

# **When, if at All, is it Appropriate to Negotiate with Terrorists?**

Ashwin Lawton Dharmasingham

## *Introduction*

Governments can always negotiate with terrorists; however, it is not always preferable. While it is a commonly accepted position that governments should not always negotiate with terrorists, they should not always rule it out.

In order to answer the question at hand, it is first important to define what exactly a terrorist is. In the first section of the article, it will be argued that the term 'terrorist' is rather normative and political in nature, and this issue will be examined. A case justifying my thesis will be put forward in the second section of the article where it will be argued that 'terrorists' at times have legitimate goals and grievances, and are often rational. It will be argued that negotiating with terrorists offers advantages, such as gaining intelligence on the structure, factions and goals of the organisation, as well as opportunities for splintering it, although this is a course of action that entails a degree of risk. It will be further suggested that negotiations have a 'civilising' effect that can help opponents understand each other, improving the prospects for peace. At the end, the argument will be put forward that negotiations are often needed to bring about a stable peace even if the government is militarily successful.

The third section is concerned with the context of negotiation, i.e. with the factors which make negotiations more desirable and more likely to succeed. I argue that a 'mutually-hurting stalemate' must be reached, and that the organisation must have legitimate and realistic goals and be prepared to renounce violence. I also note that factors such as the extent of hierarchy, outside mediation and intervention, and bold, effective and conciliatory leadership on both sides can alter the potential for success in negotiations. Additionally, I suggest that the international context can deeply affect the outcome of insurgencies and negotiations. I also include a very short segment about tactical negotiations.

The fourth section is concerned with how states should go about negotiating with terrorists. It is argued that states should set preconditions for negotiations, strive not to alienate moderate elements or the population, be inclusive in negotiations, and always maintain lines of communications with the opponent via back channels. A particular negotiation tactic, 'two-track negotiation', is also put forward. The final section includes a case study illustrating whether we should negotiate with Daesh (the Islamic State in Iraq and Syria or ISIS), where it is argued that we should not.

### *Defining and understanding terrorism*

In order to examine whether we should negotiate with terrorists, it is first important to deduce what terrorism is, as well as to understand its use and *raison d'être*. It is, however, very difficult to define what the terms 'terrorism' and 'terrorist' actually mean, as there is no agreed-upon definition. The fact that there is no universal definition even within individual state structures is indicative. The Federal Bureau of Investigation (FBI) defines terrorism as 'the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives', while the US Department of Defense (DOD) defines it as 'the calculated use of violence or the threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological'.<sup>1</sup> As David Schanzer of Duke University mentions, the term 'terrorist' was 'broad and all encompassing', further explaining that many different entities use 'terrorist tactics' which he defined as 'the use of violence against civilians for political purposes', from the 2016 Dallas shooting to large scale insurgencies like Daesh.<sup>2</sup>

According to Carl Miller, the definition of terrorism is 'irreducibly political' and an object of power that is used to legitimise or delegitimise entities. In his view, there is no 'analytically

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<sup>1</sup> Carl Miller, 'Is it Possible and Preferable to Negotiate with Terrorists?', in *Defence Studies*, Vol. 11, No. 1 (April 2011), p. 149.

<sup>2</sup> David Schanzer, 'Negotiating with Terrorists', interviewed by Ashwin Lawton Dharmasingham, personal interview, The University of North Carolina at Chapel Hill, 12 July 2016.

straightforward' definition of terrorism.<sup>3</sup> Indeed, this is probably why Samir Puri treats terrorism as a tactic and uses the neutral term 'non-state armed group' to describe those who often practice this tactic.<sup>4</sup>

Jack Spence describes terrorists as those who employ 'the weapons of the weak', and are often concerned with altering the status quo. A terrorist organisation, in his view, is a structure that is used to deploy a terrorist activity to achieve its political or strategic goals. Such activities include assassinations, bank robberies, kidnappings and the blowing up of infrastructure. More interestingly, Spence builds on Mao's theories of revolutionary warfare, arguing that the key thing is to see terrorism as the first stage in a wider insurgency or revolutionary process. In his view, one of the difficulties with terrorism is that it finds it challenging to move onto the second stage – wider insurgency or revolution involving guerrilla tactics. In order to successfully overthrow the state, terrorists need to move onto the second stage or even the third stage – conventional war.<sup>5</sup> This view is useful in understanding terrorism, as it shows that terrorism is a product of rational, strategic calculations rather than one of differences in morality. Since the definition appears normative, I will be using the term 'terrorist' rather loosely to describe any armed group that may have used terrorist tactics.

