Negotiating with 'New' Terrorists[*]
Olivia E. Jones

Introduction

The justification for refusing to negotiate with terrorists is simple: terrorism threatens democracy, and democracies must never give in to violent threat; negotiations legitimise violence and undermine the work of peaceful political movements, as well as international efforts to combat terrorism.[1]

Yet, in contrast to most political rhetoric, historically negotiations with terrorists have prompted the beginnings of lasting and meaningful peace processes, notably the Good Friday Agreement between the British government and the Irish Republican Army (IRA).[2] Negotiating with the Palestinian Liberation Organisation resulted in the 1993 Oslo Accords,[3] which regardless of the ongoing intractability of the conflict, marked a 'historic reconciliation' between the Israeli and Palestinian sides, and refocused international efforts towards a two state solution.[4]

Despite a growing literature on the fallibility of absolute prohibition of terrorist negotiation,[5]

there is a trend in the literature that seeks to draw a distinction between negotiations between 'old' and 'new' terrorists, more fanatical, violent and decentralised than their ethno-nationalist predecessors. There is a consensus that negotiation with terrorist movements in the past might have had some beneficial results, such as the Good Friday Negotiations with the IRA, but the terrorists of today are not like the IRA or the ANC. They are less purely political, more fundamentalist and not capable of being reasoned with. This category of 'new terrorists' is almost exclusively made up of Islamist terrorist movements, mostly organisations affiliated with Al-Qaeda and Islamic State, that fill newspaper headlines on a daily basis. It is espoused that these terrorists are not capable of undertaking reasonable negotiation with Western state actors, and that peaceful diplomacy is not an appropriate method for dealing with violence perpetrated by 'new' terrorist organisations.[6]

The aim of this paper is to deconstruct the term 'new terrorism' and examine exactly how the differing methods, aims and structures of supposedly 'new terrorist' organisations interact with existing methodologies on when, how and who governments should negotiate with. It will explore how their identity as 'new' terrorists affects the plausibility and desirability of negotiation. It will counter the 'otherising' rhetoric that the newer terrorists are 'more evil' and irrational than the ethno-nationalist groups that came before them, and thus impossible to negotiate with. It will be suggested that the religious fundamentalist aims of 'newer'

[1] Peter R. Neumann, 'Negotiating with Terrorists,' in *Foreign Affairs,* Vol. 86, No. 1 (2007), p. 128.

[2] Northern Island Office, UK Government, 'The Belfast Agreement' (1998), online at https://www.gov.uk/government/publications/the-belfast-agreement (last accessed on 9 July 2017).

[3] BBC News, 'Text: 1993 Declaration of Principles' (2001) online at http://news.bbc.co.uk/1/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682727.stm (last accessed on 9 July 2017).

[4] A. Shlaim, 'The Rise and Fall of the Oslo Peace Process', in L. Fawcett, *International Relations of the Middle East* (Oxford University Press, 2013), p. 290.

[5] See for example, Carl Miller, 'Is it Possible and Preferable Negotiate with Terrorists?' in *Defence Studies,* Vol. 11, No. 1 (2011), pp. 145-185, as well as Neumann, 'Negotiating with Terrorists'.

[6] See for example, Lee Harris, 'Al Qaeda's Fantasy Ideology', in *Policy Review*, No. 114 (2002), online at http://www.hoover.org/research/al-qaedas-fantasy-ideology (last accessed on 9 July 2017)), as well as CNN, 'Transcript: President Bush Addresses Nation on War on Terror' (6 October 2005), as amended, online at http://edition.cnn.com/TRANSCRIPTS/0510/06/se.01.html (last accessed on 9 July 2017).

terrorists do not change their ability to negotiate rationally any more than Marxist or ethno nationalist terrorists. The decentralised structure of other 'newer' terrorists may in fact present more opportunities for exploiting divisions in organisations and negotiating on temporal rather than ideological goals. Finally, their methods, however violent and extreme, do not change the viability of negotiation. It is much more important to examine the organisation's ability to moderate their use of violence, which is not directly connected to the category of newer terrorism.

