



# Talking to Groups That Use **TERROR**

Nigel Quinney and A. Heather Coyne



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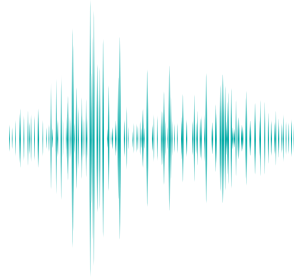
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## Introduction

How should mediators deal with groups that use terror? Should a mediator (or the policymakers he or she represents) resolutely exclude them from any form of participation in the peace process, on the grounds that to do otherwise is to reward their violence and to give them a legitimacy they would not otherwise possess? Or should the mediator acknowledge groups that use terror as influential actors in the ongoing conflict but seek to confine them to the sidelines of the peace process, hoping thereby to diminish their incentives for further violence<sup>1</sup> while not alienating the other, non-terrorist actors in the peace process? Or should the mediator reach out to such groups—even though they are, by definition, “terrorists”—and seek to engage them in negotiations, calculating that by doing so they can be persuaded to turn away from violence and toward peaceful political processes—to become “ex-terrorists” and “legitimate” political actors?

These questions are not new, but since 9/11 they have provoked sharper debate, especially in the United States and in cases in which the mediator represents the U.S. government. The debate is itself controversial, often becoming an exchange of politically and morally charged accusations and counteraccusations that generate more heat than light about the best way for a mediator to deal with groups that use terror. Understandably, governments—not just in Washington but in capitals throughout the world—seek to shield themselves from such heat by categorical assertions that they have not talked and will not talk to terrorists.<sup>2</sup>

Despite such claims, however, more than a few governments have talked and do talk with groups and individuals they regard as “terrorists” (or what are sometimes termed “proscribed groups” or “proscribed armed groups”). Such interactions are not routine, but nor are they rare: one study found that 18 percent of terrorist groups have participated in talks.<sup>3</sup> From Western Europe to the Middle East, Southeast Asia to South



America, mediators, negotiators, and other government officials have sought to push forward a peace process by engaging in some fashion with a movement or organization that they regard as a terrorist outfit. Even in the recent past, the U.S. government and its allies have talked with the leaders of terrorist organizations in detail and at length about their political goals and the make-up of their organizations. These talks have sometimes expanded into negotiations intended to find a political accommodation.

Four well-known examples involving U.S. officials illustrate some of the different forms such talks can take:

- ▶ *Bilateral negotiation:* In December 1988, the United States sought to advance the Middle East peace process by initiating a dialogue with the Palestine Liberation Organization (PLO), then a proscribed organization. The PLO had a clear history of terrorism: from the hijacking of international airline flights to the murder of Israeli athletes during the 1974 Munich Olympic Games. Nonetheless, a quiet meeting between the U.S. ambassador to Tunisia and a special emissary of PLO head Yasser Arafat took place in Tunis, and was followed by a series of discussions about U.S.-PLO relations. These Tunis discussions were the first in a series of contacts that led to the convening of the Madrid Peace Conference in October 1991.
- ▶ *Multiparty negotiation/mediation:* In the 1980s, President Ronald Reagan mandated his secretary of state for African affairs, Chester Crocker, to engage in a quiet dialogue with officials of the African National Congress (ANC) as a part of a wider effort to bring peace to Namibia. Like the PLO, the ANC had a history of targeting civilians for its own political purposes. The Crocker talks were secret, but substantive. At much the same time, U.S. emissaries had a series of exchanges with the leaders of the proscribed Southwest Africa Peoples Organization, then at war with South African troops deployed in Southwest Africa. These quiet exchanges, when coupled with a regional peace initiative begun by Crocker, led to the adoption of a regional diplomatic framework that brought an end to the conflict in Southwest Africa.
- ▶ *Mediation:* In the 1990s, the Provisional IRA was included in talks on the status of Northern Ireland. The Irish Republican Army had a long history of terrorism, which included the murder of British citizens in a series of

ongoing bombing incidents in Great Britain and in Northern Ireland. Even so, the talks with the IRA went forward, in the hopes that they might lead to a resolution of the troubles in Northern Ireland. While the dialogue with the IRA was fraught with difficulties, after a delicate diplomatic exchange the movement was successfully brought into the Northern Ireland peace process. Senator George Mitchell, tasked by President Bill Clinton with conducting these talks, had a series of substantive exchanges with IRA leaders as a part of meeting his mandate. The Good Friday Agreement that brought an end to the conflict in Northern Ireland resulted, in part, from Senator Mitchell's discussions.

- ▶ *Quasi-official negotiation:* In July 2004, a group of senior U.S. Marine Corps officers met with leaders of the primary Iraqi National Resistance movements in Amman, Jordan. The Iraqi resistance had a history of targeting civilians, and the talks proved controversial, particularly inside the U.S. government, which had not mandated them. The series of exchanges, which became known to the public by the end of 2005, were substantive and were continued into 2006 and 2007. Eventually, they led to the creation of a Sunni political network allied with the United States and opposed to al-Qaeda.

In each of these cases, talking to groups designated as “terrorist” had a significant impact on fostering stability and peace. A successful outcome is by no means guaranteed, however. Talks with proscribed armed groups (PAGs) often fail, can easily backfire, and are almost always politically costly—for instance, as just noted, the exchange between U.S. Marines and the anti-U.S. insurgency helped stabilize western Iraq but it had not been mandated by the U.S. government and subsequently met with strong disapproval from Secretary of State Condoleezza Rice.

### Who Qualifies as a “Terrorist”?

There are so many competing definitions of “terrorist” that several eminent scholars have concluded that the term defies precise definition. But many experts have less reticence about identifying key characteristics of “terrorism.” One of the most succinct characterizations is offered by Professor Martin Rudner, director of the Canadian Centre of Intelligence and Security Studies at Ottawa’s Carleton University: “The notion of terrorism is fairly straightforward—it is ideologically or politically motivated violence directed

against civilian targets. . . . There is the famous statement: 'One man's terrorist is another man's freedom fighter.' But that is grossly misleading. It assesses the validity of the cause when terrorism is an act. One can have a perfectly beautiful cause and yet if one commits terrorist acts, it is terrorism regardless."

Rudner's distinction between cause and act makes excellent analytical sense, but outside of academe such semantic precision is rarely encountered. For most people and most policymakers, terrorism is compelling evidence of an ugly cause, and one of the ugliest words in the modern lexicon is "terrorist." Indeed, the very word "terrorist" is often used as a weapon in conflicts, with one party seeking to stigmatize and delegitimize another by branding it as "terrorist." For this reason, a growing number of practitioners are advocating the use of less incendiary terms such as "violent non-state actor" and "proscribed armed group." ("Proscription" is the act of publicly denouncing someone as an enemy of the state, so the term, if not the act, is unlikely to be rejected by groups that do indeed see themselves at war with the state.)

This handbook uses "terrorist" and "proscribed armed group" more or less interchangeably. There are two reasons for this, both of them rooted in the realities of peacemaking. In the first place, a mediator or negotiator who invariably describes a group as "terrorist" permanently demonizes it—a counterproductive step given that the mediator or negotiator not only may have to work with that group but may also wish to bring it on board a peace process and integrate into a peaceful political system and society. In the second place, a mediator or negotiator who always seeks to semantically sidestep the ugly fact that proscribed armed groups do sometimes practice terrorism is likely to lose the support and respect of those parties and populations that are the victims of such terrorism.

Even so, as Martha Crenshaw has noted, it is "necessary to recognize that an important aspect of terrorism is its social construction, which is relative to time and place, thus to historical context. It is not a neutral descriptive term. Even scholarly definitions of terrorism are subjective because they must take into account ordinary language uses of the term, which contain value judgments."

### Source:

Professor Rudner is quoted in "One Official's 'Refugee' Is Another's 'Terrorist,'" *National Post*, January 27, 2007, <http://www.canada.com/nationalpost/news/story.html?id=a64f73d2-f672-4bd0-abb3-2584029db496>.

Martha Crenshaw's comment is taken from her introduction to her edited volume, *Terrorism in Context* (University Park: University of Pennsylvania Press, 1995), 8–9.

Policymakers and the mediators and negotiators they appoint must recognize that the conditions for success are elusive. This should make

them cautious about initiating contacts in general but also eager to seize on potential opportunities should the stars align and the proscribed group be ready to make a fundamental change and move away from violence. Pouncing on such an opportunity requires both political dexterity to do what was once unthinkable and a long-term view that accepts both the possibility of real change as well as the risks of failure.

This handbook is designed to help peacemakers recognize such opportunities and exploit them effectively. This handbook is not, however, an argument in favor of talking to groups that have been designated as “terrorists”—or, for that matter, of *not* talking to them. Rather, it offers advice on how to assess the advantages and dangers of talking to such groups, describes the range of options for doing so, and discusses how to craft and implement strategies to facilitate a productive exchange and to minimize the associated risks.

Each of the following six chapters covers a different step in the process of talking to groups that use terror: assess the potential for talks, design a strategy for engagement, open channels of communication, foster commitment to the process, facilitate negotiations, and protect the process from the effects of violence. These steps are numbered and reflect the order in which a mediator who sees some potential for useful talks might begin different tasks. However, it is important to note that a mediator may opt not to move beyond the first step, or may skip a step, or may (indeed, almost certainly will) undertake several steps simultaneously. And the steps themselves are overlapping and iterative. In short, these steps are a helpful way for the mediator to assess options and anticipate obstacles and opportunities, but the steps certainly do not constitute an inflexible road map or a precise recipe.

This handbook poses and attempts to answer a series of basic, but complex, questions: Is there any advantage to the peace process in inviting or permitting the participation of PAGs? What kinds of PAGs are worth talking to and which are not? What form should the talks take and whom should they involve? Under what conditions should engagement be initiated—and, if need be, suspended or terminated? How can the mediator persuade a PAG and its constituency that the peace process is working? What can a mediator do to enable the government and the PAG to climb out of entrenched positions and engage in serious negotiations? How can the mediator constrain violence during the exchanges and

encourage the PAG to commit itself to the peace process and political process? What are the most effective ways to deal with spoilers?

Some of these questions are pertinent to talks involving almost any kind of armed actor. After all, most violent conflicts are characterized by atrocities and violations of human rights and an unwillingness to recognize the legitimacy of the other side or their demands. But other questions have a special relevance for a mediator or negotiator who is dealing with those who use terror. Terrorists have a particular kind of illegitimacy, one that stems from their use of violence against civilians as a standard tactic, their reliance on that tactic because of their inability to access other forms of leverage, the sheer scale of the difference in status between terrorist groups and governments and the associated problems of recognition, and the difficulty of maintaining accountability of a group that is already considered illegitimate. Thus, for instance, while every peace process must contend with the dangers posed by spoilers, a peace process that involves those who use terror is likely to have potential spoilers at its very heart.

## The Authorship of This Handbook

All the handbooks in the Peacemaker's Toolkit are to some extent collective endeavors, distilling the collective wisdom and identifying the best practices that have emerged from numerous peace processes conducted by a yet more numerous cast of mediators and negotiators. This handbook, however, is a collective enterprise in a more literal sense. It is based on three manuscripts commissioned by the United States Institute of Peace on different aspects of and different approaches to negotiating with terrorists.

One manuscript, written by Guy Olivier Faure and I. William Zartman, examines negotiating with both hostage-takers and political organization figures.<sup>4</sup> The manuscript underlines the challenges of distinguishing between and dealing with "absolute" and "contingent" terrorists, the former who see a terrorist act as an end in itself, the latter who use terrorism as an instrument to secure other goals.

A second manuscript was written by Daniel Byman. It devotes most of its attention to assessing the advantages and costs of negotiating with a terrorist group and to determining how best to open engagement and move talks forward.

The third manuscript, written by Mark Perry, does not dwell on the question of whether to negotiate with a PAG but, instead, focuses on developing strategies to maximize the effectiveness of talks. It emphasizes the need for careful preparation in the pre-negotiations phase.

These three manuscripts are the source of much of the material in the following chapters. The order in which that material is presented and some of the wording, however, is new, with large and small sections of the three manuscripts being interwoven to create a handbook that—the editors hope—offers a broader but no less insightful perspective on negotiating with terrorists than that provided in any of the three individual manuscripts. This handbook also presents ideas and examples culled from other sources; as indicated in the endnotes, two books, John Darby's *The Effect of Violence on Peace Processes* and George Mitchell's memoir of mediating in Northern Ireland, *Making Peace*, were particularly useful.

While the authors deserve the credit for much of the insightful advice offered in this handbook, none should be held responsible for a particular idea or observation, which he may or may not have provided and to which he may or may not subscribe.

