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Negotiating with Terrorists: A Mediator's Guide

The official line is that public authorities do not negotiate with terrorists. However, governments frequently do end up negotiating with hostage takers and kidnappers and with political groups classified as terrorists. Clearly there are negotiations and negotiations, just as there are terrorists and terrorists.

While this briefing does not necessarily advocate negotiating with terrorists, it outlines the practicalities of such negotiations, providing a guide to deciding how, when, and with whom to negotiate.

Summary

- The main objection to negotiation with terrorists is that it encourages them to repeat their tactics. But it is not negotiation *per se* that encourages terrorism, rather the degree to which terrorists are able to achieve their demands by negotiation.
- There are different types of terrorists, according to their reasons and goals for using terrorism. *Contingent* terrorists, such as kidnappers and hostage takers, do seek negotiations. *Absolute* terrorists, such as suicide bombers, view *any* negotiation as a betrayal of their very *raison d'être*.
- Some absolute terrorists may become open to discussion and eventually moderation of their means and ultimately even of their ends. The challenge of negotiation is to move total absolutes into conditionals, and to work on contingent terrorists to either *reduce* or *change* their terms.
- Effective negotiations can begin when the parties perceive themselves to be in a mutually hurting stalemate and see a way out. Negotiators must maintain pressure (stalemate) while offering a way out, thereby showing terrorists there is something to gain from negotiation.
- Negotiators do not negotiate belief systems. They should help terrorists develop alternative *means*: changing terrorist *ends* can be tackled only over the much longer term.
- Negotiation with contingent terrorists is a short-term *tactic*; negotiation with absolute terrorists is a long-term *strategy*. Patience and persistence will prove key to dealing with both contingent and absolute terrorists.
- The negotiator needs to offer the conditional absolute terrorist concessions to his demands as the payment for abandoning his violent terrorism, not concessions to the pressure of terrorism itself. If the negotiator makes concessions to the terrorist part of the negotiation process, so too must the terrorist. Even the absolute terrorist organizer does have something to offer as payment—his choice of terrorist tactics.

Is it wrong to negotiate with terrorists?

The main objection to negotiation with terrorists is that it encourages them to repeat their tactics. But it is not negotiation *per se* that encourages terrorism but rather the degree to which they are able to achieve their demands by negotiation.

If negotiation leads to a purely symbolic result—such as a radio broadcast—the terrorists are more likely to decide that the result is not worth the effort.

However, if negotiation leads to ransom payments, it sets a precedent for future negotiations and materially feeds the terrorist organization. Thus, encouragement comes from the *results*, not from the *act* of negotiating itself.



Introduction

Governments routinely declare that they will not negotiate with terrorists, and regularly (if not routinely) do so nonetheless. This IIASA Policy Brief highlights recent research that offers a step-by-step guide to the questions that governments must ask in deciding whether or not to negotiate and with whom, how the negotiation process should proceed, and with what goal in mind.

Know your terrorist

There are different types of terrorists, according to their goals and purposes for using terrorism. On the one hand some terrorists, often hijackers and kidnapers, *do* want to negotiate away their captured “goods.” On the other hand, some terrorists view *any* negotiation as a betrayal of their very *raison d’être*. Such terrorists believe their fulfillment comes with death; hence they view their own death as a prized goal and the death of others as unimportant.

Types of terrorist

Contingent terrorists are typically hostage takers and kidnapers. Contingent terrorists seek negotiations in order to exchange their victims for publicity, ransom, and release of comrades, using others’ lives as a bargaining tool.

Absolute terrorists are mainly involved in *strategic/political* terrorist situations and are beyond contact and communication. They commit a self-contained act that is not a step to a second action. Absolute terrorism expresses the frustration of the “suicider” with his weak power position and his inability to change it by any other means. His sense of injustice may come from revelation (fundamentalists), revolution (social revolutionaries) or revulsion against a discriminatory or corrupt world he feels owes him something. It is not just the suicidal tactics (means) but the unlimited cause (ends) that makes for truly absolute terrorism.

But among absolutes there are differences. **Total absolutes** have nothing to negotiate about or with, and any attempt at negotiation only encourages them. **Conditional absolutes** are suiciders whose tactics, while self-contained and absolute, are designed to seek finite goals. Conditional absolutes do have something to negotiate about—such as territory, independence, conditions—but their goal is usually too broad or extreme to be negotiable.