The paper will show that the structure, aims and methods identifying new terrorism do not put any more absolute limits on the possibility of negotiation with terrorists any more than it does with categories of 'old' terrorism. The reality of negotiation with newer terrorists is more intricate than rhetorical binaries would have them appear, and the opportunities for peaceful diplomatic communication and agreement are perhaps more hopeful.

Defining Terrorism

It has often been claimed that there is no need to define terrorism. Like pornography, we know what it is when we see it.[7] During the 1980s, interest in terrorism increased as political violence by non-state actors was seen as presenting an increasing threat to international order, as opposed to more localised ethno-nationalist threats of the past. The 1986 Tokyo 'Statement on International Terrorism' signed by the G7 was a result of these increasing fears.[8] It condemned the claimed increase in international terrorism and purported that terrorism could have 'no justification.' The statement contained no definition of terrorism, and according to Adam Roberts the underlying consensus at a global governance level was that ''terrorism' and 'international terrorism' do not need to be defined: we all know what we are

talking about.'[9]

However, this generalised assumption about what terrorism is and looks like is what has led to a lack of critical analysis in terrorism studies. It has led to the definition of terrorism being inextricably linked to a moral judgement about the virtue of non-state and state sanctioned violence. Louise Richardson cites an interesting anecdote in her seminal work, *What Terrorists Want.* She asks her students, who she notes are not particularly politically disaffected and many of whom wish to enter the CIA or the FBI, to follow one particular terrorist group throughout the course of the seminars. She stated that almost without exception the students would 'say something to the effect of 'well, all those other groups are terrorist groups but if you really look at the ETA (or IRA or Shining Path or whichever movement the student had chosen) you discover that they are not really terrorists. Do you know what happened to them?' Or 'Do you know what they do for the poor?' 'Or do you know about their cultural programmes.''[10]

This underlines the most vital point about defining terrorism, which is that virtually the only point that can be universally agreed upon is their moral paucity. In his first address to the United Nations in 1974, Yasser Arafat summarised a popular view on the conception that 'one man's terrorist is another's freedom fighter.'[11]

By this conceptualisation of terrorism, it is impossible to find a definition of terrorism that can be universally agreed upon. It is one of Karl Miller's central arguments that 'it is no accident that there is no consensual definition of the word terrorism.' He goes on to state 'the function of language is not only to describe, but also to judge. The application of morally non-neutral words not only describe an action,

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[7] Louise Richardson, *What Terrorists Want* (John Murray, 2006), p. 19.

[8] Ministry of Foreign Affairs of Japan, 'Tokyo Summit: Statement on International Terrorism' (1986), online at http://www.mofa.go.jp/policy/economy/summit/2000/past_summit/12/e12_c.html (last accessed on 9 July 2017).

[9] Adam Roberts, 'Terrorism and International Order', in Idem., Lawrence Freedman et al., *Terrorism and International Order* (Routledge & Kegan Paul, 1986), p. 8.

[10] Richardson, *What Terrorists Want*, p. 9.

[11] United Nations, 'General Assembly, Twenty-ninth Session, Official Records (13 November 1974)', online at http://unispal.un.org/UNISPAL.NSF/0/A238EC7A3E 13EED18525624A007697EC (last accessed on 9 July 2017).

but also applaud or condemn it, and in doing so, act to legitimise and delegitimise certain actions.'[12]

Discussing the power of language and the naming of opponents in international rhetoric on terrorism, Michael V Bhatia argues, 'once assigned, the power of a name is such that the process by which the name was selected generally disappears and a series of normative assumptions, motives and characteristics are attached to the named subject.'[13] The result of this is that to use the term 'terrorist' obscures more than it reveals, acting to 'group monolithically a nuanced and subtle and complex mosaic by investing them all with the same assumed characteristics.'[14] The result, Miller argues, is that by using the rhetoric of terrorism, we create a binary between 'us,' the good guys, and 'them,' the terrorists. These dualisms work to ''mask the terrorist' and imbue them with negative of every quality we claim for ourselves, masking also the possibility and preferability of negotiation.'[15] No better is this demonstrated than by George W. Bush's famous lines: 'You are either with us or with the terrorists.'[16]