In answering such questions, this handbook draws on the experiences and expertise of both mediators and negotiators. However, mediation and negotiation are not the same thing—the former intended to resolve a conflict, the latter often seen as another means of waging that conflict—and some of the advice in the following chapters is more applicable to one endeavor than to the other. Generally speaking, mediation receives the lion's share of attention.

The applicability of advice also has much to do with who or what is mediating or negotiating. A government may have less freedom of maneuver in dealing with terrorist organizations than an inter-governmental organization (IGO), and an IGO may be less flexible than a nongovernmental organization (NGO) or an individual.

The decision of the U.S. Supreme Court in June 2010 to uphold a law that makes it illegal for any American to offer a terrorist entity “material support” of any kind, including training and advice—even advice intended to direct it toward peaceful and legal activities—further complicates the picture.<sup>5</sup> A U.S. negotiator can negotiate and a U.S. mediator can mediate with a group designated as terrorist on the State Department's and Treasury Department's lists, but the negotiator or mediator cannot offer advice—which offers some but limited room for diplomatic maneuver! Exactly how this judicial reaffirmation of these legal restrictions will play out in practice is uncertain. Chester Crocker, who orchestrated the negotiations with the ANC over Namibia, anticipates that these laws will

deter external mediation efforts by individuals and organizations based in or supported by the United States and the twenty-seven members of the European Union (which also has a list of proscribed organizations), and he noted that there are forty-seven terrorist groups on the State Department's List of Foreign Terrorists and hundreds more on the Treasury Department's lists.<sup>6</sup> Certainly, one can expect those countries—such as Switzerland and Norway—that do not have to navigate such bans to play more prominent roles in trying to bring PAGs into peace processes.<sup>7</sup> As the reader will discover, this handbook provides not only options for talking to terrorists but also, at least in some instances, guidance on which actors can even consider such a course of action.

## The Peacemaker's Toolkit

This handbook is part of the series the *Peacemaker's Toolkit*, which is being published by the United States Institute of Peace.

For twenty-five years, the United States Institute of Peace has supported the work of mediators through research, training programs, workshops, and publications designed to discover and disseminate the keys to effective mediation. The Institute—mandated by the U.S. Congress to help prevent, manage, and resolve international conflict through nonviolent means—has conceived of The Peacemaker's Toolkit as a way of combining its own accumulated expertise with that of other organizations active in the field of mediation. Most publications in the series are produced jointly by the Institute and a partner organization. All publications are carefully reviewed before publication by highly experienced mediators to ensure that the final product will be a useful and reliable resource for practitioners.

Other titles in the series include

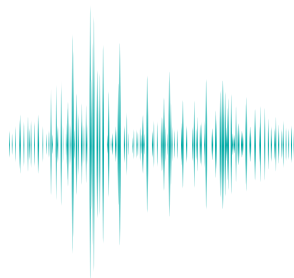
- *Managing a Mediation Process*
- *Managing Public Information in a Peace Process*
- *Timing Mediation Initiatives*
- *Working with Groups of Friends*
- *Integrating Internal Displacement in Peace Processes and Agreements*
- *Debriefing Mediators to Learn from Their Experiences*
- *Conducting Track II Peacemaking*

## The Online Version

All the handbooks in the *Peacemaker's Toolkit* are available online and can be downloaded at [www.usip.org](http://www.usip.org). In the case of some handbooks, the online version not only contains the text of the handbook but also connects readers to a vast web of information. Links in the online version give readers immediate access to a considerable variety of publications, news reports, directories, and other sources of data regarding ongoing mediation initiatives, case studies, theoretical frameworks, and education and training. These links enable the online *Toolkit* to serve as a "you are here" map to the larger literature on mediation.







## STEP 1

# Assess the Potential for Talks

By dint of their training and temperament, mediators like to mediate and negotiators like to negotiate, so it is hardly surprising that when confronted by a proscribed armed group they typically contemplate the possibility of engaging that group in some form of dialogue. This inclination to talk can be a valuable counterweight to the equally understandable instinct of most policymakers (and most people in general) to shun and isolate groups that use terror. By raising the notion of engaging proscribed groups, mediators and negotiators present policymakers with another option, one that may be unpalatable in several ways but that may also help the policymakers secure their long-term goals. But talking with terrorists is a dangerous and unpredictable game, and no one should contemplate playing it until they have thoroughly explored the potential of such talks.

Thus, the first question mediators—or negotiators and policymakers—should consider is whether engaging terrorists in some form of dialogue is likely to launch or advance a viable peace process, or impede or fatally compromise an otherwise promising process, or lead nowhere at all. As they undertake this assessment, they must remember that the key consideration is the fate of the peace process (and the legitimacy of the wider political process) as a whole, not the fate of the proscribed group. For instance, initiating talks with a proscribed group may make the group's wider constituency readier to contemplate a negotiated solution, but it may also enhance the proscribed group's power and prestige and thus bolster its ability and incentive to obstruct any settlement that dilutes the proscribed group's control over its constituency. By the same token, a

decision not to talk may keep the terrorists confined to the outer margins of mainstream political discourse, but it may also ensure that terrorist violence and the wider conflict endure for another generation.

In this first step, mediators must seek to determine the potential benefits and risks of talking; the nature of the terrorist group and the groups attitude toward talking; whether the timing is propitious for talks; and the likely impact of talking on other parties (including public opinion, moderates, and international actors).

## Consider the Potential Benefits of Engaging

Although the mantric assertion of governments across the world—“We don’t negotiate with terrorists”—suggests otherwise, there can be a wide variety of advantages, both direct and indirect, to talking to proscribed groups.

### **Making the Terrorists Part of the Solution**

The most obvious and profound benefit of talking to groups that use terror is to hasten an end to the violence and produce a sustainable peace. This involves the mediator turning the terrorists from being part of the problem into being part of the solution by involving them in the peace process. It is extremely hard to bring any peace process to a successful and sustainable conclusion without securing the participation of hard-liners—especially hard-liners with no compunction about using violence—in that process. Not all hard-liners need to be brought into the process, but those who have the power to derail any negotiated agreement need to be made part of the dialogue if their opposition cannot be neutralized in some other fashion.

### **Weakening Support for Violence and Boosting Moderates**

A second direct benefit is that the offer of talks may weaken support for violence not only within the PAG but also within its wider constituency (i.e., the ethnic, religious, political, or social group for whose benefit the PAG claims to be fighting). The prospect of negotiations may inspire moderates within the PAG to assert themselves and push the organization toward the bargaining table. And if negotiations actually prove rewarding for the moderates (e.g., if the PAG secures concrete concessions, such as the release of its fighters held by the government), they may be able to

keep their organization at the bargaining table, where the typically slow and incremental process of exchanging the gun for the ballot box can begin to gain traction.

Even if this transition does not occur, the mediator can increase its influence on the conflict and/or the PAG by exercising those powers which almost any party acquires when it becomes a negotiating partner: namely, the powers to be heard and to listen, to help shape an agenda, to change perceptions, to confirm or confound prejudices, to elevate or undercut expectations, and so forth.

Conversely, not engaging may limit a government's influence on a conflict, or even lead to the radicalization of a conflict if the refusal to negotiate empowers the most belligerent elements of a movement by showing that nonviolent means are not available. A refusal to talk may discourage new leaders who might otherwise have preferred peaceful means of change.

*After winning the 2006 Palestinian elections, a number of moderates within Hamas sent conciliatory signals to the Quartet (the United States, the European Union, the United Nations, and Russia) indicating that Hamas was prepared to go part of the way to meeting the Quartet's requirements for recognition. The Quartet, however, insisted that all its conditions be met. Once it became apparent that the international community was not going to lift the economic embargo on the new government, Hamas's moderates seemed to lose influence to hard-liners within the organization.*

While groups that use terror often do not make the successful transition to political parties, even a failed dialogue will introduce a movement and organization to the politics of the larger world, and make clear to terrorist leaders that there are rewards for engagement.

### **Redirecting the Terrorists' Attention**

A third benefit of talking is that while the talks may not lead to a negotiated settlement, the negotiations themselves may come to occupy a significant share of the PAG's attention and energy, thereby reducing the PAG's ability and incentive to mount a sustained campaign of high-level violence. A recent study found that about half of terrorist groups involved in negotiations continued to use violence, but the intensity and frequency of the violence declined as talks dragged on.<sup>8</sup>

The quotidian routine of negotiations may not produce any remarkable breakthroughs, but it can save lives. *“Even if it does not result in a resolution to the conflict, engagement can save lives by mitigating the impact of violence on populations. The LTTE cease-fire in Sri Lanka, negotiated through the Norwegian channel, is a case in point. Even low-level engagement can be valuable because it allows for a presence in the conflict zone that can monitor humanitarian conditions. In Sri Lanka after 2006, the lack of any engagement led to the absence of any human rights monitoring presence.”*<sup>9</sup>

### Acquiring Intelligence

The longer that talks go on, the greater the useful intelligence that mediators and negotiators can acquire. Talking is a good way to find out more about the terrorists' goals, priorities, and sensitivities—all of which can easily be missed or misconstrued when a group is demonized and isolated. *During negotiations with the Provisional IRA and wider nationalist community in Northern Ireland, the British government learned that removing monarchical symbols (such as changing the name of the Royal Ulster Constabulary to the Police Service of Northern Ireland) won them unexpected points with Irish nationalists.*

Useful intelligence can also be gleaned about the internal dynamics of the PAG, including the interplay, rivalries, and shifting balances of power among the group's leadership. *Years of negotiations with Palestinian leaders gave the United States a wealth of information about the relative weight of different officials within the PLO.* Intelligence rewards may grow even larger if moderate constituents linked to a group can be wooed. *The Italian Communists provided vital intelligence in helping the Italian government crush the Red Brigades, as the two organizations had overlapping constituencies.*

### Enhancing One's Standing with External Actors

Engagement with a PAG may be valuable for maintaining good relations with a range of external actors, including key allies sympathetic to the terrorists' political goals, even if there is little hope of the engagement generating a negotiated solution. By announcing that he or she is prepared to talk to the terrorists, the mediator or negotiator can display in a very public fashion that he or she is ready to do whatever it takes to bring peace. And should the PAG resist the mediator's overtures, the PAG is

likely to be seen in a negative light by international opinion, including the opinion of states and diasporas on which the PAG may depend for political, financial, diplomatic, and/or material support.

## **Recognize the Potential Dangers of Engaging**

Despite these potential benefits, talking to groups that use terror has many risks, ranging from political embarrassment to encouraging more violence and even strengthening the group's capacity for bloodshed. Not surprisingly, these concerns make officials leery of even considering the prospects of negotiations with terrorist groups.

### **Rewarding Terrorism**

The most commonly cited objection to talks with terrorists is that any recognition of a terrorist group—and talks certainly constitute a form of recognition—rewards the use of terrorism. Most terrorist groups crave legitimacy, as their very tactics lead them to be shunned by the world and by many would-be constituents. Even if talks involve no concessions on the part of a government, by recognizing terrorists as worthy interlocutors the government gives them a victory with potential followers and other states. Other terrorists and would-be terrorists may believe that continued or even increased violence may lead to eventual recognition. The danger that engagement may convince observers that terrorism “works” is particularly damaging to governments seeking to discredit the legitimacy of terrorism generally as well as to oppose particular terrorist groups.

### **Weakening the Stigma of Terrorism**

Talks with terrorists may also diminish the stigma of international terrorist listings such as the U.S. State Department's list of Foreign Terrorist Organizations (FTOs), the European Union's list of terrorist individuals and organizations, and India's Ministry of Home Affairs' schedule of “Banned Organizations.” In addition to the legal implications of negotiating with a person or organization named on such lists, the lists themselves were established to anathematize terrorist organizations.

Moreover, such listings provide a focal point for international cooperation against terrorist groups. A government or international organization that opts to talk to an entity on one of these lists may weaken

the moral sanction of any listing and may encourage other states to make other exceptions, further hindering future cooperation.

However, mediators and negotiators should assess the options for designating terrorist organizations to identify any ways of using the proscription process to incentivize an engagement process. *When it began to engage the Maoists after their victory in elections in Nepal in 2008, the U.S. State Department for the first time said that Nepal's Maoist party was on the "terrorist exclusion list" but was not formally designated as a "foreign terrorist organization." This subtle distinction was interpreted by observers as a sign of the U.S. government seeking to encourage the Maoists on their path of political reintegration.*<sup>10</sup>

### **Undermining One's Own Standing**

Paying the price of recognition might be worthwhile if there was a guarantee of success in the end. But few talks with terrorists produce clear-cut gains and fewer still yield peace agreements. The conditions for ending long-standing conflicts are often difficult or impossible to meet, and terrorism, in particular, needs only a small group of people to continue. Putting a mediator's or government's credibility on the line, both at home and overseas, is thus risky, particularly as it may be at the mercy of a small group of diehard killers.