### *The case for negotiating with terrorists*

There are several reasons why we should negotiate with terrorists. In common discourse, many argue that governments should not negotiate with terrorists as terrorists are believed to be immoral and irrational, and that negotiating with them can legitimise and encourage their activities. An exponent of this view is Lee Harris who states: 'You do not make treaties with evildoers... You do not try to appease them, or persuade them, or reason with them... You

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<sup>3</sup> Carl Miller, 'Negotiating with Terrorists', interviewed by Ashwin Lawton Dharmasingham, personal interview, Demos, London, 20 September 2016.

<sup>4</sup> Samir Puri and Michael Rainsborough, 'Book Launch: Dr Samir Puri, *Fighting and Negotiating with Terrorists: The Difficulty of Securing Strategic Outcomes*', presentation, King's College London, 3 November 2016.

<sup>5</sup> Jack Spence, 'Negotiating with Terrorists', interviewed by Ashwin Lawton Dharmasingham, personal interview, King's College London, 26 October 2016.

behave with them in the same manner that you would deal with a fatal epidemic – you try to wipe it out.’<sup>6</sup>

However, arguing that one should never negotiate with terrorists is as short-sighted as saying that one should always negotiate with terrorists. There are many reasons why one should consider such negotiations. Firstly, resorting to terrorism can in certain situations be understandable. An example of this was the African National Congress’s (ANC) campaign against the apartheid regime in South Africa. The ANC wanted self-determination for black people in South Africa by ending Apartheid. This was definitely a noble cause. One could argue that the ANC should have followed Gandhi’s example and pursued a strategy of civil resistance. There are however key differences between the South African and the Indian contexts. The context favoured India in the 1940s. Britain was ruled by the Labour Party, then headed by Clement Attlee who favoured decolonisation. According to Spence, many in Britain sympathised with Indian independence and criticised any harsh measures. In South Africa, by contrast, much of the white population supported harsh measures taken by the authorities against civil resistance.<sup>7</sup> It was in this context that the ANC turned to violence. Terrorism in this context is understandable, especially since Nelson Mandela, according to Spence, tried to avoid unnecessary blood-letting and made efforts to avoid targeting civilians.<sup>8</sup>

This also shows that the decision to adopt the tactics of terrorism was rational. Indeed, terrorism is often rational and an expression of weakness as much as it is a moral choice. Terrorists would want to operate as conventional armed forces and to wage a conventional war, but lack the capabilities for this. Terrorism gives weak actors the opportunity to attempt to coerce a government and its supporters, while also potentially gaining sympathy for its cause, especially if the government overreacts.

While there are certain irrational elements to Islamist terrorism, such as apocalyptic visions and fighting and dying for divine rewards, many of these groups also display rational elements. Miller separates ‘end state rationality’ (the ultimate aims) from ‘procedural rationality’ (the rationality of specific decisions that

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<sup>6</sup> Miller, ‘Is it Possible and Preferable to Negotiate with Terrorists?’, p. 145.

<sup>7</sup> Spence, interview, October 2016.

<sup>8</sup> *Ibid.*

actors take to reach their aims). In his view, procedural rationality is more important than end state rationality. According to him, the recovered hard drive material belonging to Al-Qaeda and left behind after the fall of Kabul, showed that day-to-day operations and organisation were 'mundane' and very 'familiar to any other bureaucracy'.<sup>9</sup> The notion that all terrorists are completely irrational is therefore inaccurate, and many terrorist organisations do in fact display a level of rationality.

There are also other advantages to negotiating with terrorists. Negotiations with an armed group can potentially provide extensive intelligence on the organisation's structure, hierarchy, connections, motivations and various factions, according to Audrey Cronin. Cronin argues that this intelligence can be used to splinter and weaken such organisations. An example of this is the way the Sri Lankan government used talks to splinter the Liberation Tigers of Tamil Eelam (LTTE), and thus undermined LTTE unity. In 2004, Colonel Karuna of the LTTE, the commander of the eastern province, defected to the government's side along with his forces after talks with the government. This was a heavy blow to the LTTE and shows how negotiations can be used as a weapon.