This construction of the binary of 'evil' terrorists, vs. us 'the good guys' was undoubtedly furthered by President Bush's rhetorical 'War on Terror.' Since 2001, the fight against terrorism has been compared by President Bush and his administration to the fight against Nazi Germany and Soviet Communism.[17] It was framed in ideological terms as a global fight of good versus evil. Bush stated on 14 September 2001, 'Our responsibility to history is already clear; to answer these attacks and rid the world of evil.'[18] He also stated 'This will be a monumental struggle between good and evil. But good will prevail.'[19] In fact, according to research by Peter Singer, Bush referred to evil in 319 different speeches, and mostly as a noun describing a force in the world rather than an adjective describing the nature of consequences of the actions of certain actors.[20]

Louise Richardson takes a more sobering look at defining terrorism, which excludes morality of purpose and consequences from its definition. Rather than argue about definitions, she lists six crucial characteristics of the term. Most importantly, her conceptualisation emphasises that terrorism is a tactic, which in itself cannot include judgment on its moral function. (i) Firstly, the act must be politically inspired, and (ii) involve violence, or at least the threat of violence. (iii) It must communicate a particular message, rather than existing purely as a tactic for defeating an enemy, as well as (iv) holding a symbolic significance. (v) It must be committed by a non-state actor rather than by a state. States may fund terrorist groups as a part of their foreign policy but this does not designate them as a terrorist state. (vi) The victims of the violence will be different from the audience that the terrorists are trying to influence. For example, the victims of the 9/11 attacks were not chosen on the basis of their identities. They were interchangeable, but instrumentally used to influence state representatives. (vii) Finally, terrorist deliberately target civilians, which is the crucial characteristic setting apart terrorism from

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[12] Miller, 'Is it Possible and Preferable to Negotiate with Terrorists?' , and Neumann, 'Negotiating with Terrorists' p. 150.

[13] M.V. Bhatia, 'Fighting Words: Naming Terrorists, Bandits, Rebels and other Violent Actors', in *Third World Quarterly*, Vol. 26, No. 1 (2005), p. 5.

[14] Miller, 'Is it Possible and Preferable to Negotiate with Terrorists?', and Neumann, 'Negotiating with Terrorists', p. 153.

[15] Ibid., p. 146.

[16] CNN, 'Transcript of President Bush's address' (21 September 2001), online at http://edition.cnn.com/2001/US/09/20/gen.bush.transcript (last accessed on 9 July 2017).

[17] John Tirman, *The War on Terror and the Cold War: They're not the Same*, short essay (MIT Center for International Studies Audit of the Conventional Wisdomm 2006), p. 1, online at https://cis.mit.edu/publications/audits/war-

terror-and-cold-war-theyre-not-same (last accessed on 9 July 2017).

[18] The Washington Post, 'Text: Bush Remarks at Prayer Service' (14 September 2001), online at http://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bushtext_091401.html (last accessed on 9 July 2017).

[19] BBC News, 'Text of Bush's Act of War Statement' (12 September 2001), online at http://news.bbc.co.uk/1/hi/world/americas/1540544.stm (last accessed on 9 July 2017).

[20] Peter Singer, *The President of Good & Evil : Taking George W. Bush Seriously* (Granta Books, 2004), p. 2.

guerrilla violence.[21]

Whilst this will be the definition employed within the context of this paper on negotiation with terrorism, it will also seek to critically discuss how political and academic rhetoric that does not employ such exacting definitions and emphases the moral paucity of terrorism over anything else, has affected judgements on negotiating with terrorists. From here, one can begin to analyse the term 'new terrorists,' and how binary associations with the term impact discussion of negotiation.

New Terrorists

While there has been a certain degree of recognition for the benefits of negotiating with terrorist organisations such as the IRA during the Good Friday Agreement, or with the PLO to reach the Oslo Accords, it is argued by some particularly virulent critics of insurgent negotiation that such discussion of concession or reasonable negotiation is both immoral and impracticable in the face of a new kind of terrorism. They argue that whilst terrorism might have yielded some positive results in the past, the threat of 'new terrorism' is distinct from 'old terrorism.' It is these distinct and particular attributes of new terrorism that make it unsuitable for negotiation.