Key points

- The categories of contingent and absolute terrorist may overlap and, more importantly, they are mobile. Some absolutes may be or become open to some discussion and eventually moderation of their means and ultimately even of their ends.
- The challenge of negotiation is to move total absolutes into conditionals, and work on contingents to either *reduce* or *change* their terms.

The task of negotiation

The official negotiator’s task is a difficult one. The goal is to give a little to make the terrorist give a lot. How can that be achieved?

Essentially, there are two appropriate negotiating strategies: reduce terrorists’ terms or change them. Negotiators need to construct legitimacy for a negotiated agreement and build the terrorists’ independent decision-making capabilities to think in terms of lowered expectations and thus of lowered demands.

Negotiators can also show terrorists that their future personal situation is open for discussion, although their original demands are not. These two messages must be delivered in tandem, indicating that while one is closed for discussion, the other is open and personally more compelling, giving them the prospect of something real and attainable.

As in any negotiations, when terrorists become convinced that a search for a solution is legitimate and acceptable to both sides, they will join the search for a solution.

In searching for a solution, there is room for a wide range of tactics. At some points, take-it-or-leave-it offers are useful; at other points, invitations to creative thinking are appropriate. At some points, firmness is in order; at other points, parties can explore alternatives and options. Structurally, *time is on the side of the negotiator*, a point the terrorist may seek to reverse by either killing or releasing some of his hostages.

Key points

- Negotiators have a range of tactics available, but this does not mean that terrorists’ demands should be considered legitimate or that concessions may not encourage terrorism. It all depends on how many of the terrorists’ demands can be considered acceptable and the kind of deal that the negotiator is able to extract.



UN Photo/Fred Noy

Jan Pronk, Head of the United Nations Mission in Sudan, urges civilians and rebel forces in Northern Darfur to refrain from attacks and engage in peace talks (October 2006).

- The negotiator needs to offer the conditional absolute terrorist concessions to his demands as the payment for abandoning his violent terrorism, not concessions to the pressure of terrorism itself. If the negotiator makes concessions to the terrorist part of the negotiation process, so too must the terrorist. Even the absolute terrorist organizer does have something to offer as payment—his choice of terrorist tactics.

Dealing with absolute terrorists

Key points for negotiators

- Recognize that total absolutes are beyond any negotiation and attempts to deal with them directly are pointless. But not all absolutes are totals, beyond negotiation. The point is to identify potential conditionals and encourage them to see the hopelessness of their situation and the potential hopefulness in responding to negotiations.
- Address the issues beyond the terrorism. Terrorism is ultimately related to such structural issues as poverty and inequality that are far beyond any immediate remedy. But steady attention to related issues of importance to potential supporters may eventually reap rewards.
- Do not negotiate a belief system. In the course of implementing the outcome of a negotiation it may be possible to instill doubt about the basis of motivating beliefs, but the negotiation itself needs to focus on specific items.
- Recognise that unlike many hostage/kidnapping situations, the acts of absolute terrorists are not self-contained events. Hence negotiation is not an autonomous subject or policy but a long process.
- Respect is the basic condition of any negotiation. “One-down” approaches that seek to impart a sense of inferiority are unproductive.
- Effective negotiations can begin when the parties perceive themselves to be in a mutually hurting stalemate and see a way out. Maintain pressure (stalemate) while offering a way out. Show terrorists that there is something to gain from negotiation.
- Mediation is often necessary: the mediator can both carry messages and formulate ideas. Neither party trusts the other, but both must trust the mediator for mediation to work.
- Identification, separation, and moderation are the general aims of negotiation with absolute terrorists. Identify those who seem

Negotiating with kidnapers and hostage takers

Hostage taking, kidnapping, and hostage-barricade situations call by definition for negotiation. If terrorist demands concern issues such as money, freedom for prisoners, or access to media, then a negotiation can take place.