When talks fail, those who advocated them risk looking naïve, unwise, or worse—accomplices, albeit unwitting, of a terrorist group that thrives on public attention and official recognition. The backlash from both domestic constituencies and international actors can fatally affect a mediator's effectiveness.

Even success, if and when it comes, often is incremental rather than complete: a challenge that increases the political price of talks. Some groups may accept a cease-fire or other conditions for talks but engage in activities that suggest a change of heart remains far off. *When the IRA accepted a cease-fire in September 1994, it kept its cell structure and logistics network and continued such brutal behavior as beating supposed collaborators and criminals with iron bars. Even after talks had progressed for several years, it made no effort to shut down its infrastructure of cells or decommission any weapons, including its stockpiles of Semtex and mortars.*

## Undercutting Moderates

If mediators and negotiators who support engagement risk looking foolish when talks lead nowhere, the moderates within a PAG who championed the idea of talking risk being sidelined within or sanctioned by their organization, or even murdered by their harder-line colleagues. When talks lead nowhere, the door opens for hard-liners to assume or reassume control of policy within the PAG. Greater violence is usually the result.

*Talks with the United Kingdom in the early 1970s discredited older members of the IRA and led to the rise of a younger, more radical cadre who continued violence with little progress for over twenty years. The roots of the rise of Hamas and its ability to oust the PLO from power in the Gaza Strip lie in the failure to implement the Oslo Accords, which the PLO had negotiated but which Hamas had always opposed.*

## Creating Splinter Movements

But while deadlock is often costly, progress in the talks can be equally or even more damaging in cases where the internal coherence of the PAG is weak. Those negotiating for the PAG may have control over or the support of most members of their group, but the closer a negotiated settlement comes, the more likely it is that a splinter group opposed to the making of any concessions will break off and create a yet more violent terrorist entity. In other cases, the PAG negotiators do not even control the majority of the group's members and cannot deliver their acceptance of any negotiated agreement, so any concessions granted in exchange for talks become worthless.

## Giving Terrorists Breathing Space

Some terrorist groups may enter talks and even proclaim a cease-fire with no intention of permanently renouncing violence. Because terrorist groups grow stronger by demonstrating their staying power, simply buying time in the face of an aggressive government counterterrorism campaign can be immensely valuable to them.

*The Liberation Tigers of Tamil Eelam repeatedly used cease-fires to rearm and regroup for their next offensive. In 1998 the Basque separatist movement ETA announced a cease-fire because of outrage—including*



*among its own constituents—at ETA's murder of a local politician. When ETA broke the cease-fire in 2000, its leaders claimed it had been a tactical trick to counter Spanish and French pressure. What ETA had wanted was not a peace process but a chance to work with and radicalize constitutional Basque nationalists. When the nationalist front failed to win substantial electoral support among Basque citizens, ETA resumed its terrorist activities.<sup>11</sup>*

*Some organizations raise money or otherwise develop their institutional capacity during a lull. Gerry Adams, one of the leaders of Sinn Fein, the political wing of the IRA, raised \$1 million in a trip to the United States in 1995, money that helped sustain the organization's capacity for violence.*

\* \* \* \*

Assessing the potential advantages and disadvantages of talking with terrorists is essential, but what does one do with the knowledge acquired during such an assessment? How, in other words, does one balance benefits and risks? The answer is twofold. First, evaluate the risks and benefits in relation to the specific characteristics of the terrorist movement one is confronting. Second, set the benefits and risks within the broader context of the conflict. The remainder of this chapter discusses what to look for in terms of both specific features and the broader context.

## **Assess the Willingness and Capability of the PAG to Negotiate a Deal**

A thorough analysis of a movement's goals, history, leadership, and constituencies is essential to determining its willingness and capability to engage in dialogue. If it leads to a conclusion that talks are possible and desirable, this assessment should also be used to build the foundation of a strategy for talking.

### **Evaluate the Terrorists' Goals and Ideology**

Can the PAG's aims (e.g., changes to a political system, territorial ambitions) be achieved through negotiation or is the group fundamentally nihilistic or absolutist (e.g., it will settle for nothing less than the destruction or total capitulation of its enemies)? An unambiguous answer to this question may by itself dictate the mediator's or negotiator's decision to talk or not. After all, a group committed to the total eradication of a political system (e.g., al-Qaeda with its avowed goal of replacing nation-

states in the Muslim world with a new Islamic caliphate free of any external influence) has in effect nothing to discuss with the supporters of that political system.

However, even many seeming absolutists are prepared to negotiate sometimes on some issues. Some absolutists may be “total” and others “conditional,” that is, while their purposes are beyond immediate negotiation and often millennial, some are beyond contact and communication whereas others may be, or become, open to some discussion and eventually moderation of their means and even their ends. Attempts to deal with “total absolutists” are pointless, but efforts to identify potential “conditional absolutists” are not, especially if they can be encouraged to see the hopelessness of their situation and the potential hopefulness in responding to negotiations.

*The Lord’s Resistance Army (LRA) in Northern Uganda is “the archetype of an irrational organization, with a radical theocratic ideology and extremely brutal methods of rebellion,” but it is nonetheless “amenable to moderation through political bargaining—that is, in exchange for a deal at the International Criminal Court, which has indicted its top leaders.”<sup>12</sup> Even though the LRA has been declared a terrorist organization by the U.S. government, the U.S. State Department decided to accept an invitation to become an official observer at peace talks involving the LRA, in hopes that the talks would result in the dissolution of the LRA.<sup>13</sup>*

A distinction also needs to be made between the terrorists themselves (those who carry out attacks) and their operatives or organizers. The organizers do not blow themselves up. They are usually highly rational and strategic calculators. That is not to say they are necessarily interested in negotiating: their goals may be too extreme and they may regard negotiation and the compromises involved in it as anathematic and counterproductive to their strategy of asymmetrical warfare. But some of the organizers who dispatch suicide bombers are not so averse to talking.

When assessing goals and ideology, consider whether the movement adheres to a broad program of written principles and how important its foundational documents are to its political program. Not all terrorist movements have adopted a set of written principles or a political manifesto; and the absence of such a document usually reflects the undemocratic nature of an organization or its lack of mass appeal.

But many terrorist movements or organizations do adhere to a set of political principles designed to attract followers. The publication of such a document, however, is not always indicative of its desire for political accommodation, or minimally, its willingness to engage in a dialogue. A close study of a terrorist movement's founding document—as well as an investigation of how it was written and by whom—can provide substantive clues on its political goals. Conversely, movements may claim that their founding charters are no longer relevant or that they are willing to modify the radicalism contained therein. Some such claims do indeed attest to a significant shift in a PAG's political goals, but other claims may be little more than negotiating ploys.

*Considerable controversy has surrounded the issue of amending the Palestinian National Charter—the constitution of the PLO—which, inter alia, denies Israel's right to exist. At various times since 1998 the PLO's leadership has claimed that clauses within the charter have been nullified or abrogated to meet American and Israeli demands. Other parties have not been convinced by these assertions. Former CIA Director James Woolsey has said: "Arafat has been like Lucy with the football, treating the rest of the world as Charlie Brown. He and the PNC keep telling everyone they've changed the charter, without actually changing it."*

A PAG's political strategy, as well as its principles, should also be assessed. The latter may indicate a philosophical embrace of inclusiveness but the former may point out that such inclusiveness is more rhetorical than actual. For instance, a mediator may conclude that it is not worth the effort of engaging a group that extols democracy in the abstract but whose strategy suggests that in practice, were it ever to win elections, it would promptly abandon further elections.

A mediator should also consider non-ideological goals. Movements associated with criminal activities such as narcotrafficking and smuggling may have little to gain from a diplomatic settlement because their illegal activities would be prohibited by a functioning system. However, in cases where their business is not incompatible with rule of law, it might be possible to co-opt or reach an accommodation with movements that have their eye on the bottom line rather than those driven by political grievances.

Figure 1 reproduces a chart, published by Conciliation Resources, of some of the other non-ideological indicators of a PAG's readiness to engage in a peace process.

**Figure 1.** Indicators Regarding Opportunities for and Constraints on Armed Groups' Engagement

Positive Indicators	Negative Indicators
<p><b>Political power</b></p> <ul style="list-style-type: none"> <li>• Are or have been in political power</li> <li>• Respect rules of law, provide services</li> <li>• Have political institutions, agenda, candidates</li> </ul>	<p><b>Political power</b></p> <ul style="list-style-type: none"> <li>• Disregard for rule of law and elections</li> <li>• Political assassinations</li> <li>• Intolerant of differences, change</li> </ul>
<p><b>Territory</b></p> <ul style="list-style-type: none"> <li>• Hold territory over time</li> <li>• Set up systems within the territory</li> <li>• Allow freedom of movement</li> </ul>	<p><b>Territory</b></p> <ul style="list-style-type: none"> <li>• Engage in ethnic cleansing, destruction</li> <li>• Have no territory or control over it</li> </ul>
<p><b>Social and economic support</b></p> <ul style="list-style-type: none"> <li>• Enjoy support public constituency</li> <li>• See settlement of conflict as delivering economic benefits to their region or constituency</li> </ul>	<p><b>Social and economic support</b></p> <ul style="list-style-type: none"> <li>• Isolate themselves from wider society</li> <li>• Derive substantial profit from the war economy</li> </ul>
<p><b>Use of military force</b></p> <ul style="list-style-type: none"> <li>• Possess without necessarily using force</li> <li>• Observe humanitarian law, proper treatment of civilians</li> <li>• Troops disciplined</li> </ul>	<p><b>Use of military force</b></p> <ul style="list-style-type: none"> <li>• Indiscriminate, high civilian casualties</li> <li>• No or little effective command and control</li> <li>• Troops undisciplined</li> <li>• Troops, force used to sustain illegal activities</li> </ul>

Source: Sue Williams and Robert Ricigliano, "Understanding Armed Groups," *Accord 16, Choosing to Engage Armed Groups* (London: Conciliation Resources, 2005), 27.

### Assess the Terrorists' Constituency

Does the movement or organization have a constituency? What specific constituencies does a movement represent? Where are they located? How strong is their influence on a movement's leadership?

These may well be among the most important questions that can be answered by the mediator or negotiator. If a terrorist movement or organization has no constituency, then it is likely to be less amenable to compromise and less vulnerable to popular pressure. Its leadership is likely to be self-selected, its claim to legitimacy less certain. It will be unable to answer the most obvious political question posed to any movement, organization, or party: Whom do you represent?

How the movement is funded can say a lot about whether it truly represents a wider constituency, one whose interests must be reflected in the peace process if sustainable peace is ever to be achieved. A movement or organization funded through criminal activities—counterfeiting, fraud, drug running and the like—may well have only a small constituency and may well oppose any peace process that threatens to crack down on organized crime. In general, the more diverse the funding base of a movement, the more diverse its constituency. A movement or organization funded through money raised from a broad diaspora constituency, for instance, usually reflects the existence of broad support for its political agenda.

### **Assess the Group's Leadership and Discipline**

A failure to understand a movement's leadership can lead to fundamental misunderstandings of that movement's mindset. *During an exchange between a retired senior American official and the leaders of Hamas in Damascus, the American was surprised to learn that not only were none of the movement's most senior leaders religious, but nearly all of them held doctorates in the sciences.*

To avoid such misapprehensions—and the strategic miscalculations they can inspire—the mediator should not only research the backgrounds and beliefs of a PAG's leaders but also assess how an organization's decisions are made: Is the movement or organization's leadership elected or appointed, and by whom? Is a movement's decision-making process democratic, consensual, or driven by a single leader? Is the movement's leadership educated, is it religious, or did it arise as a result of a fight among factions?

A deeply rooted organization—one that is not simply a network like al-Qaeda—will have a complex leadership structure with a wide diversity of voices, experiences, and backgrounds. In general, the more complex the leadership, the more deliberate and careful their dialogue will be and the more thought-through their political positions. An organization, incapable of making fast and unambiguous decisions on political questions, should not be considered negatively. Rather, it should be seen as a movement whose leadership is capable of intensive and careful debate and, hence, making the transition from revolutionary movement to political party. A

self-appointed leadership can make decisions quickly, but without any broad support. An elected leadership cannot.

