanese organization Aum Shinrikyo—are less rational than the IRA. But the multifaceted identities of many others are often falsely reduced to their religious component. Although Hamas and Hezbollah both promote religiously inspired radical political ideologies, they derive much of their strength from their claim to represent particular ethnic groups. Not only do they have real-world constituencies they must satisfy; they have also demonstrated that they can modulate their use of violence against Israel according to more or less rational political assessments.

Another factor in deciding whether to negotiate with a terrorist group should be its level of internal cohesion. Although terrorists tend to portray themselves as belonging to tightly knit outfits, the conditions under which they operate—in particular, secrecy—make it nearly impossible for them to maintain a perfect chain of command. Even in relatively hierarchical organizations, such as ETA, authority is often decentralized and the leadership acts as little more than a coordinating body. In terrorist networks such as al Qaeda, the leadership hardly plays any operational role at all, merely providing ideological inspiration and moral sanction to its associated networks.

As a result, a government must consider not only whether the terrorist leadership will accept the terms of a settlement but also whether it can control its rank and file. Although the IRA's Army Council, the group's decision-making body, always enjoyed substantial formal



AP/WIDE WORLD PHOTOS

*Look who's talking: Sinn Féin leader Gerry Adams leaves peace talks at
10 Downing Street, London, March 12, 1998*

powers, some IRA units—especially in rural parts of Northern Ireland—regarded with skepticism the peace initiatives of Gerry Adams, the longtime leader of the IRA's political wing, and ignored council directives demanding that operations be scaled down ahead of elections in the late 1980s and early 1990s. Had the IRA leadership merely insisted on its authority, the organization might have split up. Instead, it persuaded the skeptics to support Adams' plan with a mixture of subtle threats and deception, arguing that laying down arms was a ruse to, as the investigative journalist Ed Moloney has put it, "expose the Brits."

The IRA's Protestant counterparts failed to make good on their commitments because their leaders—although firmly committed to the peace process—proved unable to exert much influence over their constituents. Authority within the Ulster Defense Association, an umbrella organization for loyalist paramilitary groups, remained with local vigilante committees. By the time of the Northern Ireland peace process, the UDA had evolved somewhat, but most information continued to flow from the bottom up rather than from the top down,

and the movement's political wing had little leverage. When the Belfast agreement, which created the Northern Ireland Assembly and committed all parties to "peaceful and democratic means," was concluded in 1998, a cease-fire held for a short while. But the political process stalled, and local commanders soon ignored their leaders and resumed the violence.

Additional difficulties arise when terrorists are sponsored by a state, in which case they may have little authority to make commitments without their backers' consent. In such situations, the negotiating government may decide that talking to the terrorists is futile and opt for negotiating with the sponsoring state instead. Before it makes this decision, however, it should thoroughly assess the relationship between the terrorist group and its state supporter. As Louise Richardson, a political scientist at Harvard University, points out, there are substantial differences between, say, the PLO, which has keenly preserved its internal autonomy despite accepting support from a number of states, and the Popular Front for the Liberation of Palestine-General Command, a breakaway pro-Palestinian organization that is little more than Syria's proxy. For all its imperfections, the PLO is a political player with whom negotiations might make sense, whereas the PFLP-GC has too little authority to be a credible interlocutor.

WHEN?

WHETHER NEGOTIATIONS with a particular terrorist group are advisable is also a function of timing. For talks to succeed, a terrorist group must be at a strategic juncture: questioning the utility of violence but not necessarily on the verge of defeat. The Harvard law professor Alan Dershowitz and other commentators believe that negotiations are always a bad idea: they should only be considered when terrorists are on the verge of giving up—at which point the terrorists might as well be finished off. In the real world, however, matters are rarely as clear-cut. Terrorists are accustomed to continued, substantial personal sacrifice, and when threatened with defeat, some of them might decide to further escalate the violence, wagering that they have little to lose from one last push. Analysts such as Jerrold Post, director of the political psychology program at George Washington University,

have even identified this situation as one of the scenarios in which terrorist organizations may be tempted to resort to weapons of mass destruction. So, as paradoxical as this may seem, it may sometimes be better to open talks with terrorists rather than try to finish them off.

