

# **Dialogue and negotiation with terrorist organizations: examples and lessons from the Western and non- Western world (1945-2009)**

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## **English summary**

The purpose of this report is to present an overview of academic literature on the subject of negotiations between states and terrorists. Over the course of five chapters, this report explores the various aspects of such negotiation processes. The first chapter deals with the time period leading up to the actual negotiations and asks questions such as why should a state choose to negotiate at all? Is it possible to determine the most suitable time for such initiatives to yield positive results? How are suitable negotiating partners identified within the terrorist organization, and how can a state initiate dialogue with such groups?

Some authors are adamant that states should never negotiate with terrorists. Others believe that political solutions and concessions are required to address terrorism's root causes. Between these two extreme positions are experts who argue that negotiations form an important part of counterterrorism operations, but that dialogue alone will not lead to a conflict's resolution. Negotiations are primarily a tool for conflict resolution, yet both states and terrorists can also use an apparent willingness to enter into dialogue as cover for their true intentions; using the time thus gained to recuperate from past exertions, re-arm in preparation for renewed hostilities, or to cover a momentary weakness.

On the timing of negotiation, the literature offers several interesting insights. From a purely rational point of view it makes sense to pursue dialogue during a

conflict's initial stages because the costs suffered by both sides will still be relatively low. However, the state usually enjoys tremendous advantages in power vis-à-vis its terrorist opponents and will probably prefer to destroy its adversaries outright. If the state fails in doing so, and the power imbalance between the two sides becomes less marked, negotiations may become a more attractive policy option. The problem is that a terrorist group which has seen its own power increase, and which is in a position to challenge the state, may no longer be interested in dialogue. In short, the time at which negotiations appear likely to occur is determined by the combatants' perception of the utility of force. When both sides recognize that a 'mutually hurting stalemate' has set in which neither is able to break by military means alone, negotiations appear likely to be initiated.

Once a willingness to enter into dialogue has been established, the next question is whom should states talk to? Terrorist organizations are often heterogeneous in nature, comprising various factions who may all have very different views on the negotiation process. By separating hardliners from more moderate terrorists on the basis of their ideology and stated goals, states can take first steps towards identifying partners for fruitful dialogue. An important question in this process, however, is to what extent the chosen partner enjoys the necessary legitimacy within the terrorist organization and among its constituents to force adherence to any agreements reached? Secondly, because negotiating with terrorists is often very controversial, states need to think about how to establish contacts. Neutral third parties or the secret services could play a key role in opening channels of communication that states can plausibly deny if matters get out of hand.

The second chapter focuses on questions of moral hazard and legitimacy. Why exactly are negotiations with terrorists viewed as such reprehensible activities? In what manner does talking with extremists accord them political legitimacy? Are there ways in which states can cope with the domestic and international outrage that is sure to follow any decision to negotiate with terrorist outfits?

By using violence against civilians, terrorists commit a sin that accords them pariah status in (western) societies. Furthermore, their use of deadly force undermines the state's monopoly on violence and threatens its legitimacy. When governments choose to negotiate despite these transgressions, they are perceived by domestic and international audiences to be condoning the terrorists' aims and methods, in fact rewarding 'bad behavior' with legitimacy and recognition. Yet ethical consideration

may warrant generating this controversy. A state's number one priority is to protect the lives of its citizens, and if negotiations appear to be the best way of doing so then the moral dilemma of talking with terrorists may be trumped by the duty to save lives.

In the third part of this report, the negotiation process itself is examined. How can states distinguish an opponent's real interests from his rhetorical demands? What subjects should be negotiated about and which negotiation strategies can be used? Significant attention was also awarded to the role of so-called spoilers; terrorist (and sometimes government) factions who disagree with the decision to negotiate and who may use violence to thwart the proceedings. What distinctions can be drawn between the various types of saboteur, and how can their detrimental influence on the negotiation process be minimized? Finally the chapter looked at the role that third parties, such as neutral states or international organizations, can play as mediators, overseeing and guiding a negotiation process.

Governments who negotiate with terrorists must keep in mind that any far-reaching political concessions can only be justified if they can count on popular support. To counter the risks of public backlash, governments may attempt to negotiate about terrorists' personal fates instead of their political goals. A confrontational negotiation style which focuses on maximizing the state's gains to the detriment of its opponent may be differentiated from an accommodative or cooperative style of dialogue which takes into account the interests of the other side as well. While the first may seem better suited to negotiations with unsavory opponents such as terrorists, the literature indicates that the second may offer better hopes of reaching a long-lasting settlement.