Determine how much control the leadership has over the movement as a whole and over rivals within it. Can the leadership impose a shift to negotiations and deliver the movement's acceptance of any agreement? Can a movement control its most radical elements? *Hizballah proved able to shut down radicals on its flanks who challenged it to continue more revolutionary policies in the mid-1990s.*

Even when a leadership favors negotiations and can corral its hard-liners, it can only become an effective negotiating partner if it also has the necessary resources (e.g., funds with which to finance the cost of transporting its representatives to negotiations and accommodating them comfortably and securely) and expertise (e.g., in formulating coherent negotiating positions and responding to the other side's proposals).

Some leaders are willing and able to shift their organization from war to peace; others are locked, psychologically and/or politically, into an antagonistic, distrustful, zero-sum mind-set. *Yasser Arafat found it exceedingly difficult to make the transition. Even after more than six years of direct negotiations with Israel, at the Camp David II negotiations in July 2000 commentators noted Arafat's "isolation and deepening sense of being pressured by sinister Israeli-U.S. collusion, and his refusal to accept what were in his eyes insulting terms that did not go far enough in fulfilling Palestinian aspirations but yet engendered his own personal standing in the Arab and Muslim worlds."<sup>14</sup> Nelson Mandela, in contrast, had firm control of the ANC and was willing to reach out to white moderates, averting the massive bloodshed and migration that characterized many African transfers of power.*

When leaders resist the idea of talking, see if the lower ranks are more amenable. Top-level leaders may be too ideologically inflexible to make negotiation a productive possibility, but their lieutenants and followers are unlikely to form a monolithic bloc and may be more open to the idea of talking. It is almost always worth exploring the various levels of leadership to find people who are disillusioned with the group's cause, tired of the conflict, or simply ambitious and ready to negotiate if it will advance their standing within the group.

## Assess Attitudes toward Participation in the Political Process

Does the terrorist group already participate in the political process in some fashion—for instance, does it have a political wing? Although participation in the political system that the PAG theoretically considers corrupt and illegitimate can be a promising sign of a pragmatic readiness to make the compromises necessary to reach peace, many political parties have long maintained active terrorist wings even as they engaged in electoral politics.

*Movements that have both a political wing and a terrorist military wing have been found in the past in such diverse places as Weimar, Germany, and Lebanon before the civil war in 1975; contemporary examples include the right-wing “Grey Wolves” of the Turkish National Action party and Hizballah in Lebanon.*

*In the cases of the PLO, the ANC, the Southwest African Peoples Organization, the IRA, and the Iraqi Sunni Resistance, each evolved from a purely armed movement into a sophisticated and complex political organization whose leadership had concluded that its armed struggle either could not succeed or needed to be complemented by a more political and pragmatic program.*

Terrorists crave power and are more likely to renounce violence if they believe they can win at the ballot box. *The ANC could be confident that engaging the government with the promise of entering politics would eventually lead to electoral victory—a hope that less popular groups such as ETA would not share.* However, even if a PAG has some assurance of victory, terrorists often see the moderates in their community as craven and at times dangerous. Thus, a moderate victory by “their” side might be deemed a failure.

## Determine If the Time Is Right

A PAG's reluctance or readiness to participate in the political process is a reflection of the extent to which the conflict is, or is perceived by the group to be, ripe for resolution. The mediator, too, needs to assess conflict ripeness, examining both objective and subjective indicators of ripeness. Objective indicators include events (e.g., failed military offensives) and developments (e.g., rising levels of casualties) that suggest that the conflict has reached a stalemate.

Subjective indicators are statements and comments made by the parties that reveal uncertainty about the prospect of securing victory and discomfort with the stalemate. Have the terrorist leaders, for instance, made subtle or more explicit statements to the effect that violence alone will not win the victory they seek; employed more moderate, less inflammatory rhetoric; ordered fewer or less destructive violent attacks; or declared cease-fires? *Senator George Mitchell's initiative in Northern Ireland was preceded by an IRA unilateral cease-fire declaration—a clear signal that the movement would welcome political talks.*

These indicators, however, presage negotiation only if complemented by a belief among the parties that negotiation can, in fact, lead to an acceptable way out of the impasse. (See another handbook in the *Peacemaker's Toolkit* series, *Timing Mediation Initiatives* by I. William Zartman and Alvaro de Soto, for a detailed discussion of how a mediator can assess whether a stalemate exists and encourage a ripe moment for resolution.)

Is the conflict at a stage that makes it ripe for resolution? For instance, if a conflict has reached a bloody impasse in which both sides are willing and able to inflict heavy losses on the other side but are unable to secure a decisive victory, then the risks of talking to a PAG may be outweighed by the potential benefits, because the price of continuing the impasse is already high. Talking may help reduce violence and promote a political settlement; not talking will only perpetuate the painful status quo. Alternatively, if a negotiated settlement to the conflict is already within sight—or is at least a realistic prospect—and if the terrorists have the ability to disrupt but not derail the peace process, then the risks of starting talks probably outweigh the benefits.

Can the terrorist group win outright? Terrorists are more likely to engage in talks without preconditions if they believe a victory through arms is unreachable. *The PLO's expulsion from Lebanon in 1982 and repeated defeats by Israel led its leaders to recognize they would not gain a Palestinian homeland solely by the gun. Anti-colonial terrorist groups such as the Cypriot Ethniki Organosis Kyprion Aghoniston and the Algerian Front de Libération Nationale, in contrast, could make far more demands as a precondition for talks because violence was demonstrably producing political results in Britain and France respectively.*



Terrorist groups are also more likely to consider talks or other dramatic changes when they risk losing influence to rival groups. How does a PAG assess the need for negotiations vis-à-vis its potential rivals? Is negotiation perceived as a benefit or risk for the movement? *Analysts of the Palestinian elections in 2006 debate whether the election of Hamas was, in part, a rejection of Fatah's pro-negotiation stance, or whether the voters actually wanted negotiations and believed that Fatah had failed to deliver effective talks.*

The presence of rivals may encourage violence or moderation. Terrorists may be more likely to participate in negotiations if they are threatened by rival groups that are also pursuing diplomacy. But if the rivals are committed to hard-line strategies, a group may increase its use of violence in order to compete with other radicals. *Fatah created the Black September Organization (whose terrorist activities included the massacre of Israeli athletes at the summer Olympics in 1972) after the PLO's expulsion from Jordan in 1971. This type of violent outbidding by Fatah was also evident after the outbreak of the al-Aqsa intifada.* Incidents of violence, however, can sometimes be signs of serious interest in negotiation, as terrorists make last-minute moves to strengthen their position before sitting down at the bargaining table.

## Evaluate the Attitude of Third Parties toward Talks

A terrorist group may signal its readiness to enter negotiations but a mediator may still not decide to engage the group unless the attitude of influential third parties is supportive and the external environment suggests that talks will advance, rather than stall or obstruct, the wider peace process.

## Assess International Leverage over the Terrorists and Their Adversaries

The mediator's effort to secure concessions from a PAG is more likely to succeed if the mediator has the support of a wide range of international actors, especially those with leverage over the PAG. The mediator should thus evaluate which international actors—including not only neighboring states and major powers but also global and regional IGOs, international NGOs, diasporas, and other groups—might provide materiel, political, or moral support to the group. What do they offer the movement at present and what might they provide in the future? Can

international actors put enough on the table to make the terrorist group consider changing its behavior?

*At the end of the Cold War, the PLO faced not only the rise of new Palestinian leaders who were involved in the first intifada but also pressure for peace from the Soviet Union and moderate Arab states that funded the PLO and that had earlier backed continued violence. Combined, these pressures made the movement more amenable to renouncing terrorism—the precondition for talks with U.S. officials.*

In many cases, international actors can offer a PAG what it craves dearly: legitimacy. For secessionist-minded PAGs, talks with international actors are part of the recognition they hope will eventually lead to their constituency being granted a state or at least greater autonomy. In other instances, these actors can exert considerable influence over the local government in question.

Influence, of course, is not uniform. Certain international actors may be peripheral to many conflicts around the globe because their interests in the country have historically been limited. *Washington has long been central to the Israeli-Palestinian conflict, but kept its distance from the civil war in Algeria, in part because the regime there was suspicious of the United States and because U.S. interests in the region were limited.* In such cases, the “reward” of talks with specific international actors may be limited for the terrorist group.

*Part of the challenge for U.S. talks with Hizballah is that the United States exerts at best limited influence over the level of influence the group gains through legitimate political activity. Hizballah already has a large political party structure, a major social network, numerous media organizations, and other open organs that most terrorist organizations crave. Ironically, Hizballah’s very strength reduces the rewards it would gain from talks: Hizballah does not need to make major concessions to the United States to flourish politically, and for the organization to abandon its support of terrorism (particularly its training of Palestinian militants) would go against the organization’s ethos and hurt the interests of Iran and Syria, its primary sponsors. Thus the benefits of open political activity that groups like the PLO gained would be minimal.*

*Hamas, in contrast, would gain more rewards. The United States enjoys considerable leverage with both Israel and the Palestinian Authority. Talks*

*with Washington would give Hamas leaders additional political clout with both these groups of leaders.*

## Evaluate the Domestic Environment

Negotiators and mediators must also consider the dynamics of their own domestic constituencies. The weight of opinion within a government or public may be so heavily set against engaging a terrorist group that any effort to do so might, were it to become widely known, provoke a backlash that would turn the negotiator or mediator into a liability for the peace process. Even if domestic constituencies are ambivalent about or supportive of opening talks with a terrorist group, the inevitable ups and downs of even a successful engagement with a PAG will make the process politically difficult.

When deciding whether to open talks with terrorists, therefore, a mediator or negotiator must determine which domestic actors (whether the public, members of the government, political parties outside of government, the armed forces, or even other terrorist groups) might support or oppose moves to talk with a given terrorist group? Would that support be vital to securing a successful outcome, or would that opposition be fatal to the talks or to the wider peace process? What leverage do those domestic actors have to make talks more productive? What motives and resources do they have to undermine any talks?

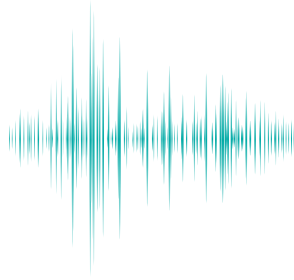
Inevitably, charges will arise that the talks reward terrorism and, until time demonstrates a reduction in violence, a mediator or government can only defend its policies by reiterating its hope of a change about which it itself is probably skeptical (a skepticism almost surely to be expressed in repeated leaks to the media by members of the government who oppose the talks). Given the length of time that talks with terrorists take to bear fruit—if, indeed, they ever prove fruitful—domestic electoral calendars, changes in the make-up of governments, and shifts in public opinion all have the potential to derail negotiations. *If the British government's approach to talks with the IRA had not transcended party politics, the secret negotiations that Father Reid initiated in 1986 and that helped produce the Good Friday agreements more than ten years later would not have survived several changes of government in Britain, as well as IRA assassination attempts, massive IRA arms shipments, and other daunting provocations.*

\* \* \*

If, after a thorough assessment of the advantages and disadvantages of talking to terrorists, the terrorists' willingness and ability to participate in constructive negotiations, and the degree of support for talks within the international and domestic environments, the mediator or negotiator decides that talks may, in fact, help advance a peace process, he or she can proceed to developing strategies that maximize prospects for success, as explored in the next section.

If the chances of success seem modest or slight, however, then the mediator should probably avoid engagement on the grounds that to do so would provide the terrorists with recognition and other political benefits while reaping little or nothing in return, in terms of reduced violence or enhanced understanding. Even a mediator who adamantly rejects the notion that talking to an actor legitimizes that actor should be wary of ostracizing the terrorists' targets and adversaries by engaging a PAG in what is likely to be a fruitless conversation. At most, perhaps, the mediator might consider using "megaphone diplomacy" or other arms-length methods so that the PAG understands what steps it must take before direct talks can begin.





## STEP 2

# Design a Strategy for Engagement

If Step 1 indicates that it is worth trying to engage a group that uses terror, the negotiator or mediator must design an appropriate strategy. The key questions to be addressed are whom to talk to, when to talk, what to talk about, under what conditions to talk, and how to talk. The answer to any one of these questions will influence the answers to the others, so none should be considered in isolation. Throughout the process, mediators should also be aware of when to stop talking—when to disengage from a process that is not productive and may only be strengthening a terrorist movement’s capacity for violence.

## Decide Whom to Talk To

The question of whom to talk to is twofold: the mediator or negotiator needs to decide, first, which *group* to talk to, and then, second, which *individuals* within that group to engage. In both cases, however, the criteria are much the same.