The literature on the theory of 'new terrorism' generally begins with Walter Laqueur. Even before the attacks of 9/11, he wrote extensively on the subject. He postured that 'the character of terrorism is changing, any restraints that existed are disappearing, and above all, the threat to human life has become infinitely greater than it was in the past.'[22] This terrorism is new for two key reasons. The first is that new technologies and greater availability of chemical and nuclear weapons increase the ease of inflicting a greater number of casualties than ever before. The second reason why the threat of terrorism is greater is changing motives. He states that 'the traditional 'nuisance terrorism will continue. But fanaticism inspired by all

kinds of religious-sectarian-nationalist convictions is now taking on a millenarian and apocalyptic tone.'[23]

The warnings about new terrorism were seemingly confirmed after the 9/11 attacks. Al-Qaeda was understood by many as proof that the new wave of fanatical Islamist violence was more dangerous than any ethno-nationalist terrorist groups that had come before. Their fanaticism was so great that the negotiations governments had formed with actors such as the IRA would not be possible with the new terrorists. Steven Simon, writing for the Brookings Institution, argued that Al-Qaeda's religious motivations 'coloured by a messianism and in some cases an apocalyptic vision of the future, distinguishes Al-Qaeda and its affiliates from conventional terrorists groups such as the Irish Republican Army, or even the Palestinian Liberation Organisation.'[24] He argued that the 'maximalist' demands of these new terrorists, calling for ''defensive jihad' to defeat a rival system portrayed as an existential threat to Islam,' meant that any dialogue or negotiation is not possible.[25]

This idea of new terrorism has been expanded upon by many more academics since Laqueur. In a collection of papers on new terrorism published by RAND, Bruce Hoffman argues that along with 'more amorphous religious and millenarian aims,' they also 'wrap themselves in less cohesive organisational entities with a more diffuse structure and membership.'[26] This characteristic has been well documented in the case of Al-Qaeda. The 'franchise' model of Al-Qaeda is a distinctly modern feature of the 'new terrorists'. It is enabled by the rapid advancements in, and accessibility to, electronic communication.

Whilst this is indeed true of Al-Qaeda, there

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[21] Richardson, *What Terrorists Want*, pp. 20-22.

[22] Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction* (Oxford University Press, 2000), p. 7.

[23] Ibid., p. 4.

[24] Steven Simon, 'The New Terrorism: Securing the Nation against a Messianic Foe', in *The Brookings Review* (2003), pp. 18-24, online at http://www.brookings.edu/research/articles/2003/01/winter-terrorism-simon (last accessed on 9 July 2017).

[25] Ibid.

[26] Bruce Hoffman, 'Terrorism Trends and Prospects', in Ian O. Lesser, Bruce Hoffman, et al., *Countering the New Terrorism* (RAND Corporation, 1999). p. 9.

are not a great many examples of other 'new terrorists' mirroring this. There are some limited examples of terrorist groups having similar organisational structures to Al-Qaeda. The example used by Peter Neumann is the Earth Liberation Front (ELF), which Neumann states 'may neither be religiously motivated nor carry out mass-casualty attacks, but it is truly leaderless – held together by a website and a common ideology'.[27]

This is part of a larger argument made by Neumann, that the term 'new terrorism' should not be used as a 'static concept,' only to explain the nature of Al-Qaeda. Whilst Al-Qaeda does closely match the model, the model should be used as a methodology 'through which to systematise the process of evolutionary change.'[28] Rather than talking of 'old' and 'new' terrorism, we should think of 'older' and 'newer' terrorism.