Cronin does, however, urge caution and suggests that negotiations can be counterproductive and that splinter groups tend to be more violent, as they are eager to demonstrate their existence and opposition.<sup>10</sup> Splintering the opposition could also undermine efforts to end a conflict. As Jonathan Powell notes in relation to the Northern Ireland peace process, 'we did not want to have to make peace lots of times with republican splinter groups. Thus, preserving republican unity became a British goal.'<sup>11</sup> Also critical of this method, Spence is arguing that if negotiations were to be used as a political weapon against an opponent, 'then the whole process risks coming unstuck. There's got to be trust, good faith on both sides.' He further argues that both sides will need to eventually empathise with each other.<sup>12</sup>

Another rationale for negotiating is its 'civilising effect'. Carl Miller stated that he was a firm believer in the civilising power of

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<sup>9</sup> Miller, interview, September 2016.

<sup>10</sup> Audrey Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns* (Princeton University Press, 2009), pp. 60-61, 68.

<sup>11</sup> Samir Puri, *Fighting and Negotiating with Armed Groups: The Difficulty of Securing Strategic Outcomes* (The International Institute of Strategic Studies, 2016), p. 24.

<sup>12</sup> Spence, interview, October 2016.

diplomacy, and that the people we need to negotiate with are the ones that we disagree with most.<sup>13</sup> Spence agrees with Miller and cites an anecdote from the negotiations to end Apartheid. The ANC's chief negotiator, Cyril Ramaphosa, and the national party's chief negotiator, Roelf Meyer, once went on a fishing trip together. Meyer got injured with a fish hook stuck in his finger, after which Ramaphosa carefully and delicately removed the hook. According to Spence, this incident helped to cement their relationship, and as a result both men empathised with each other when they came to the conference table.<sup>14</sup> Such events show the importance of negotiations in building trust and empathy. Negotiations can help bring two hostile opponents together and help them better understand each other.

Finally, negotiations are often required to end a conflict even if the government is militarily very successful. To quote U.S. General David Petraeus, "you can't kill your way out of an insurgency".<sup>15</sup> It is often the case that if an organisation has enough support, even if it is not the majority support within a certain community, it would be hard to completely defeat the organisation, or put an end to violence. The grievances of the population need to be addressed. Spence argues that if a movement has plenty of support then it is important not to antagonise their supporters as their support would be necessary if talks are to begin in the future.<sup>16</sup>

In a similar vein, Peter Neumann argues that the Spanish have tried to wipe out the Basque ETA, but came to the realisation that the ETA had real support, even if it may not have had majority support in the Basque country. In Northern Ireland, while the IRA did not have majority support, even within the Catholic community, there was still a minority who risked being alienated if negotiations were not conducted. According to Neumann, such negotiations are necessary for a stable and long-lasting peace. For instance, it is difficult to decommission weapons unilaterally, since the support of the group is needed in most cases. Also, the fighters would need to transition back into civilian life, and the grievances of their constituents would need to be addressed.

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<sup>13</sup> Miller, interview, September 2016.

<sup>14</sup> 'Roelf Meyer', in *History*, [online](#) (last accessed 25 December, 2016); Spence, interview, October 2016.

<sup>15</sup> Miller, interview, September 2016.

<sup>16</sup> Spence, interview, October 2016.

On another level, a negotiated settlement with the group adds legitimacy and helps dissuade disgruntled fighters from carrying on the fight.<sup>17</sup> In the interests of averting further bloodshed, the government will often need to negotiate even if appears to have militarily crushed its opponent.