## Know Whom You Need at the Table, and Whom You Don’t Need

A conflict involving terrorist groups is likely to also involve parties with similar goals to the terrorists but who work peacefully within the established political process to achieve those goals. Such parties are far readier than the terrorist groups to talk with a mediator or government negotiator, and their participation in a peace process is almost always desirable. But that participation is not always necessary—not, that is, if the parties represent only a small constituency and if the parties have little or no control over the violence that the peace process seeks to halt.

By contrast, groups that have the power and incentive to spoil any agreement reached do need to be included in the peace process if a sustainable peace is to be achieved. Some of the more radical factions within a terrorist group may never be prepared to make peace, but these can be marginalized politically and weakened militarily to a sufficient extent that an agreement can hold. The “mainstream” within a powerful and committed terrorist movement, however, must be represented—directly or indirectly—at the table if a lasting agreement is to be reached.

*In 1991 and 1992, the governments of the United Kingdom and Ireland held negotiations involving the four constitutional political parties in Northern Ireland. Those negotiations failed, in part, the governments believed, because they did not include the political parties associated with the paramilitary organizations; as a result, the negotiations were not accompanied by a cessation of violence. When, in the 1990s, Sinn Fein joined the talks, two of the Unionist constitutional parties walked out in protest, but the talks were nonetheless able to go forward toward a successful conclusion because the IRA (in the form of Sinn Fein) was now at the table and could deliver (more or less) on any negotiated commitments to reduce violence. (The absence of the two parties also helped facilitate negotiations because it gave the Ulster Unionist Party, the largest of the Unionist parties, the ability to maneuver free of attacks from the two smaller parties on its policies and leaders.)<sup>15</sup>*

### **Select an Interlocutor Who Straddles the Moderate/ Hard-line Divide**

One's interlocutor needs to be sufficiently moderate—or at least sufficiently disenchanted with the ability of violence to achieve the PAG's goals—to consider participating in talks but sufficiently hard-line to be able to sell any agreement to other hard-liners. For this reason, militants who come to accept the need to negotiate are likely to be more influential than committed moderates.

Track II efforts can be useful ways of identifying leaders who have hard-line reputations but may be open to nonviolent approaches, sounding them out about the possibility of talks, exploring points of contact, and conducting prenegotiations.

## Make Sure Your Interlocutor Can Deliver

At the most basic level, the mediator needs to make sure that his or her interlocutor actually represents the group the interlocutor claims to represent. *In one extreme case, negotiators in Iraq had to determine whether the voice on the other end of the telephone really was the spokesman for an insurgent group. They tested this by saying “Shoot a rocket now”; if a rocket came, it was the right group.*

Determining an interlocutor’s ability to deliver, however, is a much more complex undertaking than just determining that the interlocutor is who he or she claims to be. Authorities need to know they are facing a valid spokesperson for the terrorists, one who speaks for all or at least a major part of the terrorist group, who is strong enough to survive criticism from within the group for talking with the authorities, and who can deliver on any agreement that might be reached. The mediator or negotiator needs evidence that potential spoilers excluded from the negotiations are not strong enough to upset any ensuing agreement. Such evidence can take the form of a public statement by the PAG endorsing talks or some more concrete sign of cooperation, such as the declaration of a cease-fire or the honoring of a no-violence pledge.

## Don’t Try and Appoint the Other Side’s Negotiator

Mediators and governments may be tempted—if only for the sake of effective communications—to indicate their preferred interlocutors, yet they must stay out and let the moderates (or the converted militants) within the PAG emerge on their own. The mediator can meet them as they emerge but must be careful not to compromise them, because their eventual participation in negotiation is useful only if they carry some of their colleagues along with them.

## Decide When to Talk

While the assessment of conflict ripeness (discussed in Step 1) will help determine in broad terms if and when to suggest or launch talks, exactly when to make such moves will depend on a variety of context-specific factors. Each conflict environment, for instance, will have its own symbolic dates (anniversaries of historic events, national celebrations, commemorations of defeats and atrocities, religious holidays, etc.), and



these may be either highly appropriate or highly inappropriate times on which to open talks.

When one of the parties to the talks is a government or political party, factor in the schedules for election campaigns, including both national elections and internal elections for a party's leadership. Don't expect a party to take a potentially embarrassing or otherwise politically costly step during an election campaign. Similarly, don't expect a new government to automatically accede to or implement the terms of an agreement negotiated by its predecessor.

*In the United States, where abrupt changes in foreign policy often accompany changes in the presidency, politically sensitive initiatives such as talking to terrorists require very careful handling if they are not to be rejected by incoming administrations determined not to inherit their predecessor's political baggage. Thus, the United States waited to respond to Arafat's statement renouncing terrorism until after elections in both the United States and Israel in 1988 but before President George H. W. Bush was sworn into office, minimizing the political price for the incoming administration of talking to the PLO.*

The tides of violence should also be factored in. If a mediator or negotiator wants to bring a reluctant PAG into talks, the PAG may be more willing to take that step if it has just suffered a defeat at the hands of government forces. The aftermath of a government victory also gives that government the opportunity to reassure its supporters that it is entering talks from a position of strength.

By the same token, however, it is important for a mediator and it is vital for a government negotiator not to give the impression that talks are a concession to the terrorist group that the group has won through its use of violence. It need hardly be said that once cultivated, this impression will drive the terrorist group's calculations and negotiating behavior thereafter, with any rejection of the terrorists' demands precipitating a fresh outbreak of violence intended to wring new concessions.

## Decide What to Talk About

Determine the scope of the negotiation: what will be discussed and, no less importantly, what won't be discussed. For instance, will the talks encompass the history of the conflict or will they focus only on the present

and future? Will secession be a topic for discussion or will only autonomy feature on the agenda? Will some highly sensitive issues be kept off the table? Will the parties talk about only those issues—such as confidence-building measures—on which some agreement is possible rather than about more intractable issues? Will issues be linked or deliberately de-linked?

Some mediators and negotiators recommend focusing on concrete issues and avoiding discussion of values, principles, and beliefs, because they are essentially non-negotiable. Others argue that these abstract concepts cannot be divorced from the concrete realities they shape so profoundly, and that they cannot therefore be neglected if a lasting agreement is to be forged. Whichever approach a mediator or negotiator takes, he or she should not expect to change a terrorist's core beliefs. Strategic political negotiations occur in a highly charged issue-laden context, but one does not negotiate a belief system. Perhaps in the course of implementing the outcome of the negotiations, one can sow doubt about the bases of the terrorists' motivating beliefs, but the negotiation needs to focus on specific items and will best result in an agreement between enemies that places the next challenge on implementation, not a coming together between new partners. At best, that comes later.

## **Decide under What Conditions to Talk**

Establishing preconditions that the terrorist group must accept before talks can begin is a common practice. The chief advantages of adopting this approach are twofold. In the first place, they offer some reassurance to the public, members of the government, and all other parties to the conflict who have played by the constitutional rules that the terrorists must change their behavior in return for a seat at the bargaining table. In the second place, they gauge the readiness of the terrorists to make concessions and test the ability of terrorist negotiators to control their comrades.

Some pragmatists argue that preconditions do not work, because terrorists are not going to give away their power and leverage in advance of negotiations, especially if they view the use of violence as the only thing pressing their adversaries to the table. But most mediators and negotiators question not the use of preconditions per se but the nature of those preconditions. The key issue is achieving a balance: setting

preconditions that facilitate a process by testing good faith rather than blocking it by demanding the kinds of concessions that are bound to be refused because they would humiliate or emasculate any group that accepted them.

### **Avoid Strict Preconditions, but Ensure Preconditions Have Substance**

Strict preconditions are generally excuses for non-negotiation. This is true both of preconditions concerned with practical, concrete issues and those focused on more abstract, ideological matters. In terms of concrete issues, it may be realistic and appropriate to insist that a terrorist group reduce or cease violence as a precursor to talks, but it is fanciful to expect the terrorists to promptly disarm or join the ranks of the government's army or police force. On the more abstract level, do not require a PAG to abandon its dreams as a precondition of talks. The purpose of those talks is not to deprive the PAG of its aspirations, but to persuade it to agree to pursue them through peaceful democratic means.

Of course, when the PAG's aspirations are extreme and zero-sum—such as the physical elimination of a government, regime, or country—then even a seemingly reasonable set of preconditions may prove too strict for the PAG. In such cases, the PAG's rejection of preconditions probably signals that talks, even without preconditions, will lead nowhere.

There is little point in establishing preconditions if the terrorist group can agree to them at no cost to itself. Preconditions must require a concession or admission by the group of sufficient stature as to persuade the mediator that the group is approaching the talks in earnest and dent the public's skepticism over the group's readiness to change its ways.

One approach is to demand recognition of responsibility—and even an apology—for acts of violence as a precondition. *In the case of Libya, after a lot of pushing, Gaddafi's regime took steps to curb terrorism and agreed to compensate the families of the Lockerbie bombing victims. Libyan leaders ultimately came to understand that the destruction of a civilian airliner had been so shocking that Americans needed this tacit admission of guilt. Gaddafi also had to accept humiliating concessions such as sending senior intelligence officials to face trial in order for the United States to begin the process of ending the sanctions against Libya. Some other issues, however, were left for negotiations.*

## Remember That Moderation Is a Process

Decide how much moderation to demand as a precondition and how much to nurture through the engagement process. Bear in mind that moderation is a process, not a condition. Negotiation depends on some sort of sign of moderation but it can also itself promote the moderating of the terrorists. True negotiations imply a change in the terrorists' attitude toward the means of the struggle, and eventually toward its ends. The challenge lies in discerning how much moderation is necessary as a precondition and how much is likely to occur as a result of negotiations.

## Consider Requiring the Same Preconditions of All Parties

In some cases, mediators may craft different preconditions for different parties, tailoring terms to suit each party's particular character, composition, and behavior. In other cases, however, mediators may wish to advertise to all parties that the talks are fundamentally equitable by insisting that all parties accept the same conditions. This approach, if it includes as a precondition the cessation of violence, has the merits of catering to the desire of PAGs to be treated as an equal while requiring far greater concessions from the PAG than from nonviolent parties to the talks.

*Senator George Mitchell, when mediating in Northern Ireland, was faced with the dilemma that the British government and Unionists would oppose entering negotiations before the IRA had agreed to disarm, while the IRA refused to give up its weapons in advance of talks. "Our response was to formulate a set of principles to which any party wanting to enter negotiations would have to commit itself. We called them principles of democracy and nonviolence, and they eventually became known as the Mitchell Principles. We worked on them for several days, testing them for logic and practicality. They had to be strong and meaningful enough to attract the unionists, while not so impractical as to turn off the other political parties."<sup>16</sup>*

Ground rules for negotiations should also not prejudice the outcome of the talks. If they do, they will either be rejected at the outset by the party they disfavor or, subsequently, when their implications become evident during the course of negotiations. In either case, the negotiations will lead nowhere. More generally, do not try to trick a PAG or a government into reaching an agreement by some mediation sleight of hand; any inherent contradictions must be laid bare and any hidden implications revealed

during, if not before, negotiations if an agreement is to endure.

### **Don't Insist on Perfect Compliance**

Talks conditioned on the establishment and maintenance of a cease-fire or a cessation of violence should not let themselves be held hostage by spoilers. Terrorists are usually so decentrally organized that a leader's agreement to a cease-fire is often broken by uncontrolled splinter groups. Despite the fact that the cease-fire may have been stated as a precondition, governments need to show that they will not be derailed by spoilers. Processes that make cease-fires a precondition should have mechanisms to help distinguish between violations by the negotiating partners and violations by splinter groups. (For further discussion, see Step 6.)

### **Work through or around the Problem of Recognition**

A common type of precondition, but also a common stumbling block, involves the issue of recognition. One or both parties—the government and/or the PAG—may refuse to recognize the other as a legitimate entity or legitimate interlocutor, and the other party may refuse to contemplate negotiations until such recognition is forthcoming. Such standoffs can last many years. *American presidents played cat-and-mouse games for more than a decade with Yasser Arafat, urging him to recognize Israel's right to exist in exchange for negotiations. He always promised to amend his organization's founding charter to accept the Jewish state, but in the end, both the United States and Israel effectively settled for his willingness to openly negotiate with Israel—and fudged the question of the charter.*

Explicit mutual recognition is not necessarily essential at the start of a negotiation but it is essential if a peace agreement is to be agreed upon and implemented. Fortunately, the process of talking may itself encourage such recognition, and if the mediator decides to proceed in that hope, he or she has several options for launching talks in the absence of recognition. For instance, as discussed in Step 4, the mediator may shuttle between the parties, facilitate the exchange of documents rather than a face-to-face encounter, enlist other actors to act as go-betweens or speak on behalf of the parties, or select a venue that indicates it is not a formal exchange between equals (such as a panel to hear complaints from each side rather than a negotiation).