His methodology is made up of the categories of *structure, aims,* and *method.* Older terrorism has '(i) a 'hierarchical' structure, (ii) 'nationalist and/or Marxist' aims and (iii) the methods are set out via clear rules of engagement and 'legitimate targets.'' This model is closely matched by organisations such as the IRA. Newer terrorism, on the other hand is (i) 'networked', (ii) has 'transnational reach and orientation' and (iii) 'religiously inspired motives', and uses methods of 'mass casualty attacks against civilians,' 'using excessive violence.'[29] This model is closed matched by the example of Al-Qaeda. Using this definition of older and newer terrorism, one can remove hyperbole from the concepts of old and new terrorism, and work towards a more nuanced understanding of how this affect the question of when is it right to negotiate with terrorists.

How does a methodology of newer terrorism change the viability and preferability of negotiation?

Particularly in the rhetoric following from the 'Global War on Terror,' the idea of Al-Qaeda as

new terrorists further dichotomised terrorist organisations from Western states, attaching assumptions about their perceived evil and irrational nature and their subsequent unfeasibility as fruitful negotiating partners.

Lee Harris, writing for the Hoover institute, states that there is a 'cultural and psychological chasm' between the terrorists and western government.[30] We cannot understand the actions of terrorists in realist terms, as their actions are not a result of rational, instrumentalist considerations; rather they are part of the carrying out of a 'personal or collective fantasy.'[31] Therefore, rather than understanding this 'culturally exotic enemy' in terms familiar to us, we must refrain from responding in proportional terms. He argues that, 'You do not make treaties with evildoers or try to adjust your conduct to make them like you. You do not try to see the world from the evil doers' point of view. You do not try to appease them, or persuade them, or reason with them. You try, on the contrary, to outwit them, to vanquish them, to kill them. You behave with them in the same manner that you would deal with a fatal epidemic — you try to wipe it out.'[32]

This attitude exists as the norm in mainstream political discourse. In a speech in 2005 discussing the 'War on Terror', Bush stated that rather than understanding Al-Qaeda's actions in relations to their stated grievances, 'In fact, we're not facing a set of grievances that can be soothed and addressed. We're facing a radical ideology with unalterable objectives: to enslave whole nations and intimidate the world… No act of ours invited the rage of the killers, and no concession, bribe or act of appeasement would change or limit their plans for murder.'[33]

If one is to assess the cogency of arguments purporting that negotiating with newer terrorists is fundamentally less viable and desirable than negotiating with older terrorists,

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[27] Peter R. Neumann, *Old and New Terrorism* (Polity Press, 2009), p. 152.
[28] Ibid.
[29] Ibid., p. 29.

[30] Harris, 'Al Quaeda's Fantasy Ideology'.
[31] Ibid.
[32] Ibid.
[33] CNN, 'President Bush Addresses Nation on War on Terror' (6 October 2005).

it is necessary to use a methodological approach. The rest of this paper will work through the three categories of newer terrorists, structure, aims and methods, and explore how they impact on the preferability of negotiating with terrorists, assessing whether their identity as new terrorists rules out negotiation.

Structure

The first thing that sets apart newer terrorism from older terrorism according to the literature discussed in this article is decentralised power structures. This has the possibility to change the way in which governments negotiate and the viability of negotiation.

On first sight, decentralised power structures could be presumed to make negotiation more difficult. If an agreement is made with one part of the organisation, it may not be possible to implement across the organisation as a whole. Even if the negotiated settlement is made with the overall leadership, branches of the organisation may refuse to comply.

However, it is Miller's assertion that in the case of Al-Qaeda, the decentralised structure can increase the viability of negotiation by opening up the possibility of negotiations with a greater number of individuals on the basis of temporal rather than transformational goals. Miller uses Richardson's insights on the difference between temporal goals, which can be compromised upon without overthrowing the balance of power. For example, prisoner releases, and transformational goals, which cannot be subject to negotiation, as they often involve the complete overthrow of the existing political system.[34] Differentiating between these types of goals mean that it is possible to open up space even for agreements to be made on temporal goals, even if the two parties have radically different ideologies. Miller expands upon this idea in the case of Al-Qaeda, by suggesting that the decentralised structure of Al-Qaeda would present an opportunity to expose the different branches of Al-Qaeda and the different individuals within them that might be willing to

negotiate on the basis of their achievement of temporal goals.[35]