In setting out a process of preparation, organization, and implementation for dealing with hostage takers and kidnapers, Faure and Zartman point to numerous lessons learned from previous negotiation situations. For example:

- The first hour of hostage taking is usually the most dangerous for hostages, as the terrorists are both nervous and aggressive. When the situation has become more stable, the risk of having to face unexpected events reduces on both sides. Then, the real negotiation can start.
- Negotiators must not be decision makers. The negotiator in contact with the terrorists may develop some empathy toward them, and may therefore be influenced by them; he/she should not make strategic decisions.
- A psychological moment occurs when it is possible to conclude a negotiation. While there is no exact formula for predicting when this moment will be, there will be some indications that the situation is ready for settlement. For example, when the terrorist keeps talking longer than necessary to the negotiator, when he speaks about something other than the debated issues, and when he starts considering the future.
- When authorities resolve to make an assault on hostage takers, then the purpose of negotiation is not to reach an agreement, but rather to prepare for assault by collecting information, exhausting the captors, and reducing their level of vigilance. For example, in a Lima hostage taking that lasted four months, the terrorists asked for games to keep people busy. Chess pieces were provided with listening devices to gather valuable information on the hostage takers.



UN Photo/Tim McKulka

A soldier of the Sudan Liberation Army who turned out for the meeting between special envoys for Darfur and key commanders of non-signatory rebel groups to the Darfur Peace Agreement (February 2007).

open to talks. Split moderates from extremists by emphasizing alternative means to the moderates at a lower cost than the use of terror. Moderation is a process and not a condition of negotiation. Engagement in negotiation, and the new situation it produces, can gradually produce deeper changes, but this will take time.

Investigation, contact, and communication are the general means of negotiation with absolute terrorists. Find out as much as possible about the terrorists' values and goals. Establish and maintain contact. Contacts are the crux of negotiation. Building contacts will doubtless be in secret but must be backed by public statements indicating openness to negotiate. Use step-by-step agreements to advance terrorist negotiations. Negotiation is a matter of giving something to get something; hence the negotiator needs to offer the terrorist concessions to his demands as the payment for his abandonment of violent terrorism. The terrorist too must make concessions, and the absolute terrorist does have something to offer as payment—his choice of terrorist tactics.

Conclusions

- Specific tactics must be employed for negotiating with contingent terrorists, who are seeking negotiations. Specific tactics must also be employed for opening the possibility of negotiating with absolutes who currently refuse negotiations.
- The key challenges facing negotiators are: to sense who the contingents are among the absolutes and to convert them to negotiability; to reduce and then change the terms of trade for the cessation of terrorist means, whether the release of hostages or the cessation of suicides; and to move from a reduction of means (terror) to a reduction of ends (motivations).
- Patience and persistence are key to dealing with both contingent and absolute terrorists.

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Further information

This Policy Brief is based on "The Mediator's Toolkit: Negotiating with Terrorists," by Guy Olivier Faure and I William Zartman (United States Institute of Peace, forthcoming). To request preprints, e-mail macaspac@iiasa.ac.at.

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Further reading on negotiation

- Clutterbuck RL (1987). *Kidnap, Hijack, and Extortion: The Response*. St Martin's Press, New York
- Davidson TN (2002). *To Preserve Life: Hostage-Crisis Management*. Cimacon, Auburn, CA.
- Faure GO (2003). Negotiating with terrorists: The hostage case. *International Negotiation*, 8(3):469–494.
- Hayes RE (2002). Negotiations with terrorists. In Kremenjuk VA (ed.), *International Negotiation*. Jossey-Bass, San Francisco.
- Lanceley FJ (1999). *On-Scene Guide for Crisis Negotiators*. CRC Press, New York.
- MacWillson AC (1992). *Hostage-Taking Terrorism: Incident-Response Strategy*. St Martin's Press, New York.
- McMains MJ & Mullins WC (2001). *Crisis Negotiations: Managing Critical Incidents and Hostage Situations in Law Enforcement and Corrections*. Anderson Publishing, Cincinnati, OH.
- Miller AH (1980). *Terrorism and Hostage Negotiations*. Westview Press, Boulder, CO.
- Thomson L (2001). *Hostage Rescue Manual*. Greenhill Books, London.
- Zartman IW (ed.) (2006). *Negotiating with Terrorists*. Martinus Nijhoff, Dordrecht. Originally published in *International Negotiation*, 8(3) (2003).