### *The context for negotiation*

There seems to be a consensus among those interviewed, and more widely in the relevant scholarship, that the time for negotiation is when both sides perceive that they are locked in some sort of 'mutually hurting stalemate'. Spence, for instance, argues that both sides need to see that continuing hostilities would be unbearable.<sup>18</sup> Neumann similarly argues that governments should negotiate if they feel that at least part of their objectives can no longer be achieved by violent means.<sup>19</sup> Carl Miller argues in turn that a government should negotiate if negotiating is better than its 'Best Alternative to a Negotiated Agreement' (BATNA).<sup>20</sup> This is a perfectly rational argument, although one could point out it can sometimes be difficult to know whether negotiation is definitely better than one's BATNA. According to Miller, this tends to occur either when the government is winning, meaning that the insurgent's BATNA is poor, or when the government is out of options and may be facing problems of political feasibility or an inability to win the 'hearts and minds', in which case their BATNA would be poor.<sup>21</sup>

On this issue, John Bew believes that the government should seek to negotiate when it is in a position of strength and not when the terrorist organisation has political and military momentum.<sup>22</sup> This was the case in Northern Ireland where the IRA was losing ground, and weakened further through being infiltrated by British

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<sup>17</sup> Peter Neumann, 'Negotiating with Terrorists', interviewed by Ashwin Lawton Dharmasingham, personal interview, King's College London, 4 October 2016.

<sup>18</sup> Spence, interview, October 2016.

<sup>19</sup> Neumann, interview, October 2016.

<sup>20</sup> Miller, 'Is it Possible and Preferable to Negotiate with Terrorists?', p. 173.

<sup>21</sup> Miller, interview, September 2016.

<sup>22</sup> John Bew, 'Negotiating with Terrorists', interviewed by Ashwin Lawton Dharmasingham, personal interview, King's College London, March 2, 2016, in person.

intelligence services.<sup>23</sup> Other times, it is necessary to fight on. For instance, while there has been recent progress in negotiations between the government and the Fuerzas Armadas Revolucionarias de Colombia (FARC), in the past, Colombian President Santos's predecessor, Álvaro Uribe, launched several military offensives against the FARC.<sup>24</sup> These efforts arguably helped drive FARC to the negotiating table.

In order to engage with negotiations, the organisation needs to enjoy a degree of support, and have well-defined goals that are legitimate and realistic. It also needs to be prepared to give up violence; as Neumann puts it, 'it takes two to tango'.<sup>25</sup> On this, Spence states that, as a condition, a movement needs to have a feasible political agenda that is achievable and worth achieving. In his view, the ANC had a feasible, manageable and achievable objective, with a significant amount of support internationally, while Daesh's desire for a caliphate is 'absurd'.<sup>26</sup> As established earlier, the ANC had a just cause of self-determination, but Daesh wants to end the self-determination of others, setting additionally maximalist goals.<sup>27</sup> Likewise, the government should not negotiate with organisations such as Bader Meinhof and the Red Brigades, which had no popular support at all, no prospect of changing the governments of nations that after 1954 were democracies, and hence no legitimate cause.<sup>28</sup>

Of course, in order for any negotiations to be successful, the terrorists should be prepared to renounce their use of violence and transform into a mostly political movement. Thus, Neumann argues that terrorists can be given a stake in the political process but only if they play by democratic rules and renounce violence.<sup>29</sup> Referring to the Northern Ireland peace process, he says that it is important that there is a pathway to transform the organisation into a mostly political movement. He says that the organisation needs to be one

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<sup>23</sup> Cronin, *How Terrorism Ends*, pp. 45-48.

<sup>24</sup> Samir Puri, 'Fighting And Negotiating with Armed Groups', interview given at the Department of War Studies, King's College London, in November 2016; 21 mins; [online](#) (last accessed 20 January).

<sup>25</sup> Neumann, interview, October 2016.

<sup>26</sup> Spence, interview, October 2016.

<sup>27</sup> H.A. Hellyer, 'Why ISIS cannot be Negotiated With', in *The Atlantic*, 10 January 2016, [online](#) (last accessed 20 January).

<sup>28</sup> Spence, interview, October 2016.

<sup>29</sup> Peter R. Neumann, 'Negotiating With Terrorists', in *Foreign Affairs*, Vol. 86, No. 1 (January/February 2007), [online](#) (last accessed 20 January).



that is willing to 'open up a political party, take part in elections because that's ultimately the end game.'<sup>30</sup> As Neumann correctly notes, this would also give supporters of the organisation an alternative and peaceful means to voice their grievances and engage in political discourse.<sup>31</sup> This is indeed necessary if a peaceful and stable negotiated end to the conflict is to be found. It is what happened in Northern Ireland when a power-sharing agreement was reached in the 1998 Good Friday Agreement.<sup>32</sup>