This view holds a great deal of cogency given the decentralised structure of Al-Qaeda. Yahya Sadowski writes that 'Al-Qaeda, the organisation that brought them together, was not a disciplined political party that maintained internal ideological homogeneity. Rather, it was a network that pooled the funds and talents of diverse *jihadi* Muslims.'[36] Even among the small group of 9/11 bombers, the background and motivations of key actors differed dramatically. Muhammad Atta, one of the executers of the attacks, was part of a Sufi influenced branch of Islam, Osama Bin Laden was a Salafist, whilst Khalid Sheikh Muhammad was never a particularly pious practicing Muslim at all.[37] Moreover, their political motives for attacking America were far from unified, ranging from retribution for support of Israel against Palestine, protesting the role they believed Americans played in the Chechnyan and Bosnian genocides against Muslim communities, to an attempt to drive away American troops from holy places in Jerusalem and in Saudi Arabia.[38] The diversity in this small group illustrates an argument for larger transnational terrorist organisations recruiting individuals with a larger spectrum of political motives than older ethno-nationalist organisations with rigid and local structures. Thus, there is arguably greater opportunity for exploiting divisions between members and branches of an organisation to achieve negotiated settlements based on temporal goals.

Even if peaceful settlements cannot be guaranteed by negotiation, Louise Richardson brings to light a very strong instrumental argument for negotiation even where a structure appears to be unitary. She states that negotiations are worthwhile even if only for gaining essential intelligence about the enemy. Even if one finds that each other's demands are not negotiable, one can 'make an assessment not just of their motives but also of their

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[34] Miller, 'Is it Possible and Preferable to Negotiate with Terrorists', p. 162.

[35] Ibid., p. 165.
[36] Yahya Sadowski, 'Political Islam: Asking the wrong questions?', in *Annual Review of Political Science*, Vol. 9 (2006), p. 215.
[37] Ibid.
[38] Ibid.

capabilities and of the calibre of their leaders and their organisations.'[39] The most likely result from such an endeavour, she states 'would be to discover that they are not a unitary actor and that some have negotiable demands and other do not. The direction of the policy should be to exploit these differences and sow dissent among them.'[40] This is perhaps one of the most important arguments for negotiation where one is faced with a seemingly coherent and unitary structure such as Islamic State, in opposition to the decentralised structure of Al-Qaeda, who on first look seem to present few opportunities for fruitful negotiation.

Aims

It is argued that the aims of newer terrorists make them more difficult to negotiate with than older ethno-nationalist terrorist groups. The goals of newer terrorist groups are religiously inspired, apocalyptic, millenarian and therefore more fanatical than groups that have come before, meaning it is much less likely that they will make compromises with more secular governments that do not share the same ideology.

Carl Miller's 2011 article argues that presumptions are made and attached to terrorist actors without evidence or sufficient attention to the heterogeneity of the aims, methods and structures of different terrorist actors, meaning that the answer of whether to negotiate with terrorists is precluded before it is properly explored. He states 'negotiation is presumed impossible because terrorists are mad, because we share no common interest, because they are unrepresentative and because they are illegitimate.'[41] His article unpicks such assumptions and shows the answer on the possibility and preferability of negotiating with terrorists to be 'more complex, and perhaps more promising.'[42]

He challenges the idea that terrorists are mad fanatics, incapable of rational political negotiations. Citing the literature reviews of Clarke McCauley and Marc Sageman, he argues that there is no common psychopathological common profile for the terrorist.[43] This assertion is in line with Louise Richardson's opinion, stating, 'interviews with current and former terrorists as well as imprisoned terrorists confirm that their one shared characteristic is their normalcy, insofar as we understand the term.'[44] On the rationality of Al-Qaeda, Miller quotes the Al-Qaeda commander Aymann al-Zawahiri as stating '*jihad* needs a new leadership that is sufficiently scientific…and rational', and furthermore on the rationality of suicide bombings, which are 'the most efficient means of inflicting losses on adversaries and the least costly, in human terms, for the *mujahedeen*.'[45]

Peter Neumann's 'Negotiating with Terrorists' also argues against an absolute prohibition on negotiating with terrorists and states that the problem with the distinction of newer terrorists as more irrational is that how 'rational' a group's aims look to be is often in the eye of the beholder. He states '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.'[46] Religious aims in themselves, just because they are foreign to commonplace Western beliefs, are not a reason to rule out any kind of negotiation.