## **Recognize That the Terrorists May Have Their Own Preconditions**

Mediators and government negotiators are not necessarily the only players who may want to set preconditions for talks. The terrorist group may insist on preconditions, too. It may, for example, make talks contingent upon an acceptance of the need to tackle issues high on its agenda, such as the treatment and fate of its fighters who are prisoners of the government. If they involve promises to discuss the issue rather than to take concrete action on the issue, such preconditions should be seriously considered, not least because they signal a real interest on the part of the PAG in substantive talks. Terrorists' demands for concrete action as the price of beginning talks are harder to accept, but they are not necessarily unacceptable and should be judged on their merits. If a demand can be met at little or no cost to the mediator or government involved, then it might well be worth acceding to as a confidence-building measure.

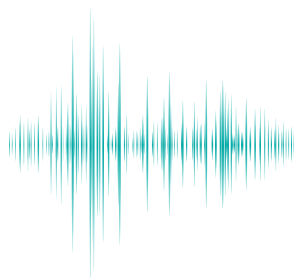
## **Decide When to Stop Talking**

While preparing a strategy for engagement—and throughout the implementation of that plan—always keep in mind options for disengagement. More particularly, at every step establish and maintain a clear view of your own red lines, which if crossed will signal that it is time to suspend or terminate the talks. Some of these red lines should be communicated and explained to the PAG, especially those that it is in the PAG's power to respect or violate—such as a return to a sustained campaign of violence. Other criteria for disengagement, however, may be kept secret, especially those that if widely known may encourage spoilers to transgress them—such as the occurrence of any violent act.

A decision to disengage should not necessarily be taken as a sign of failure or a reflection of a misguided decision to engage in the first place. The process of engagement will almost certainly have left the mediator more knowledgeable about the PAG, the grievances of its constituency, and the peace process as a whole. In addition, it may have sown the seeds of relationships between the mediator and current leaders or rising figures within the group. These relationships may well grow into opportunities for future engagement.

## **Decide How to Talk**

A broad spectrum of options exists for signaling intent and conducting talks. This spectrum runs from very indirect, highly deniable contacts, through public diplomacy and covert channels, all the way to direct, public negotiations between the terrorists and a mediator or negotiator. These options—and their implementation—are discussed in Step 3.



### STEP 3

## Open Channels

Initiating talks with groups that use terror is often difficult for a host of reasons. Terrorist and government leaders—and mediators trying to promote dialogue between terrorists and governments—may want gestures of good faith from the other side before talks begin, even though no good faith exists. Constituents on both sides have long become accustomed to viewing the potential interlocutors as enemies and even as fundamentally evil, and initiating talks with the other side may thus be seen as unrealistic or unconscionable.

There are, however, many ways to begin a dialogue with terrorist groups. At one end of this broad spectrum are very roundabout approaches that involve no official representatives of either side; at the other end are direct and public contacts between the mediator or negotiator and the PAG. In most cases, and especially those cases where political cover is required, indirect approaches should be tried first. Parties to the conflict can use trusted intermediaries, such as a friendly state or a trusted private individual, so that parties do not have to engage each other. In cases of mediation (rather than negotiation), the mediator himself or herself can provide political cover (the parties engage the mediator, not each other) or the mediator himself or herself may choose to use a more distant approach. track 1½ or track II can also be helpful in providing political cover and in discovering whether the two sides have anything to talk about.

Contacts may begin in secret and through third parties, but they need to be backed by public statements indicating openness to negotiate under whatever conditions are appropriate, and ultimately transitioned to formal, public processes. The advent of formal talks does not necessarily mean the end of indirect or covert contacts, because the latter may be helpful in overcoming roadblocks encountered in the formal discussions.



This chapter outlines a variety of ways of opening channels with PAGs. These are arranged in a spectrum that runs from the most indirect to the most direct of approaches. If an initial approach proves promising, a mediator or negotiator may well opt to move further along the spectrum, switching to increasingly direct channels as the prospects for fruitful discussion grow. Ultimately, this path may lead to full, direct, and public negotiations.

However, it is important to note that most openings do not lead to full-blown negotiations. A failure to progress to direct talks often occurs because the parties discover they have little to say to one another and little interest in trading concessions. In some instances, though, this lack of progression reflects the fact that one party never wanted to advance beyond an initial move, which was conceived not as the start of talks but as an alternative to talks.

## Choose from a Spectrum of Engagement Options

### Conduct Talks on the Sidelines

Discussions on the sidelines of international conferences whose subject matter is apolitical can set the stage for more serious political talks. Business, scientific, and academic conferences provide a venue for tapping the thoughts of attendees who might be members of a PAG or have close personal or professional ties to mid- or top-level leaders of a PAG. Mediators and negotiators, or individuals in contact with them, can use such forums to identify common interests and areas of future cooperation outside of the political realm, as well as to evaluate a proscribed organization's legitimacy to determine whether it is a genuine representative of a distinct constituency whose needs and concerns are reflected by the organization's leadership.

The term “talks on the sidelines” or a “meeting on the margins” denotes this type of approach: it is unofficial and informal, providing political cover to mediators and negotiators who want to explore the views of their interlocutors prior to an actual engagement.

*In Iraq, Sunni insurgents approached senior U.S. military officers during a regional business conference in Kuwait City in early 2004 seeking a political opening and an end to the conflict in Iraq's Sunni tribal areas.*

Identifying the forums in which a movement's leaders or allies are in regular attendance will help a mediator discover other, non-political issues in which a terrorist movement or organization is interested, and which can be central to planning a dialogue.

### **Contact Organizations That Are in Contact with PAGs**

A number of private organizations are in the business of engagement. Some of these have developed innovative approaches for engaging terrorists in ways that mitigate the risks and downsides. If not legally constrained from doing so, a mediator or negotiator may find it helpful to contact such an organization to discover if it has held discussions with members of a proscribed organization of interest to the mediator or negotiator. Any information that the organization is able to pass along may prove valuable in determining if more direct, official contacts might lead to fruitful talks. The organization may also convey the mediator's interest in exploring talks when next it meets with the PAG.

#### **The Global Leadership Foundation**

The Global Leadership Foundation is one of many examples of an organization whose goal is to provide a foundation for official diplomacy through unofficial and indirect contacts between nation-states and contending parties. While the goal of the organization is to promote good governance, democratic institutions, open markets, human rights, and the rule of law and to contribute to the prevention and resolution of conflict through mediation, its members (former diplomats and heads of state) often engage in sideline discussions with proscribed organizations to, as one former diplomat notes, provide a crack in the door so that the real political actors will feel comfortable walking through.

Source: <http://www.g-l-f.org/index.cfm?pagepath=Mission&id=22872>

### **Use Public Diplomacy and Megaphone Diplomacy**

Mediators and government negotiators have a number of public diplomacy options. Diplomacy by declaration is one common way of talking without having formal talks. Governments may issue formal statements that offer the promise of talks or at least the hint of talks subject to certain concessions by the terrorist group.

*In 1986, Colombia's newly elected president Virgilio Barco Vargas publicly announced he was offering leftist guerrillas the chance to reintegrate themselves into society and political life in exchange for dismantling their*

*military structure and disarming. In December 1993, the leaders of the United Kingdom and Republic of Ireland issued the Downing Street Declaration, which offered the IRA a role in negotiations over Northern Ireland's future should it reject violence.*

Using declarations rather than direct negotiations offers governments a political advantage as they can claim they are condemning violence even as they hold out the possibility of talks. The declarations, of course, often are necessarily vague and are difficult to use for delicate discussions of any quid pro quo. Rather than issue formal declarations, both terrorist groups and governments may grant interviews or otherwise encourage media reports that convey their message on the conditions for negotiations: an approach that has been labeled “megaphone diplomacy.”<sup>17</sup>

*Leaders of both the IRA (through its political wing, Sinn Fein) and the British government gave repeated interviews as the IRA considered entering talks in the mid-1990s. This method, like the use of declarations, enabled the government and the group to avoid charges of even considering talks until both sides could be satisfied that some concessions by the other were on the table.*

### **Rely on Trusted Intermediaries**

An alternative to the public but distant approach via declarations and the media is to rely on a trusted intermediary who, discreetly, will pass messages to and from a terrorist group. A mediator or negotiator may quietly use a member of a foreign government sympathetic to or at least in contact with a PAG to convey messages.

Dependable unofficial individuals can also be used. Such individuals can be more easily disavowed given their lack of links to the government in question.

*The IRA and the British government communicated for years through the Redemptorist priest Alex Reid, whose discretion and good offices both sides trusted. The Reagan administration conveyed messages to Arafat and his advisors through Swedish foreign minister Sten Andersson about what Arafat and his organization must do before the U.S. government would engage in talks.*

*In January 2010, a British businessman, David Abrahams, met privately with a member of Hamas, Aziz Dwaik, who had just been released from an Israeli prison. Dwaik told Abrahams that Hamas might be prepared to nullify the Hamas Charter, which calls for the destruction of Israel. Abrahams, who was on what he described as a personal mission to negotiate peace in the Middle East, relayed the offer to the Israeli media and British government.<sup>18</sup>*

An individual need not hold a particular post or have embarked upon a peacemaking mission to be of use as a go-between. Some are simply in the right place at the right time. If they take action, they can serve as a bridge to a more official process.

*An American businessman seeking reconstruction contracts with prospective Iraqi overseas business partners met an Amman-based businessman who had deep and broad contacts with the political wing of Iraqi insurgency. The American businessman used his Washington legal firm to inform the Pentagon of his contact and the prospective dialogue that the Iraq businessman offered. In the end, the American business contact provided an unprecedented baseline of knowledge for the U.S. Marines prior to their exchanges with Iraqi insurgent leaders in Anbar Province.*

At time, governments have even used individuals who they regard with some suspicion in this capacity. *The Reagan administration conveyed messages to Arafat on conditions for talks through American Jewish peace activists.*

### **Use Deniable Official Tracks**

A more official but still discreet method is for governments to use intelligence officers or other deniable but official individuals as interlocutors.

*In 1973, CIA Deputy Director Vernon Walters met with PLO officials in Tunis, which produced a promise that the organization would not attack Americans. The United States also passed diplomatic messages via lower-level CIA operatives who had already established contacts with PLO officials in Beirut to exchange information on protecting diplomats. In 2006, the British intelligence service, which had been holding secret talks with Hamas, sought to arrange a meeting between Hamas and Israeli representatives.*

When such a back channel is exposed, it can prove embarrassing to governments that claimed not to negotiate with terrorists, but the use of intelligence officials is less politically risky than formal ties.

### **Engage in Covert Talks**

Diplomats or other senior government officials can convey the seriousness of a government's commitment to talks more convincingly than other interlocutors. Similarly, a mediator or senior member of his or her team can underscore a readiness to start substantive talks by meeting in person with the representatives of a PAG. However, a government—or mediator—may have many powerful reasons not to want to make such personal contact public, not the least of which is the danger of provoking a firestorm of condemnation for sitting down with a group that is currently murdering its political enemies and members of the public. In such circumstances, covert talks may be the only practicable option.

*In 1972, even though the British government officially foreswore negotiations with the IRA, senior British officials met with IRA members, including Gerry Adams, who was transported from prison for the talks.*

Covert talks, however, are dangerous in themselves, because they run the risk of being discovered—or, more likely, being revealed. Members of the government who are uneasy about the talks may leak details of their existence to the media. And the terrorist group may itself publicize the existence of the talks if they do not generate the results the group had hoped they would. Remember that at this stage of the conflict, mutual distrust is very high and violence is likely to be ongoing. Indeed, the secret talks often take place at the same time as each side tries to improve its bargaining position via military action.<sup>19</sup>

### **Talk with Political Wings**

If direct talks with terrorists are too difficult to arrange or too morally or politically objectionable, mediators and negotiators can work through a political wing of the PAG. Sometimes, indeed, governments help to create such wings. Governments can knowingly allow a group to form an overt political wing as a way of engaging the organization. Governments can then negotiate directly or indirectly with these political figures with less risk.