Spoilers pose a considerable threat to any negotiation process. Applying the most suitable countermeasures to minimize the saboteurs' influence depends on a correct assessment of the nature of the spoiler. Is it an actor integral to the negotiation process or one left outside of the talks? Is the will to derail the dialogue motivated by frustration and greed, non-negotiable political ambitions or opportunistic attempts to maximize a faction's influence? Depending on the answers to these questions, coercion, socialization or concessions may be the best response. The spoiler problem is further complicated, however, by the fact that organizations responding to spoilers may be inhibited by a host of organizational preconceptions that stand in the way of effective spoiler management. Furthermore, some states have been known to actively seek the creation of spoilers in order to indefinitely postpone peace talks.

An analysis of the role that international mediators such as the United Nations can play in overseeing and guiding a negotiation process concludes the third chapter. While this form of conflict resolution has been a recurring feature of intra-state conflict over the past two decades, its success is questionable. Research has shown that while mediation may effectively reduce the levels of violence, a mediated conflict often lasts significantly longer.

The possible outcomes of negotiation processes between states and their terrorist opponents are the subject of the fourth chapter. Are negotiations an effective instrument of conflict resolution? Do negotiated settlements last? On a smaller scale, what are the effects of relatively minor concessions to terrorist groups? Is there a correlation between, for example, a state's decision to release captured terrorists and decreased levels of violence, or do such concessions contribute to the prolongation of conflict? This chapter also takes a step back from this report's overall focus on negotiations to analyze the role of this counterterrorism instrument in relation to other policy options available to states. Using several historical examples, the effectiveness of negotiations is analyzed by taking the contributions of other countermeasures into account. Additionally, the chapter summarizes several factors that the literature indicates as being conducive to successful negotiation processes, as well as several factors which are not.

Historically, negotiated settlements are a rarity when it comes to intrastate conflicts. Furthermore, in those cases where negotiation has been used to strategically resolve terrorism-related conflicts, the subsequent settlement has proven to be very fragile. The majority of negotiated settlements break down within five years of signature and lead to a resurgence of violence. Somewhat paradoxically, one side's military victory offers far better chances of a stable peace and even appears to contribute to processes of democratization. While the literature shows a remarkable amount of unanimity on the subject of negotiations' limited strategic effectiveness, the results of relatively minor concessions to terrorists are far less clear cut. Some authors claim that concessions only spur terrorists on and lead to more violence, while other experts propagate a more nuanced view, arguing that contextual factors play a key role in determining the outcome of concessions.

Indeed, the broader context of a state's counterterrorism efforts appears to play a key role in determining the effectiveness of negotiations. As the previous paragraph outlined, negotiation processes appear to have a poor success ratio by themselves. But

several historical examples show that negotiations can be used very effectively in conjunction with other counterterrorism methods, such as legal reforms or repressive operations. Thus, the effectiveness of negotiations as a counterterrorism instrument appears to be intricately linked to the effects of the wider counterterrorism campaign.

The fifth and final chapter of this report places less emphasis on theory and looks instead towards the current state of events in the Afghanistan conflict. What prospects are there for NATO and Hamid Karzai's regime of engaging in successful dialogue with the Taliban and other Afghan insurgents? If negotiations are to be attempted, at what time should the offer of talks be made? These questions, and several others based on the first four chapters of this report, are analyzed using publicly available sources related to the war in Afghanistan. Although this subject is extremely topical, its highly contemporary nature means that there is not yet a sufficiently large body of academic literature dealing with the conflict. As a result, the fifth chapter is forced to rely in part on journalistic sources and analyses that may be both inaccurate and quickly outdated.

Despite these handicaps, however, the case study on Afghanistan does offer several interesting insights, foremost among which is perhaps the conclusion that actual negotiations with the Taliban are likely to prove fruitless as long as the insurgents enjoy military superiority. If NATO forces and their Afghan allies manage to regain the upper hand, the Taliban may become much more amenable to compromise solutions.

Perhaps the most important finding of this report is that, in most cases, negotiation is not the magical solution for terrorism-related conflicts that many commentators hold it to be.