Even in the case of Islamic State, whose fundamentalist ideologies are made up of apocalyptic visions of the future and brutal punishments for any apostate who does adhere to their particular Salifist Sunni interpretation of the Quran, there is room for ethno-nationalist and materialist aims. Recently there has been some debate as to whether the entirety of the Islamic State leadership is as religiously fundamentalist as we consider them to be. An article by Christoph Reuter published

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[39] Richardson, *What Terrorists Want*, p. 260.
[40] Ibid.
[41] Miller, 'Is it Possible and Preferable to Negotiate with Terrorists', p. 145.
[42] Ibid., p. 146.

[43] Ibid., p. 158.
[44] Richardson, *What Terrorists Want*, p. 61.
[45] Miller, 'Is it Possible and Preferable to Negotiate with Terrorists', p. 158.
[46] Neumann, 'Negotiating with Terrorists', p. 129.

in Der Spiegel revealed the extent of involvement in the Islamic State by former Ba'athist military personnel. It reveals documents created by a former colonel in Saddam Hussein's defence force Samir Abd Muhammad al-Khilifawi, known most commonly as Haji Bakr, that make up the blueprints for the structure of the Islamic State government apparatus. As well as providing a plan for how the Islamic State secret security services could exploit local leaders and expand territorial control, it also reveals the extent of involvement in Islamic State from former Iraqi Ba'athist officers,[47] who would have not espoused such views more than 15 years ago.

A column by Denise Natali, senior research fellow at the Institute for National Strategic Studies, National Defence University, argued that a Ba'athist-Salfist nexus was exploited by Saddam Hussein during the latter decade of his rule, and continued to thrive as a result of the Sunni-Arab disenfranchisement in the post Saddam order and the conditions of the US-allied occupation. She states that whilst foreign fighters formed the leadership of Islamic State in the early years, as they were killed off Sunni Arab Iraqi Ba'athists took their place. By late 2014, 18 of 19 members of the IS cabinet were Sunni Arab Iraqis, and included former Ba'athist military and security officers.[48]

Such information means that our understanding of Islamic State's religious aims should go beyond their particular brand of Salafist religious values, to build an understanding of the materialistic and territorial grievances of Sunni Arabs in Iraq and Syria.[49] Already there have been Sunni Arab defectors from Islamic State, reacting against brutality to Sunnis, Christians and other minorities. Some of these defectors have sought to create a 'Sunni National Guard,' which has sought to cooperate with 'Iraqi security forces, Shiite militias and Kurdish peshmerga to expel IS from safe havens.'[50]

Whilst debate remains surrounding the ideological purity of Islamic State's fundamentalist religious aims, these reports add a more complex dimension to their objectives. It shows that the negotiation, or at least communication, would hold the possibility of revealing differences between the membership that could be exploited for achieving temporal goals. It also means that strategy towards IS must not be based on assumptions about their religious priorities. Branding the aims of new terrorists as exclusively religious aims is inaccurate, as the reality is often more nuanced.

Methods

The final aspect of new terrorism is that of methods. It is argued that newer terrorism uses 'excessive violence' and 'mass casualty attacks against civilians.'[51] In the case of IS 'excessive violence' can be characterised in their use of symbolic tactics, notably such as beheadings of civilians, large scale sexual violence against women and destruction of ancient sites. In Western countries, IS violence has been characterised by attacks such as the attacks on the Charlie Hebdo offices in 2015, the Paris attacks of 2015 and the Belgium attacks of 2016

There is little evidence to conclusively suggest that these attacks are more or less destructive than the dominant terrorist groups of the past. While there is a tendency to look back on previous groups with rose-tinted optimism, the ethno-nationalist terrorist groups of the past engaged in brutal and shocking methods of violence.