Neumann also argues that, ideally, negotiations should only be conducted with a hierarchical organisation where the leadership is able to speak for and control the entire organisation. He points out that over the past ten or twenty years, more and more networked groups have emerged; the issue with negotiating with these groups is that negotiating with the leadership does not necessarily lead to an end to violence as the followers of the group are not always part of the command and control chain. For this reason, Neumann believes that organisations such as the Taliban make better candidates for negotiations than AQ. He argues that, 'the Taliban are actually based in a geography; they can take part in elections in Afghanistan' and have ministers in the government, if an agreement is made. By contrast, AQ is a transnational organisation that is based everywhere and nowhere.<sup>33</sup>

In another interpretation, Carl Miller argues that less hierarchical organisations actually offer more 'points of entry'. In his view, many members of 'Takfiri' (Islamic) insurgencies are motivated by less ideological reasons, such as financial interests, or because they are too scared not to cooperate. These members are more approachable.<sup>34</sup> While Neumann agreed that networked groups do indeed offer more points of entry, he also mentioned that it was more difficult to provide something that would be followed by the entire organisation, leading to a greater risk of spoilers and making an end to the violence impossible. Neumann, however, is in favour of local non-strategic deals such as those brokered by the Americans in Afghanistan where 'low-level people' were encouraged

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<sup>30</sup> Neumann, interview, October 2016.

<sup>31</sup> *Ibid.*

<sup>32</sup> Unidentified author(s), 'Good Friday Agreement', BBC History, [online](#) (last accessed 20 January).

<sup>33</sup> Neumann, interview, October 2016.

<sup>34</sup> Miller, 'Is it Possible and Preferable to Negotiate with Terrorists?', p. 165; Miller, interview, September 2016.

to 'resign, stand down, go into villages and offer Taliban members [deals] in order to convince them to leave', thereby facilitating their exit from the organisation.<sup>35</sup>

Another factor that improves the prospects of success is the existence of courageous and effective leadership on both sides, that is capable of compromise and of taking risks. According to Spence, this was the case in South Africa. In his view, de Klerk, the then state president of South Africa, knew that apartheid could not continue and decided to have a referendum to see if he had popular support amongst the white population for doing what he wanted to do. This was a risk and one that betrayed the whole legacy of apartheid and white supremacy. He won a majority and as a result gained more legitimacy. Like de Klerk, Mandela also did not have rigid ideological positions and was open to argument.<sup>36</sup> As a result, Mandela knew that he had to also give concessions, and ensured protected white minority seats in the new national assembly in a system called consociationalism.<sup>37</sup>

The international context is also highly important for determining the outcome of insurgencies and counter-insurgency campaigns and may push states to negotiate. For instance, 9/11 affected support and funding for both the LTTE and the IRA. 9/11 curbed Irish American support for the Republicans, while Canada and the EU outlawed LTTE funding activities, and the USA cooperated with the Sri Lankan government through intelligence sharing and military assistance. Thus, the attack was a severe blow to both organisations.<sup>38</sup>

Different international contexts could lead to very different outcomes for counter-insurgency campaigns. For instance, in the 2008–2009 Northern offensive, President Mahinda Rajapaksa of Sri Lanka gave the military the freedom to inflict as many casualties as they wanted. Furthermore, they used their relationship with the Chinese government to block any international efforts against it, rumoured to be made in return for maritime rights.<sup>39</sup> Similarly, France, in the Battle of Algiers (1956–1957), brutally dealt with the Front de Libération Nationale (FLN) campaign albeit with different

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<sup>35</sup> Neumann, interview, October 2016.

<sup>36</sup> Spence, interview, October 2016.

<sup>37</sup> Jack Spence, 'Negotiating with Terrorists', interviewed by Ashwin Lawton Dharmasingham, personal interview, King's College London, 1 March 2016.

<sup>38</sup> Cronin, *How Terrorism Ends*, pp. 47–48, 70.