*In the late 1970s, Spain encouraged the formation of Herri Batasuna as a political party, even though it was closely tied to ETA. (Twenty-five years later, with ETA losing support among Basques and with disillusioned members of Batasuna having formed a party opposed to ETA's terrorism, the Spanish government outlawed Batasuna.) Similarly, the United Kingdom allowed Sinn Fein to function even though for many years it was closely tied to the IRA's Army Council.*

In conflicts in which the government prohibits a PAG from participating in the political process and stifles its efforts to form a political wing, a mediator who senses the opportunity for constructive dialogue should evaluate options for enlisting international support to persuade the government to relax its ban or permit the formation of a political wing. *In South Africa, it was the government itself—or, rather, its leader, F. W. de Klerk—who took the bold step of unbanning the ANC, the South African Communist Party, and all other liberation movements in February 1990. “I realized that we would have little chance of success in the coming negotiations,” De Klerk explained, “if we did not grasp the initiative right at the beginning and convince the important players that we were not negotiating under pressure but from the strength of our convictions.”*<sup>20</sup>

### **Engage in Direct, Non-secret Talks**

Direct, non-covert talks between a mediator or government and a terrorist organization are rarely, if ever, the first form of engagement. Especially in the case of government-PAG talks, neither side trusts the other sufficiently to switch dramatically from violent struggle to direct negotiation, and both sides sense that the political costs of doing so would be exorbitant in terms of their constituents' outrage that their representatives were sitting down to talk with the very people they had for so long denounced as beyond the pale.

Consequently, direct talks are almost invariably preceded by one or more of the other forms of engagement described above. Indeed, even when direct negotiations begin, other forms of engagement are likely to continue.

The decision as to when to transition to direct talks is highly context dependent, but at a minimum a mediator or negotiator should not make that transition until:

- the PAG has demonstrated that it does not regard negotiations as an opportunity to rearm and regroup; but instead, it believes sincerely that negotiations may help it achieve what its use of violence cannot or has not accomplished;
- a degree of mutual trust and confidence has developed on the basis of both sides honoring commitments—albeit perhaps only minor ones—made to the other side;
- the level of public and/or political opposition to direct talks has been shown to be manageable—or, at least, has not been shown to be surely fatal to the mediator's or negotiator's political effectiveness; and
- the PAG has demonstrated that it is sufficiently cohesive internally and exercises sufficient authority over its supporters as to “deliver” their acceptance of the terms of an agreement that the negotiation might yield.

### Select an Approach Appropriate to the Context

The choice of approach should be highly context-driven. The level of ongoing violence, the degree to which the parties have reached a mutually hurting stalemate, the history of past contacts with the PAG, the degree of public and political support for or opposition to engaging the PAG: all such aspects of the conflict should be factored into the calculation of how best to open channels.

Not surprisingly, the character of the parties to the conflict is among the most influential of contextual factors to be taken into account. The nature and structure of the terrorist group (e.g., the extent to which its goals are negotiable, whether its internal discipline is tight, and whether its leaders or representatives are accessible) will rule out some forms of engagement while recommending others.

The nature of the entity that the mediator or negotiator represents will also profoundly shape the form of engagement chosen. NGOs typically have far greater latitude than governments when it comes to talking to a PAG. An independently financed conflict resolution or human rights NGO with its own self-defined mission, agenda, and rules has relatively little need to fear the loss of support or funding if it engages an PAG; to the contrary, its supporters are likely to cheer on its efforts to build bridges and seek peace in very challenging circumstances.

The United Nations or a regional organization is also likely to be readier to directly engage a PAG than is a government. Indeed, a mediator working for an IGO may have explicit instructions to talk to all sides in a conflict, including PAGs. *When he was mediating the peace process in El Salvador, Alvaro de Soto, the personal representative of the UN secretary-general, had a mandate that required him to talk to all parties. He found himself acting to some extent as the intermediary between the Frente Farabundo Martí para la Liberación Nacional (FMLN) and the U.S. government, which could not engage directly with the FMLN.*

Among the ranks of governments, questions of international status, reputation, and relative power create different opportunities and obstacles for engagement. A government that has loudly and consistently proclaimed its refusal to talk with terrorists and/or that has cast itself as a leader in the fight against global terrorism will have to restrict itself to very distant, indirect, or deniable contacts with PAGs. It may be able to broadcast a message to a PAG by public diplomacy, but any exchange of messages between the government and the PAG might well have to be handled by an intermediary or in highly covert talks. Such a government could not itself play the role of intermediary for another government. Other governments, however, face fewer constraints. A government that has developed a reputation as an honest broker would be both readier and better able to talk directly with a PAG and to play the role of intermediary for others.

As noted in the Introduction to this handbook, legal considerations also dictate the range of options for engagement. U.S. law severely limits the range of contacts that U.S. policymakers, NGOs, and individuals can have with groups that appear on the State Department's or Treasury Department's list of proscribed organizations. European Union proscription regimes are less restrictive—permitting, for instance, consulting with and offering advice to proscribed organizations as long as no financial transaction is involved—but, in practice, they still impede many types of direct engagement. Mediators from non-EU countries such as Switzerland and Norway have a much freer hand.<sup>21</sup>

In light of these differences, consider whether to craft a coordinated approach to engaging a PAG. Such a strategy could assign different roles to various actors, exploiting the advantages of each. Coordination of effort, however, requires considerable trust between the NGOs, IGOs, and



governments involved, as well as a readiness and ability to maintain strict confidentiality as contacts with the PAG are developed. Such trust and confidentiality are hard to find and diminish in direct proportion to the number of actors involved and the length of the engagement. For this reason, coordinated efforts are often best restricted to the opening moves of an engagement initiative.

## **Set the Right Tone at the Outset**

In either indirect or direct approaches, mediators and negotiators will be confronted with challenges in how they relate to the PAG and its representatives. Successful engagement requires mediators and negotiators not to identify with terrorist movements, but to understand their motivations and mindsets and to behave in ways that engage rather than alienate them. This is easier for a mediator representing a third party than for a negotiator representing a government that is fighting the terrorist organization. Even so, there is no point entering talks in the first place unless one is prepared, from the outset, to set a professional, respectful tone that will allow discussions to move beyond the trading of accusations and insults.

### **Listen**

A common complaint voiced by the leaders of terrorist movements and organizations is that they are misunderstood and that they are continually lectured on their behavior. Because these movements have been stigmatized, their belief that they themselves are victims is very strong. Listening, allowing the leaders of terrorist movements and organizations to feel heard, is perhaps the most important confidence-building measure a mediator can undertake at the outset of any dialogue.

### **Display Respect**

One of the most difficult aspects of talking with groups that use terror is the need to respect one's interlocutors. Respect is the basic condition of any negotiation. The opponent must be recognized as a party with standing—a negotiating partner because of its ability to veto any agreement and an actor with identifiable reasons behind its actions. However, respect does not mean sympathizing with the terrorists' aims and goals or even recognizing their legitimacy. It means understanding

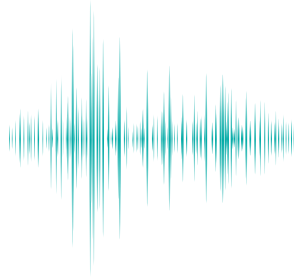
where the terrorist comes from, mentally and experientially. In terms of personal relations, respect is conveyed through status gestures and personal politeness. Regardless of public relations with the state the negotiator represents, the negotiator needs to be interested and appear understanding in his or her contacts with the terrorist representative.

Respect carries with it entrapment dangers, especially for third-party mediators. Do not become so attuned to the terrorist's point of view that the original aim of negotiation becomes obscured. Falling into this trap will make it difficult to persuade a government to accept any understandings one has reached in discussions with the PAG's representatives.

### **Identify Common Interests**

Successful engagement requires the identification of common interests. There are deep and substantive disagreements between terrorist movements and nation-states. But there are often areas of broad agreement: on economic growth, for instance, or on the importance of providing social services and dampening violence. Identifying these common interests at the outset of a dialogue will help shape a more substantive exchange on difficult political issues.





#### STEP 4

## Foster Commitment to the Process

Once talks have been initiated—and assuming they do not promptly reveal that the PAG is merely seeking a temporary breathing space or otherwise acting in bad faith—the mediator or negotiator should seek to nurture the terrorists’ fledgling and fragile confidence in the efficacy of talking as opposed to fighting. This section examines how to accomplish this step.

All mediation efforts, of course, need to cultivate commitment to the mediation process, but the challenge is greater when dealing with terrorists because they have chosen to operate outside conventional political and diplomatic channels, lack expertise and experience in bargaining, are hostile to the notion of trading concessions, are acutely suspicious of the mediator, and regard—and are themselves regarded by—the other parties as illegitimate. All these obstacles to productive talks are even higher in the case of direct negotiations between a terrorist group and the government against which it is fighting.

Nonetheless, by seeking to influence a PAG’s calculations of what violence can and cannot achieve, strengthening moderates within the PAG, acknowledging and addressing grievances within the PAG’s wider constituency, and encouraging track II learning the mediator can nurture a growing faith in the engagement process and a corresponding diminishing conviction in the efficacy of violence.

## Build Support for Talks within the Terrorist Group

### Affect Cost-Benefit Analysis of Violence vs. Negotiations

A terrorist group's goals and demands may well seem unreasonable to all other parties, but that does not mean that the terrorist leadership is unreasoning. To the contrary, while there may be some high-ranking figures within the group who have an irrational attachment to violence, most terrorist leaders will countenance abandoning violence if they can achieve their goals more effectively another way. Thus, a key challenge for the mediator or negotiator is to shift the PAG's cost-benefit analysis of the comparative benefits of violence versus talking. The mediator needs to show that there is a better way for the terrorists to reach at least some of their goals than through violence or that there are better goals to be achieved through negotiation than those currently claimed.

There are various ways of doing this, including the following:

- ▶ Enact or publicize measures that may change the terrorist group's calculus that only violence is effective. *John Hume, leader of the Social and Democratic Labour Party and one of the architects of the Northern Ireland peace process, sought to persuade Gerry Adams—and through him the IRA—that the Downing Street Declaration removed the basis for the use of force by the republican movement. The IRA's military campaign was based on the conviction that the British government was the enemy and that only physical force could evict it, but now that London said that it had no such interests in Northern Ireland and that its people could decide their own future, the rationale for the campaign of violence no longer existed.*<sup>22</sup>
- ▶ Cite past instances in which a PAG won concessions during talks without the use of violence. *Mention, for instance, that the secessionist Bougainville Revolutionary Army (BRA) won autonomous status and a new constitution for Bougainville during talks with the government of Papua New Guinea. The talks ran from 1997, when a cease-fire was declared, until 2001, when a comprehensive peace agreement was signed. The BRA subsequently disarmed and disbanded.*<sup>23</sup>
- ▶ Encourage track II activities that encourage the belief that the group can achieve at least some of its goals through talks instead of violence.

- Persuade international actors that provide support (moral, political, diplomatic, and especially financial and materiel) to the PAG to promise to increase that support if the talks make progress, and to threaten to reduce or terminate their assistance if the PAG obstructs or delays the talks.

### Enlist the Support of Prisoners

Imprisoned terrorist fighters can be powerful advocates for peace. Prisoners play an important role in the politics of most terrorist movements and are seen by many in their communities as heroes who fought to defend a way of life and an oppressed people. Yet time in jail sometimes gives a prisoner a reason or an opportunity to contemplate a negotiated settlement to the conflict. *While in jail for political violence, a number of Egyptian Islamists had the time to explore other ways of pursuing their goals, and came to see the advantages of entering negotiations.*<sup>24</sup> *A letter written in the summer of 2004 by six leading members of ETA, all of whom were serving prison sentences, acknowledged that ETA had been defeated by the Spanish government's strategies and demanded that the organization abandon terrorism. The six were expelled from ETA, but the letter was filtered to the media and encouraged hopes that ETA would have to enter negotiations. In July 2005, the Spanish congress approved a resolution asking the government to enter into dialogue with ETA if the organization demonstrated "a clear willingness to end the violence."*<sup>25</sup>

Mediators and government negotiators should thus consider engaging prisoners who have or who may call for an end to violence, sounding out their views and, if they are helpful for the peace process, publicizing them. Prisoners may also be directly involved in the negotiations. Their authority with their own constituents—and thus their effectiveness as negotiators—depends, however, on their being seen as unapologetic fighters for the cause. *Nelson Mandela led the ANC into successful negotiations for the introduction of multiparty democracy after serving twenty-seven years in prison. He was released from prison in 1990 specifically to conduct the negotiations. On the day of his release, he declared his commitment to peace and reconciliation but he did not condemn or renounce the use of violence by the ANC.*

Former terrorists who embrace the call for peace are well placed to face down those within a terrorist group who claim that negotiation is not only

pointless but also cowardly. *Former Protestant terrorists in Northern Ireland were able to ridicule assertions from some quarters of the Protestant nationalist movement that to contemplate negotiations was to sell out the Protestant cause. The former terrorists had already served prison time and otherwise demonstrated their bona fides, and thus could not easily be caricatured as traitors to Ulster's cause.*

Against the benefits of engaging prisoners, the mediator or negotiator must also weigh the impact on the wider public of being seen talking to prisoners who are in jail for violent crimes. Their victims are likely to resent and publicly protest such engagement. A mediator or negotiator may be able to mitigate the consequences in terms of public reaction by engaging in very low-profile talks, avoiding talking to terrorists convicted of particularly heinous crimes, or linking talks with prisoners to visiting victims as well. But complaints are sure to be made, unless engagement with prisoners is kept secret, in which case its impact on the terrorists' constituency—which is usually a major part of the *raison d'être* of engagement—will be undermined. *When Ehud Barak sought to reinvigorate the Israeli-Palestinian peace process, the initiative almost immediately foundered because the Palestinians insisted on the release of all political prisoners held by the Israelis, no matter why they were being held. The Israeli public, however, could not tolerate the release of Palestinians who had killed Israelis.* In short, there are no cost-free options, and the advantages and disadvantages need to be carefully weighed in advance. In the absence of subjective and objective indicators of conflict ripeness (see pages 28–30), the disadvantages of talking with prisoners convicted of violent crimes are likely to outweigh the advantages.

