

SECTION 2

Background
papersNegotiating with
groups that use
terrorism:Lessons for
policy-makersBy Audrey Kurth Cronin^{*1}

Do negotiations help to end violent terrorist campaigns? An overview of recent efforts in this regard reveals that idealistic platitudes are as misguided as righteous exhortations about the evils of terrorism. After groups survive past the five or six year mark, for example, it is not at all clear that refusing to 'talk to terrorists' shortens their violent campaigns any more than entering into negotiations prolongs them. On the other hand, negotiations can facilitate a process of decline but have rarely been the single factor driving an outcome.

The historical record indicates that wise governments approach negotiations as a means to manage terrorist violence over the long term, while a group declines and ceases to exist for other reasons.

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A comparative study of recent terrorist conflicts reveals a number of interesting patterns:

- There is a direct correlation between the age of groups and the probability of talks, but that does not mean that most groups negotiate: only about 1 in 5 groups of any age have entered into talks on strategic issues.
- The vast majority of negotiations that do occur yield neither clear resolution nor cessation of the conflict. A common scenario has been for negotiations to drag on, occupying an uncertain middle ground between a stable ceasefire and high levels of violence.
- About half of the groups that negotiated in recent years have continued to be active in their violence as the talks unfolded, usually at a lower level of intensity and frequency—a factor that governments should take into account before talks begin.

Although talks frequently falter along the way, the opening of negotiations engenders a range of effects, from improved capacity for intelligence and the probing of political agendas, to the splintering of organizations on both sides of the table, to the stopping and starting of talks and even increases in short-term violence before the end of a campaign. Groups (or parts of groups) have commonly transitioned to political legitimacy and away from terrorist behaviour, at least eventually, after the formal opening of a political process.² But the process is typically long, frustrating, painful, full of pitfalls, and at times even counterproductive, especially when it undermines domestic support and alienates allies. Examining the optimal conditions for talks may help policy-makers avoid common mistakes and save lives, while facilitating the decline of terrorist campaigns for other reasons.

Promising and unpromising circumstances for negotiations

A wide range of variables can determine the efficacy of negotiations, including: the nature of the organization (with hierarchical groups having an advantage over groups that cannot control their members' actions), the nature of the leadership (groups with a strong leader having an advantage over those that are decentralized), and the nature of public support for the cause (where groups with constituencies who tire of violence are more likely to compromise).

There must also be negotiable aims, which are more likely to exist with territorially-based groups than with those that primarily espouse left-wing, right-wing or religious/spiritualist ideologies—although experience indicates that, whatever their claims, groups typically evolve in their goals.

Whether negotiations are likely to be constructive or not hinges on seven key factors: a political stalemate, the presence of suicide attacks, strong leadership, the splintering of groups, the role of spoilers, whether or not there are sponsors and the international setting and context. Each will be discussed here in turn.

1. Political stalemate

Negotiations are best initiated when both sides sense that they have achieved a situation where additional violence is counterproductive. From the perspective of a challenger group that mainly uses terrorism this situation reflects a political rather than a military status. Since terrorism is a means of political mobilization, it is crucial to determine the degree of popular support for a group. Generally, groups are more likely to compromise if their popular support is waning. However, if a group perceives that the domestic constituency of a state is shifting in directions that serve its interests or responds to violence, it will wait to negotiate.

Negotiations with terrorist groups occur most easily in situations where the group perceives itself to be losing ground in the conflict. This may occur because of:

- competition with other groups (as the Palestine Liberation Organisation – PLO - with the rise of competitors in the intifada),
- infiltration by government agents (as the Provisional Irish Republican Army - PIRA),
- an undercutting of support (as the Liberation Tigers of Tamil Eelam – LTTE - immediately after 9/11), or
- a backlash by its own constituency (most frequently due to targeting errors).

A common impetus for talks is increases in civilian casualties in the group's constituency that are directly caused by the group (not the government). Intelligent counterterrorism strategy aims to manipulate political conditions, particularly by ensuring that a focus on military means does not work at odds with the political realm. The political context within which talks occur is more important than the substance of the talks. Putting in place preconditions for talks, especially on the part of the group, is a means to manipulate the political context.