<sup>39</sup> Puri and Rainsborough, presentation.

results to the Sri Lankans. The French were militarily very successful; however, it was very humiliating to France, and their brutal tactics undermined their own political integrity. France was essentially perceived as a colonial power that was trying to retain a territory in an age of decolonisation.<sup>40</sup>

The end of white minority rule in Rhodesia (modern day Zimbabwe), created a situation in which South Africa was surrounded by hostile black majority governments sympathetic to the ANC. This led to South African military actions against ANC bases in surrounding nations. While the South Africans waged an effective military campaign, it led to negative political consequences for what was seen as illegal and immoral invasions of neighbouring states, a situation which strengthened the ANC. On the other hand, Spence describes anti-apartheid as a “Global NGO” that had branches in every country. The movement mobilised a large number of people across the globe to give money, support, and ideological assistance. The ANC even had observer status in the UN.<sup>41</sup> The international context matters, especially since each case is also unique.

Similarly, outside intervention and mediation can increase the success of negotiations and push actors to negotiate. Spence believes that their role is very important, and says that governments may need to enlist the support of countries that have successfully negotiated with insurgents and/or obtain mediation from nations, suggesting that the Swiss and Scandinavians are known to be proficient in this.

In the case of South Africa, high commissioners and ambassadors from Britain, France, Germany and the United States engaged in a ‘great deal of track II diplomacy’ (informal diplomacy conducted outside of traditional channels). Robin Renwick, the British ambassador in South Africa, made threats to both sides, saying that if negotiations failed, the British government would show little interest in helping South Africa to reconstruct the country when apartheid finally ends, spurring them both to get back to the conference table. Similarly, in Northern Ireland, U.S. Senator George Mitchell talked to the IRA, Protestants and the Irish government to press upon them the importance of the settlement while the U.S.

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<sup>40</sup> *Ibid.*

<sup>41</sup> Spence, interview, October 2016.

government put pressure on Britain to come to terms with the IRA.<sup>42</sup> Outside intervention can thus push actors to negotiate and increases the likelihood of successful negotiations.

While much of this article is focused on negotiation at the strategic level, i.e. negotiations intended to end conflicts, it is worth noting that negotiations can be conducted more readily at the tactical level, mainly through ceasefires. If civilians are, for example, trapped in a combat zone, combatants may want to arrange a temporary ceasefire in order to evacuate them. Governments, however, should not engage in hostage negotiations unless these are part of a larger strategic deal. This is a view shared by David Schanzer who argues that additional funds provided in a ransom would strengthen the organisation and encourage it to take more hostages.<sup>43</sup> David Cohen, writing in 2014, likewise pointed out that recent kidnapping trends appear to show that hostage takers prefer not to take British and U.S. hostages – two countries that do not pay ransoms.<sup>44</sup>

#### *How to negotiate*

It is important for the government to set preconditions before negotiating. According to Neumann, not doing so and saying that you will always negotiate with terrorists is essentially saying ‘as soon as someone blows something up, I will negotiate with you’, which ‘opens the floodgates of hell’.<sup>45</sup> John Bew likewise argues for the importance of preconditions. In his view, past British inconsistency, failure to draw red lines, and the flirtation with complete withdrawal from Northern Ireland contributed to instability, while the later insistence on preconditions offered a stable context for negotiations.<sup>46</sup> The importance of making sure organisations meet preconditions can be seen in the way the Columbian government in 1998 dealt with the FARC. The government was so eager to negotiate that they gave FARC a piece of territory the size of Switzerland as a goodwill gesture before negotiations had even begun. FARC, on the other

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<sup>42</sup> *Ibid.*

<sup>43</sup> Schanzer, interview, July 2016.

<sup>44</sup> David Cohen, ‘Why the U.S. does not Pay Ransoms for American Hostages’, in *Newsweek*, 23 August 2014, [online](#) (last accessed 20 January).

<sup>45</sup> Neumann, interview, October 2016.

<sup>46</sup> John Bew, Martyn Frampton & Íñigo Gurruchaga, *Talking to Terrorists* (Columbia University Press, 2009), pp. 243, 258.

hand, had no intention to engage in serious negotiations and exploited the opportunity to prepare for another round in the civil war, probably prolonging the conflict.<sup>47</sup>