It is much more useful to judge whether a newer terrorist group is a potential partner for negotiation not by the extent to which they use violence, rather the group's ability to moderate their use of violence. This is the argument made by Peter Neumann, who argues that one

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[47] Christoph Reuter, 'The Terror Strategist: Secret Files Reveal The Structure Of Islamic State', in Spiegel Online (18 April 2015), online at http://www.spiegel.de/international/world/islamic-state-files-show-structure-of-islamist-terror-group-a-1029274.html (last accessed on 9 July 2017).
[48] Denise Natali, 'The Islamic State's Baathist Roots', in *Al Monitor* (24 April 2015) online at http://www.al-monitor.com/pulse/originals/2015/04/baathists-behind-the-islamic-state.html# (last accessed on 9 July 2017).
[49] Ibid.

[50] Ibid.
[51] Neumann, 'Negotiating with Terrorists', p. 29.

must to decide *who* to negotiate with on the basis of their thinking on the utility of violence rather than their ideology, and at point *when* the group is at a 'strategic juncture: questioning the utility of violence but not necessarily on the verge of defeat.'[52] He also argues that formal negotiations must only occur after the group has declared a permanent cessation of the violence, in order to build trust, hold the terrorists account to a publicly known commitment and maintain a democratic protocol that makes it known that government will not allow major outcomes to be influenced by the use of violence.[53]

A useful example is formal and informal negotiations that have taken place between Israeli and Western actors with the Islamist group Hamas. While their definition as terrorists is a conversation for a different place, they are regarded by a number of actors as a newer terrorist organisation with religiously inspired political aims and especially in the past, indiscriminate mass-casualty, civilian-based targets. However, since their participation in Palestinian elections since 2006, they have shown repeatedly that they are able to some degree to moderate their use of violence.[54] This is a key example of how newer terrorist groups should not be excluded from negotiations purely because of their definition as newer terrorist.

Conclusion

This working through of how concepts of new terrorism impact questions of negotiating with terrorists show that the implausibility of negotiating with newer terrorist groups is not absolute. The factors making organisations poor partners for a negotiated peace are not directly related to their classification as 'new terrorists.' Despite rhetorical binaries on the fanatical evil of new terrorist groups, it is necessary to undertake a methodological exploration of their suitability for potential negotiation. This paper argues that the category of 'new terrorists' is too often used as a rhetorical tool for 'otherising' terrorist organisations without due critical insight. It is used to rule out any chances of diplomatic negotiation or communication before discussion has even begun.

Contrary to assumptions about negotiating with newer terrorists, this paper shows that decentralised structures of a 'newer' terrorist groups open up greater opportunities to exploit individuals or factions that were in a position of questioning the utility of violence. However, a groups' existential aims in themselves, however fanatical, do not present an absolute barrier to negotiation. Just because their aims cannot be expressed in terms familiar to contemporary Western norms of political thought, this does not mean that they are not rational. Negotiations, or communication in some form, would result in a greater understanding of these aims, how these aims differ between different members, and how they could be exploited for limited agreements on temporal aims.

This exploration of negotiations with new terrorists demonstrates a broader conclusion on terrorism studies. Policies on insurgent groups and terrorist organisations should not be based on rhetoric that constructs binaries between 'us' and 'them,' propagating discourse on their evil in opposition to our own morality. Rather, it should use critical frameworks in conjunction with empirical evidence, which should be continually reassessed. There should be no absolute conclusions on whether or not an organisation can be made peace with. Long-term intractable conflicts are rarely solved through violence, and where political negotiation is possible, it is often also preferable.

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[52] Ibid., p. 132.
[53] Ibid., p. 133.
[54] Recent examples include Hamas' May 2017 policy paper that abandons the organisation's tenet regarding Israel's destruction and accepts the 1967 borders. See John Reed, 'Hamas Drops Call for Destruction of Israel', in *Financial Times* (1 May 2017), online at https://www.ft.com/content/26e36354-2ea4-11e7-9555-23ef563ecf9a ((last accessed on 9 July 2017).