Governments must be mindful that there is no guarantee that the military situation will be improved by negotiations, especially in the short term. Groups sometimes enter talks disingenuously so as to lessen the pressure of counterterrorist measures and rearm. The PIRA continued to rearm following the 1998 Good Friday Agreement, buying guns in Florida and importing AN-94 rifles from Russia. The Basque Euskadi Ta Askatasuna (ETA) announced a ceasefire in 1998, following a public backlash to their

² This paper deals with negotiations over a group's fundamental goals or strategy. It does not analyze event-specific, tactical talks to resolve such things as hostage-takings and airline hijackings.

murder of a popular young councilor, and then renounced it in 1999, claiming that they had wanted a reprieve from government pressure in order to rearm. The Tamil Tigers, having repeatedly entered into peace talks and ceasefires with the Sri Lankan government, have regularly built up their military capabilities during reprieves

Because of the risky nature of negotiations for both sides, it is naïve to expect groups to halt their usual preparations. This is why entering into negotiations should be seen as another form of competitive interaction, to be decided upon according to its merits, approached as a process, and accompanied by low expectations for changes in behaviour, especially in the short run. Keeping the population patient may be the most important counterterrorist goal a government can have as talks unfold.

2. Suicide campaigns

Given that widespread popular support for a peace process is a crucial variable in negotiations with groups that use terrorism, the increasing prevalence of suicide attacks internationally is a discouraging development. It is no coincidence that two of the most intransigent negotiations processes are in Sri Lanka and Israel-Palestine, where more than eighty percent of recent suicide attacks have occurred.

The use of suicide attacks in terrorist campaigns makes resolution through negotiation most problematical, as it reduces the willingness or ability of the factions to live side-by-side. In the presence of suicide attacks, it is uniquely difficult to remove the negotiations from the angry passions around them.

3. Strong leadership

Terrorism is a type of violence employed most often in situations where the population is not sufficiently activated for a cause. Targeting non-combatants is a means of mobilization and garnering support, in addition to intimidating a target. Talks are most promising when there are strong leaders on both sides.

The role of a leader who advocates terrorism is distinctive. Leaders who have negotiated, including such figures as Gerry Adams and Martin McGuinness in Northern Ireland, Pedro Antonio Marin of the Revolutionary Armed Forces of Colombia (FARC), and Vellupillai Prabhakaran of the LTTE, have frequently been personally responsible for the success or failure of talks. Even when they falter, negotiations have a long term impact upon the leader's credibility, complicating efforts to perpetuate the "absolutist" perspective that is so necessary to justify this tactic.

From a government perspective, the importance of strong leadership is widely recognized, as well as a strong bipartisan consensus in favour of a

peace process. Negotiations by democratic states are virtually impossible without both. Likewise, a strong, charismatic terrorist leader who pursues talks and can at least pretend to distance himself from the violence can be equally crucial to successfully easing a campaign toward decline. Nudging such a leader toward compromise holds the potential of bringing his constituency with him.³

Talks often become more difficult following a leadership change. If the group survives the transition, a change of leadership may result in a more diffuse organization that is more difficult to parley with, as its different parts chase different aims. Because it targets civilians, the size of a terrorist group is not necessarily directly correlated with its motivation or ability to kill, so fractionation might make the violence worse, especially in the short term.

4. Splintering

A common effect of engagement processes is the splintering of groups into factions that support the negotiations and those that do not. For example, the PIRA splintered into the Real Irish Republican Army, Continuity IRA and the Irish National Liberation Army; and the PFLP, DFLP, and the PFLP-GC split with the PLO over the Israeli-Palestinian peace process. Efforts to negotiate with the ETA likewise resulted in splintering of the group, with Basque radicals continuing urban violence and extortion activities even as the political wing, Batasuna, seemed to be moving toward normalization.

From a counterterrorist perspective, dividing groups can be a purpose of the negotiations process, as it isolates and potentially strangles the most radical factions. But such splintering can also occur on the "status quo" (or, usually, pro-government) side, as happened in South Africa (with the Afrikaner white power group Farmer's Force or "Boermag") and in Northern Ireland (with the Ulster Volunteer Force). Governments confront huge difficulties negotiating with organizations against which they are still fighting.

Weak governments are likewise threatened by conciliatory approaches by terrorist groups. The most extreme case of counterproductive splintering of the status quo side is Colombia, where the signing of the peace accords between the Colombian government and the Ejército Popular de Liberación (EPL) in 1984 resulted in the formation of right-wing paramilitary groups that disagreed with the granting of political status to the EPL. Before long, leftist groups, paramilitary groups, and the Colombian Army stepped up their attacks, unravelling the peace, increasing the violence, and further fractionating the political actors. Worse, splinter groups are often more violent than the "mother" organization, responding to the imperative to demonstrate their existence and signal their dissent.