Even then, governments must tread carefully. Governments eager for progress may be too quick to jump at any sign of a strategic juncture. This impulse may be well intentioned, but it can turn out to be counter-productive. Take the Colombian peace process in the late 1990s, a good example of how such eagerness can backfire. In 1998, the government in Bogotá agreed to establish a demilitarized zone in which the Revolutionary Armed Forces of Colombia (known as the FARC) could operate without interference from the security forces. The establishment of the zone was granted even before the FARC had agreed to sit down at the negotiating table, let alone end its military campaign. Buoyed by the government's offer, FARC hard-liners went on the offensive, seeing the zone as a golden opportunity to formalize the quasi-governmental authority they already enjoyed in parts of the country. The negotiations turned out to be a farce, and in 2002 the government eventually decided to end the experiment, ordering the military to reoccupy the territory it had ceded. Before seizing what seems like an opportunity, therefore, a government must first carefully assess whether a critical mass within the terrorist organization questions the utility of violence. The government might not be at leisure to wait until a full consensus has emerged, but it must not move forward until the politically minded members of the terrorist group have the balance of influence in their favor.

It is because of these concerns that a government should begin formal negotiations only after the terrorist group has declared a permanent cessation of violence. Insisting on such a declaration spurs the politically minded among the terrorists to achieve internal consensus. As a litmus test of the terrorists' intentions, such a declaration also makes it easier for the government to trust that negotiations are meaningful. In terms of maintaining the stability of the government's political system, a permanent cease-fire represents a public commitment to which the terrorists can be held and for whose breach they can be sanctioned. Crucially, it helps maintain the democratic protocol, establishing in the minds of the terrorists (and of all others who consider

the political use of violence) that the government will not allow major outcomes to be influenced by the use of violence. Lastly, it may help reinforce the perception that the negotiations represent a unique historical opportunity and thus may generate valuable political momentum toward resolving the conflict.

HOW?

EVEN WHEN dealing with a terrorist group that is ready for negotiations, there is no guarantee that a talks process will succeed. What, then, should a government's posture be? For terrorism experts such as Paul Wilkinson, of the University of St. Andrews, the risk of appearing weak and undermining a government's political system during negotiations is so great that governments should make "no concessions." This argument is the logical extension of the doctrine of "no negotiations"—and like it, it fails to address the many practical difficulties of trying to end violence while safeguarding the credibility of a government's political system.

Moty Cristal, a negotiator at Camp David for the Israeli government, has argued that one viable tactic is for governments to shift the terms of the negotiations from the terrorists' political demands to their personal fate. This might not be possible unless the terrorists are all but defeated, but it is a useful distinction in many instances. Governments can split negotiations into two tracks and consider two types of concessions. Primary concessions would relate to the terrorists' stated demands, secondary concessions to their personal fate. Both sets would be negotiated in parallel, but whereas secondary concessions would be discussed in direct negotiations between the government and the terrorists, primary concessions would have to be part of a broader process that would subject the terrorists to a democratic mandate, secured through elections for a constitutional assembly or a similar body.

The distinction between these two tracks is essential. Terrorists seeking primary concessions aim to alter the political arrangements under which the state operates, and no self-respecting democracy can allow a small group of once-violent conspirators to impose constitutional change, even after it has ostensibly renounced violence. On the other hand, terrorists will have little incentive to engage in negotiations

unless they feel constitutional change is at least a possibility. The only way to resolve this tension is to grant primary concessions only in the context of a broader settlement involving all the major parties—and in which the terrorists participate on the basis of a democratic mandate—so that the concessions become an extension of the polity's will.

An additional advantage of putting together a broad, multiparty process is that it exposes the terrorists to democratic practices. The terrorists will have to subject their political program to the public's judgment in elections, and—once negotiations have begun—interact and engage with their opponents' concerns, build coalitions, and strike compromises. The case of the IRA demonstrates that such an apprenticeship in democracy can be an invaluable means of easing the transition from violence to conventional politics. As recent research has shown, the IRA's continued dialogue with political parties helped soften the group's position on key matters; in the middle of the negotiations, Adams is even reported to have said that the conflict in Northern Ireland required "a more complex response than simply the imposition of one nationality over another." Dialogue also gave the movement an incentive to shift resources from the armed struggle to the building of its electoral capability.

Governments will inevitably encounter tremendous difficulties in constructing an inclusive negotiations process. Terrorists will be reluctant to become just one of many political actors in negotiations. The government might have to bring on board some opposition parties, which could be tempted to exploit the situation for their own political gain. The difficulty of getting such parties to participate is often a major obstacle to talks. In Spain, for example, the current Socialist government has pushed back the starting date for negotiations with ETA. Although ETA has observed the cease-fire it declared in March 2006, the opposition Conservatives have firmly opposed any talks until ETA is fully demobilized. Conscious that any outcome emerging from a noninclusive process might be seen as illegitimate, the government has been left in a near-impossible situation. It seems to have no choice now but to hope that a sense of historic opportunity will eventually compel the opposition to join the process.