In the process of negotiation, it is also very important not to undermine moderates and to be as inclusive as possible. Negotiating with terrorists risks legitimising and privileging those who further their goals using violence and this, according to Neumann, needs to be considered and balanced in relation to 'actors who maybe articulate the same grievances but have not used violence, and who have tried to gain advantages for their constituencies through legitimate means'.<sup>48</sup> In Northern Ireland, for instance, the SDLP was a legitimate political party that represented the Catholic community and had been non-violent. Excluding them would have sent a negative message that violence pays and that violent actors would be privileged over peaceful actors. Fortunately, the SDLP, in the interests of the greater good, actually supported negotiations with the IRA. The Good Friday agreement was a very inclusive agreement that involved the British and Irish governments as well as Sinn Féin, and the Ulster Unionist Party (UUP), which represented the IRA and Ulster Volunteer Force (UVF) respectively. The Americans, on the other hand, in negotiations with the Taliban did not secure a broad agreement. The Karzai government was thus doing as much as it could to undermine everything that was being attempted in these negotiations. The more inclusive an agreement, the harder it is to obtain, but the higher the prospects of success.<sup>49</sup>

Moty Cristal, a negotiator at Camp David for the Israeli government, has suggested a Two-track negotiation tactic with a 'political track' and a 'personal fate track'. He argues that concessions in the personal fate track, i.e. the personal fate of the terrorists, can be given in order to obtain concessions in the political track from the terrorists.<sup>50</sup> This seems like a sensible course of action, although one must remember that sometimes there can be public outrage, if those who have engaged in violence are set free. One of the reasons why the recent referendum on the FARC deal ended in a rejection was because people could not morally accept such concessions.<sup>51</sup>

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<sup>47</sup> Neumann, interview, October 2016.

<sup>48</sup> *Ibid.*

<sup>49</sup> Neumann, interview, October 2016; BBC, 'Good Friday Agreement'.

<sup>50</sup> Neumann, 'Terrorists'.

<sup>51</sup> Elizabeth Dickinson, 'What the Hell just Happened in Colombia?', in *Foreign Policy*, 3 October 2016, [online](#) (last accessed 20 January).

When an agreement is reached with a terrorist organisation, it is important that the government does not celebrate too early and become complacent, especially if the agreement needs to be approved by a referendum, for instance. This is what happened in Columbia, where the government assumed victory before the referendum in October 2016. It did not make any satisfactory attempts to contest opponents and alienated the people. This was a mistake, especially considering that the government's agreement needed local leaders and communities to cooperate in the first place.<sup>52</sup>

Whether or not a government decides to negotiate with terrorists, it is always important to maintain a line of communication with the opponent via back-channels (discreet and unofficial channels of communication). Spence describes back channels as 'crucial', underscoring how important they were in both the Northern Irish and South African cases. According to Spence, officials like Robin Renwick employed back-channels frequently in South Africa. This was an important diplomatic process in his view as what officials say in public could be leaked to the press, and leaders need to be able to go off on their own and 'thrash out the difficulties' without anyone knowing or being present.<sup>53</sup> In Powell's view, 'back-channels can be useful to feel out positions on both sides but they are not usually strong enough to take the full weight of a negotiation', and according to Puri, the leaked 2010 Oslo recording of talks between the Kurdistan Workers' Party (PKK) and Turkey showed that, 'it is hard to secretly build a foundation for a formal peace process'.<sup>54</sup> Nevertheless, backchannels should be employed as a simple means of communicating with the opponent.

### *Can we negotiate with Daesh?*

Jonathan Powell argues that we need to both negotiate and fight with Daesh, and that while many argue that Daesh is different from other organisations that came before it, 'people have said that about each new armed group since the rise of the IRA in 1919'.<sup>55</sup> I would

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<sup>52</sup> *Ibid.*

<sup>53</sup> Spence, interview, October 2016.

<sup>54</sup> Puri, *Fighting and Negotiating with Armed Groups*, 157.

<sup>55</sup> Jonathan Powell, 'Negotiate with ISIS', in *The Atlantic*, 7 December 2015, [online](#) (last accessed 20 January).

disagree. As Neumann argues, Daesh, unlike the IRA, is not an organisation that is transforming its views towards violence. The IRA wanted a seat at the table, they desired democracy and to be part of the system. Daesh, on the other hand, rejects democracy and the international system. There were concessions that the British government were able to offer the IRA. By contrast, there is nothing that we can offer Daesh.<sup>56</sup>

Hellyer also disagrees with Powell's view and argues that Daesh are a 'radical supra-nationalist group' with 'hugely maximalist goals', and not a nationalist group that wants to address Sunni grievances.<sup>57</sup> Neumann points out that there is a strand in Daesh who want to bring about a final confrontation with the West on the plains of Dabiq and then establish a global caliphate.<sup>58</sup> Hellyer adds that, by contrast to Daesh, the IRA, the rebels in Syria and those fighting for Moro autonomy in the Philippines had and have political goals 'within a defined geographic space'.<sup>59</sup> Indeed, rather than calling for autonomy for a particular group, Daesh want to 'end the autonomy of others' and even resort to the genocide of groups such as the Yazidis, in addition to other large-scale crimes.<sup>60</sup> Daesh consequently does not meet the criteria of having well defined goals that are legitimate and realistic.