Splintering may be advantageous and strategic. Intelligent, targeted concessions made openly or clandestinely by a government can chip away at the challenger side. If a group is growing in its size or strength

³ When groups will not compromise, it is important to consider very carefully how their leaders are targeted. Comparative historical case studies indicate that arresting leaders has been more effective in ending campaigns than has assassinating them.

for other reasons, negotiations may be seen by the state as a way to disaggregate the threat. Talks can be a means of splitting off factions with whom one can work, whose demands can be appeased, whose interests do not fully comport with the goals of the overall campaign being fought in their name—although, of course, the splinter group must be weighty enough to have a credible constituency. Again, knowledge of the movement and its constituent parts is crucial. In all of these cases, however, the long-term goal (a viable political outcome) and the short-term goal (the reduction in violence) may be at odds.

5. Spoilers

Related to the formation of splinter groups, terrorist attacks have often been used as “spoilers” to derail or destroy peace negotiations. One study examined fourteen peace agreements that were signed between parties to civil wars from 1988 to 1998. If terrorist attacks occurred in association with the talks, only one in four peace treaties were put into effect. If they did not occur, sixty percent took effect.⁴ Terrorist campaigns themselves are even more difficult to resolve.

Clearly talks that are unmarred by spoiler attacks promise better outcomes. The process of cause-and-effect, however, is far from clear.⁵ Spoiler violence is as often directed at gaining power within a movement at a time of change or opportunity than it is at undermining the talks themselves.

In the presence of a foundation of popular support for the talks, strong outside guarantors, and identification of the negotiators with the process itself, terrorist “spoiler” attacks can actually strengthen the commitment to the negotiations rather than undermine it. The Northern Ireland peace process is a case in point. Terrorist incidents were frequently timed to coincide with developments in the talks. Having a peace process became not only a source of vulnerability but also a source of power. Attacks were framed as targeting not only the victims but also the process. Through effective public relations efforts, all parties deflected popular passion to the splinter faction that was undermining the peace process. Their unified narrative made the negotiators in Northern Ireland more resilient, not less, as the talks became a productive channel for outrage.

When spoiler violence occurs, whether or not interested parties inside and outside the talks label it illegitimate makes a difference. The broader political climate and international attitudes to the violence have practical effects. Governments can influence that climate by building a plan for strategic communications in advance of the virtually inevitable violence,

and building a strong coalition with other governments that support the peace process. Third party states undercut the potency of spoilers and deflect pressures on negotiating governments when they condemn all terrorist attacks and support the talks. Indeed, when the public response is outrage at the specific attackers themselves, spoilers may not spoil the talks at all.

6. Sponsors

The role of third party states neighbouring or having interests in a conflict is crucial, as are mediators, outside guarantors, and other external actors willing to push along or support negotiations. The Israeli-Palestinian peace process could not have begun without the Israeli government’s realization that it could not circumvent the PLO by talking to Jordan, Syria, or non-PLO Palestinians within the occupied territories. But the failure of key Arab states such as Syria to demonstrate a commitment to the Israeli-Palestinian peace process also helped to undermine it, even as the United States unsuccessfully tried to facilitate the talks. The signing of the Anglo-Irish Agreement and the Republic of Ireland’s subsequent efforts to influence and support Northern Ireland republicans, provided an international framework and safety net, and was arguably a key turning point in the early moves toward peace. The Norwegian government’s role in brokering talks in Sri Lanka has been an important reason why the violence was modulated there at all.

Early facilitators for talks have been especially important in negotiations with groups that use terrorism, both because these groups are typically clandestine, and because the domestic political cost to a government that reaches out to a terrorist group is potentially high. Using figures that are considered by both sides to have a degree of legitimacy is crucial. Early contacts may be made by religious leaders or other private citizens (as in the PIRA), or other non-governmental organizations (as in South Africa and the Israeli-Palestinian conflict, among other cases). Governments may also use third-party government intermediaries: for example, the Reagan administration used Swedish Foreign Minister Sten Andersson to pass messages to Yassir Arafat. States also regularly use intelligence officers. All of these interim measures help insulate weak governments from domestic political fall-out. Early contacts may evolve from confidential interactions among private citizens to public dialogues involving organized lectures, panels, discussions, etc. and on to more formal “pre-negotiations,” such as seminars between influential people in closed, neutral environments and even secret meetings between low- or mid-level representatives aimed at hammering out agreements.