In contrast to that of primary-track negotiations, the purpose of secondary-track talks is relatively straightforward: to ensure an

orderly demobilization of the terrorist group. But such discussions often turn out to be a negotiator's worst nightmare. This is especially true of negotiations on personnel-related matters, which often lead to amnesty-like arrangements for prisoners and terrorists on the run. No matter how conditional or sophisticated the form of their release, allowing convicted murderers to go free will invariably be at odds with the government's pledges never to give in to terrorists' demands, and such a deal could be impossible to sell to the public. Even so, securing such arrangements is in the government's best interest. They strengthen the hand of the politically minded members of the terrorist group and remove a pretext for dissidents to justify returning to violence. They also provide a strong incentive for the terrorists to give ground on primary-track issues. It is for this reason (as well as to placate a skeptical public) that governments have traditionally insisted on tying concessions in this area to progress in all others. In the end, the public may be convinced of the need for secondary concessions only if it has a strong desire for closure and fears that a historic opportunity for peace will be lost unless there is an agreement. And so it is the government's ability to manage public expectations as well as the competing interests of the terrorists and the government's opposition that will determine the likelihood that negotiations will succeed.

THE NEXT GOOD FRIDAY

IN SOME CASES, such as that of al Qaeda, the chances for a negotiated solution are slim. Osama bin Laden and Ayman al-Zawahiri, al Qaeda's ideological powerhouse, have offered cease-fires to governments in the United States and Europe, but it is unclear whether the organization's local commanders would honor them. There is no sign that al Qaeda has changed its thinking on the utility of violence. And it is hard to conceive of a viable process of primary negotiations in which al Qaeda could be included. Al Qaeda has global aspirations and no firm territorial base, and there is no clearly defined territory in which its aims could be satisfied through constitutional means. Under these conditions, opening negotiations would be a counterproductive move: it would provide al Qaeda with political legitimacy while undermining both moderates across the Muslim world and the negotiating governments themselves.

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Even when all the necessary conditions are met, negotiations will not be easy. As the Arab-Israeli peace process and talks in Sri Lanka have shown, attempts to bring about negotiated settlements often provoke violent challenges both from the in-group (dissident factions of the terrorist group or reactionary elements of the government's security forces) and from outsiders (rival or splinter groups). Moreover, post-settlement situations tend to be fragile long after the negotiations have been concluded. Issues such as the reintegration of combatants into society, the conduct of reconciliation processes, and the stabilization of new political institutions keep policymakers busy for years after a peace agreement has been signed.

The best example of how negotiations can be conducted successfully is undoubtedly those with the IRA. By the late 1980s, much of the IRA's leadership had concluded that alternatives to the armed struggle had to be explored. And although large parts of the organization were not yet ready to swap the bullet for the ballot box, the leadership possessed enough influence and cunning to cajole IRA skeptics into going along with the new strategy. The political process, which evolved throughout the 1990s, was complicated and often torturous, but its breadth and the British government's insistence that the IRA relinquish violence as a precondition for political participation protected the democratic framework.

Whether this example can be emulated in the cases of ETA, Hamas, and Hezbollah remains to be seen. The circumstances in each situation are vastly different. But whatever the particular ideological or geographic background, no negotiations process can even get started without strong indications that the terrorists are serious about ending their armed struggle. ETA, whose desire to move away from violence appears strong and consistent, is most likely to follow in the IRA's footsteps. But Hamas and Hezbollah still appear to have some way to go before arriving at a strategic juncture. Hezbollah, although under pressure to disarm, has little reason to forgo force, especially given the popularity of its armed campaign against Israel last summer. Hamas may be somewhat closer to an inflection point. Having won the Palestinian parliamentary elections in early 2006, it has a real incentive to make politics work. At the same time, elements of the leadership do not seem ready to do so. If it wants to capitalize on the enormous political

opportunities that its strong electoral performance has created, Hamas must now forge a strong internal consensus for starting negotiations with Israel.

A separate but related issue is whether democratic governments can do anything to bring about the conditions under which negotiations with terrorists might succeed. And they can. Democratic governments should hold out the promise of giving terrorists a stake in the political process, but only if the terrorists agree to play by democratic rules. They should try to buttress the politically minded among terrorists while refraining from doing anything that could strengthen the hard-liners. Most important, they must remain firmly opposed to the use of violence for political ends. Negotiations can sometimes be an exit strategy for terrorists who have second thoughts about their campaigns. But governments must always be clear that a full commitment to democratic principles is the price terrorists will have to pay.🌐