Moreover, Daesh lacks support, as can be seen in a nationwide survey in January 2016 that showed that 95% of Iraqi Sunnis opposed them.<sup>61</sup> Additionally, Neumann argues that other countries in the region would feel alienated if Daesh was negotiated with as this would give the organisation some legitimacy. Furthermore, the war effort against Daesh was successful so far. The organisation has lost all the territory it once held in Iraq and has only insignificant pockets of territory remaining in Syria.<sup>62</sup> There is no 'mutually hurting stalemate' and our BATNA is better than negotiating. However, it is important to address the grievances of the Sunnis, which helped

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<sup>56</sup> Neumann, interview, October 2016.

<sup>57</sup> Hellyer, 'ISIS'.

<sup>58</sup> Neumann, interview, October 2016.

<sup>59</sup> Hellyer, 'ISIS'.

<sup>60</sup> Ibid.; also, Human Rights Council, "'They came to destroy': ISIS Crimes against the Yazidis", Human Rights Council, 15 June 2016, [downloadable online](#) (resource last accessed 20 January).

<sup>61</sup> Unidentified author(s), 'Islamic State in Iraq: The Last Battle', in *The Economist*, 16 April 2016, [online](#) (last accessed 20 January).

<sup>62</sup> Michal Kranz, 'This Map Shows how ISIS has been Almost Completely Wiped Out', in *Business Insider*, 22 December 2017, [online](#) (last accessed 20 January).

Daesh's original success in Iraq. There is thus a need to negotiate with Sunni leadership and arrange a settlement in Iraq.

### *Conclusion*

In conclusion, negotiations should not be ruled out. The government should only negotiate under certain conditions, as outlined, and we should certainly not *always* negotiate. However, terrorists are more often than not rational actors. Many organisations have a base of support with legitimate grievances. Even if a state is militarily successful, unless the grievances of the organisation's base of support are addressed, conflict resolution and stability are unlikely. Negotiations often have a 'civilising effect' that can make terrorist groups more moderate and willing to compromise in the process. Furthermore, they can provide valuable intelligence on the organisation's structure, factions and aims. This insight could be used to splinter the organisation, although this is risky, vulnerable to spoiler effects and may undermine trust. A 'mutually hurting stalemate' often creates the necessary conditions for negotiations.

Before agreeing to negotiate, the government must provide clear preconditions that are to be met, which would depend on the context. In order to be considered for negotiation, an actor needs to have clear legitimate and realistic goals at the very least, have a sizable base of support and be prepared to renounce violence. Ideally, the organisation needs to be hierarchical; otherwise, the fruits of negotiations would be limited, since networked organisations are too decentralised to ensure an end to a conflict after negotiations have concluded. Brave and effective leadership that is willing to compromise on both sides is also necessary for successful negotiations. Outside intervention and mediation can significantly improve the prospects of success while the international context is very important in influencing the calculations behind both sides' actions.

In going about negotiations it is important that the government does not alienate moderates or the general population while back channels should be maintained at all times. The government could use the 'two-track tactic', but, as previously mentioned, it might not be popular with the public and therefore not always possible. Negotiations at the tactical level could be conducted when it comes to ceasefires; however, it is best that the state avoids



negotiating with terrorists when it comes to hostages unless it is part of a wider strategic negotiation. It is in the view of the writer that it is so far not appropriate to conduct negotiations with Daesh as this would be worse than our BATNA. Daesh is close to military defeat and lacks support amongst local populations along with well-defined legitimate and realistic goals. Finally, there is no concrete one-size-fits-all strategy of when and how to negotiate.

What has been put forward here are suggestions that increase the likelihood of success. It is not always possible to achieve perfect conditions.

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