⁴ Andrew Kydd and Barbara F. Walter, *Sabotaging the Peace: The Politics of Extremist Violence*, *International Organization*, Vol. 56, No. 2 (Spring 2002), p. 264; using data from the International Policy Institute for Counter-Terrorism database, the Interdisciplinary Center, Herzliya; and Walter’s *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton, New Jersey: Princeton University Press, 2002). The study analyzes terrorist attacks by Hamas during the Israeli-Palestinian peace negotiations and concludes that the purpose of such attacks is to sow doubt among those on the targeted side that moderate groups on the terrorist side can implement a peace deal. It concludes that the solution is to provide alternative means to remove doubts about the commitment and efficacy of moderates on both sides.

⁵ The most thoroughly-examined case of the interaction between terrorist attacks and talks is the Israeli-Palestinian peace negotiations. Because of the complexity of the case, the role of spoilers has been thoroughly analyzed only with respect to one group (Hamas) rather than the many actors involved in the genesis, operation and outcome of the talks. Even in that oversimplified study, tracing the effects of spoiler violence on the peace process is not easy.

Good negotiated agreements in conflicts are complicated as terrorist campaigns often have an element of ambiguity that actors can interpret in ways that suit their constituents. Indeed, clarity in the negotiations is not necessarily a desirable goal, as it can actually undermine long-term prospects for peace if carefully orchestrated, precisely worded agreements spark additional conflict. Ensuring continued interaction of the parties, providing a potential avenue out of terrorism, and offering the elusive hope of a peace dividend may be the best that can be expected for a while.

7. Context

An important element in determining whether or not negotiations end terrorist attacks is whether or not terrorist groups are aware of the broader historical context within which they are operating, and respond correctly. Of particular concern is the relationship between terrorist groups who share sources of inspiration globally.

Looking broadly at campaigns that have actually ended in a negotiated agreement, they have all involved groups whose cause was no longer in the ascendancy on the international stage. The most successful negotiations occurred with groups that were a part of the wave of decolonization that occurred in the mid- to late-twentieth century and faced colonial powers that were on the defensive for other reasons, including the Cypriot EOKA, the Algerian FLN and the Kenyan Mau Mau, for example. This global influence can be seen in a very practical way in Northern Ireland, where the angry moral overtones of the Northern Irish peace process were replaced by a kind of pragmatism, especially on the part of the British. Although the negotiations with ETA have so far been unsuccessful, the Good Friday agreement in Northern Ireland was an important factor driving ETA to negotiate. Likewise, the LTTE was heavily influenced by the international environment to enter talks, with the post-9/11 repulsion to terrorism, increased international law enforcement measures and the temporary reduction of funds from the Tamil diaspora. For good or ill, the international environment had palpably shifted, as states such as the US, the UK, Israel and India moved toward greater sympathy with the Sri Lankan government's counterterrorism efforts in the context of the so-called war on terror.

A changing international context may be essential to successful negotiations. Popular ideas about the state, economics, and human aspirations do matter in the resolution of local conflicts that employ symbolic violence aimed at broader audiences, and those ideas in turn are influenced by the fate of local actors, especially in the context of increasingly globalised communications that project the narratives of terrorist campaigns far beyond their usual constituencies.

Conclusions

Negotiations are best thought of as an essential element in a broader range of policies to:

- Marginalize a group, as conciliatory gestures or proposals change the dynamics of support,
- Exploit differences, hive off factions, and enable members to leave or constituencies to turn elsewhere,
- Provide crucial information about how a group functions, and
- Reduce the degree and intensity of attacks over time, as groups lose momentum or make mistakes.

Negotiations carry with them many benefits; however, instantaneously ending the violence is not one of them given the small number of operatives needed to continue to carry out terrorist attacks. Judging the efficacy of negotiations is thus not simply a matter of whether or not they result in the end of violence in the short-term. The most likely result for a government that chooses to negotiate and can withstand its own domestic pressure is long-term management of the threat over a lengthy period of gradual group demise, while other factors lead to a group's end.

The historical record indicates that terrorist campaigns end most often when a group implodes because of failure to pass the cause on to another generation, loss of popular support, infighting and factionalisation, failures of operational control, marginalization from their constituencies, and targeting errors that engender a backlash. These are dynamics that mainly occur within the group itself.

Unlike civil wars and interstate conflicts, negotiations during terrorist campaigns are most effective if they are consciously employed to redirect the contest into a less violent channel as talks proceed and the campaign winds down for other reasons. They carry risks and can be a serious challenge to the democratic state that enters talks without a firm domestic mandate, managed expectations, and a back-up plan for what will happen if or when terrorism recurs. From the state's perspective, negotiations are not a promising tactical means to end terrorist campaigns on their own; but if well-handled, they are nonetheless a wise and durable strategic tool for managing the violence, splintering the opposition, and facilitating its longer term decline.