### **Strengthen Moderates in the Movement**

By making violence seem less effective a strategy than talking, the mediator will also help the cause of the moderate negotiating faction within the PAG, which needs to show other factions that it is not selling out but rather is seizing the occasion to achieve some goals. Rewarding moderates for their constructive participation in talks with a series of increasingly significant confidence-building measures—such as the creation of an independent commission to review highly contentious and highly symbolic issues—will not only foster the moderate's commitment to the process but also give the moderate faction something to show to their skeptical comrades.

*In 1984, Indian prime minister Rajiv Gandhi negotiated with a moderate Sikh political party, Akali Dal, in a bid to undermine support for ethno-national terrorism in the Punjab. Akali leaders were released from internment, Gandhi employed “a healing touch” toward the party, and the two sides signed a Punjab Accord in July 1985. A few months later, moderate Akali Dal candidates drew major popular support and won power in the state’s elections.*

*The U.S. government designated the Communist Party of Nepal—Maoist (CPN-M) a terrorist organization in 2003, and the State Department refused to discuss anything with the CPN-M, even when it won the largest share of the vote in nationwide elections in 2006 and became part of Nepal’s coalition government. This lack of contact helped neither side nor the wider peace process. A rethink in Washington led to a series of meetings—first informal, then formal—with Maoist leaders and a promise to reconsider the blacklisting of the CPN-M if the peace process moves ahead. This engagement has strengthened the position of more moderate leaders within the CPN-M despite the objections of hard-liners, who still distrust the United States.*

Take steps to elevate the standing of moderates within their movement and/or their public profile, but do so without tainting them or otherwise undermining their legitimacy. For instance, an expression of support for a moderate figure within a PAG from the government that the PAG is fighting will likely seriously, perhaps fatally, damage that figure’s standing within the PAG. However, a similar expression of support from a third party held in high regard by the PAG may boost the figure’s reputation.

*Many urged the U.S. president to approve a visa for Gerry Adams to come to the United States. They argued that it would enhance Adam’s stature, enable him to persuade the IRA to declare a cease-fire, and permit Sinn Fein to enter into inclusive political negotiations. The U.S. dialogue with Adams that began in 1994 did indeed contribute to the IRA cease-fire decision later in that year, in part, by strengthening Adams stature at the expense of those in the IRA’s senior ranks who favored continued violence.<sup>26</sup>*

Just as moderates should be rewarded, extremists should be punished or penalized for their obdurate opposition to talks and their efforts to sabotage them. Punishments and penalties can take many forms: inclusion on a list of proscribed actors, sanctions that restrict travel or target bank accounts, bans on political activity, indictments by war crimes tribunals, and so forth.



The overuse of punishments, however, can create the impression within the PAG that moderates are complicit with governments in the unjust treatment of hardliners, that the moderates have sold out not only their own principles but also their more principled comrades. Always be very cautious of isolating moderate leaders within their own group and (as discussed in Step 6) creating or encouraging support for rival movements and spoilers.

### **Weigh the Merits of Creating Internal Divisions**

Third-party mediators and government negotiators may both seek to isolate spoilers within the ranks of a PAG, but may well differ on the wisdom of creating deep divisions within the PAG. A mediator is more likely to seek to avoid creating or widening such fissures, on the grounds that a deeply divided movement is unlikely—now or in the future—to be able to agree on a peace agreement or, even if an agreement is reached, to ensure that its terms are observed by the PAG's members and supporters.

A government negotiator, however, may decide (especially when talks seem destined to lead nowhere) that talks offer the chance to weaken the PAG as a fighting force and a political force by driving a wedge between different factions. Talks that lead to an offer of concessions can create fractures within a movement. *The British hoped that if talks failed to produce a settlement with the IRA, they would at least create divisions within its ranks and weaken the group as a whole.*

Government efforts to split a movement and wean the moderates away may succeed, but enough hardcore members may remain that terrorism continues. *Many members of the ETA's political wing, Herri Batasuna, responded to the Spanish government's policy of social reinsertion (concessions that maximized Basque cultural and political rights) but some radicals maintained control over the movement and continued violence in the name of complete independence. Many members of M-19 in Columbia also turned away from bloodshed, but a violent fringe remained.*

This partial success, while far from ideal, can nonetheless reduce the scale of violence. However, creating divisions can backfire if the movement becomes so fragmented that it is unable to negotiate effectively for years to come.

## Acknowledge and Address Sensitive Issues for the Terrorists

The tasks of shifting cost-benefit calculations and strengthening moderates can both be assisted by creating concrete evidence that the talks are actually tackling issues that are important to the terrorists, not just issues of concern to the mediator or negotiator.

Such highly sensitive issues are highly context-dependent. *In Mindanao, the issue of “ancestral domain” (a Gordian knot of concerns about ownership of land, control of resources, and nature of governance) lies at the heart of the conflict between the Philippine government and a number of local insurgent groups. In South Africa, the ANC was concerned above all to end apartheid and introduce majority rule.* Even so, some issues do feature prominently in many, if not most, terrorist conflicts, notably, the disarmament and demobilization of terrorist forces and the treatment of terrorists held prisoner by the government, whom the terrorists regard as soldiers rather than criminals.

*“The early release of Nelson Mandela and other ANC leaders from prison in February 1990 signaled the start of South Africa’s peace process; the release of hundreds of other ‘liberation movement’ prisoners followed during the next two years. In Northern Ireland, the early release of republican and loyalist prisoners had to await the Good Friday Agreement, but prisoners were centrally involved in the negotiations that preceded it.”<sup>27</sup>*

Symbolic as well as concrete measures can be vital to the effective handling of sensitive issues. *“The Kosovo Liberation Army (KLA) handed its weapons to NATO peacekeepers within the ninety-day deadline agreed on under a postwar accord signed in June 1999, although some of the weapons were merely transferred to the Kosovo Corps, a defense force newly created from the KLA. ‘We are not going to take off our uniforms and our weapons,’ said one of their commanders. ‘We are only changing to new uniforms and a new badge.’”<sup>28</sup>*

## Build Support for Talks within the Terrorists’ Constituency

Talks with a PAG are likely to prove more productive if the constituency that the PAG represents—or claims to represent—endorses the idea of negotiation in general as well as the specific ongoing talks. Such endorsement tends to be closely related to a declining support or tolerance within the constituency for violence.

Most of the tactics addressed above in terms of changing the terrorists' calculations of the cost/benefit of violence versus negotiations also apply to influencing their constituents and supporters, but a few additional actions can be aimed directly at supporters.

### **Acknowledge and Address Community Grievances**

Encourage the government to address community grievances and thus strengthen what is likely to be a fragile belief within the community: namely, that the government may, in fact, be worth talking to and does not respond only to violence.

Grievances will be context-dependent, of course, but just as prisoner releases and disarmament are typically highly sensitive issues for the terrorists themselves, so policing and security are usually of great importance to the terrorists' constituents. Internal conflicts often lead to the militarization of the state's security apparatus, and members of the community from which a PAG draws its recruits and supporters often are, or often feel themselves to be, targets of heavy-handed, biased policing. In order to signal to that community that a peace process is making headway, a mediator or negotiators should work to demilitarize the security apparatus. In addition to removing troops from the streets, the police force should be reformed and retrained, former militants integrated into its ranks, and some form of community policing introduced.

The challenge is to move forward in this fashion while not undermining the ability of the security forces to deal with violence by hard-liners and spoilers. To achieve this balance, the mediator should address police reform early in the peace process but proceed gradually. The mediator is unlikely to have the authority to make policy decisions himself or herself, and should thus strive to persuade policymakers to demilitarize in response to—or sometimes in anticipation of—a decline in political violence while retaining the ability to reactivate the security machinery if the level of violence rises. The kinds of measures to be contemplated include the following:

- Withdrawing troops to barracks
- Establishing joint army-police patrols
- Phasing out checkpoints

- Introducing symbolic changes, such as changes in the names and uniforms of the police force
- Making reforms visible to the public
- Incrementally widening grassroots participation in policing
- Inviting independent bodies (IGOs or NGOs, for example) to monitor for human rights abuses by security forces<sup>29</sup>
- Not overreacting to isolated incidents of violence by factions within the PAG

Throughout interactions with constituents of terrorist movements, the mediator should display great sensitivity to local concerns and restraint in the face of local expressions of frustration and resentment. Anticipate flashpoints. Allow, rather than stifle, noisy but peaceful expressions of discontent (e.g., street demonstrations) which can serve as pressure valves for frustration and disappointment with the slow pace of the peace process.

### **Decrease Constituent Support for Violence**

An offer of talks may not convince a terrorist leader to change course by itself, but his (or her) public—hopeful that talks might lead to peace and other benefits—may become less supportive of violence. This increases pressure on the group to limit or suspend its violent activities out of fear of losing recruits, money, and overall sympathy. Once talks are under way, this pressure is likely to increase, especially if the talks seem to be moving forward in an encouraging direction.

If a PAG responds to such pressure, the benefits for the peace process are immediate: the PAG will be more likely to enter talks and make concessions. If a PAG does not respond to such pressure, the peace process still benefits, but over the long term, rather than the short term: constituents will gradually come to see the PAG as indifferent or hostile to their interests and the PAG's political support will gradually erode. Confronted with declining support, the PAG may at first respond by staging more and bloodier attacks, perhaps in an effort to provoke a government backlash that, by hurting the wider constituency, will reverse the tide of moderation. Over time, however, declining constituency

support for violence will translate into fewer recruits and less support, which will undercut the group's ability to use violence.

One of the mediator's or negotiator's chief assets is a population's war fatigue and desire for normalcy, and the leverage they exert over a PAG. Indeed, in the absence of such fatigue an offer of talks may well be rejected or accepted only as a tactical gambit. Where such fatigue does not exist, the mediator can do little to generate it, but he or she can use the media and other public platforms to foster hope among the PAG's constituency that talks may lead to a lasting peace, or at least a reduction in violence.

In the case of religion-based terrorism, clerics can be useful in casting doubt on the acceptability of the use of violence. This is a role that secular authorities cannot possibly fill, and indeed any perceived link between secular and religious authorities can weaken the latter. Often, the effect of the religious authorities on the terrorist is indirect; religious statements condemning terrorism can work to delegitimize it in the eyes of the potentially sympathizing public, and thus weaken public support for terror.

### Encourage Track II Learning

Encourage track II activities that introduce the community to the other side and to alternative viewpoints. Challenge the victim mentality that blocks solutions and the standard assumption on both sides that the other side responds only to violence. Exposure to the other side may help to humanize the other side; if nothing else, it may help each side realize that both sides see themselves as a victim or minority community, under siege and the recipient of a long litany of violent blows from the other. *At camps run by the Seeds of Peace, an organization that brings together Israeli and Arab adolescents for a summer camp at which they confront their prejudices and learn the practical arts of coexistence, "the campers begin without any understanding of the other side's pain. . . . As they listen to the other side's stories of individual and collective suffering, they undergo a transformation; now they begin to understand the cyclical nature of the conflict and the need to end all suffering."*<sup>30</sup>

In consultations with various parts of society, be alert to suggestions for confidence-building measures and consider including these in the track I peace process. But also encourage a broad range of peacebuilding activities beyond the confines of the official talks. For instance, track II

actors can enhance the likelihood of reaching and sustaining an agreement by familiarizing PAGs with the process of subscribing to and adhering to international norms and treaties. *Geneva Call is a humanitarian organization dedicated to engaging armed non-state actors and encouraging them to comply with the norms of international humanitarian law and human rights law. The organization has encouraged forty-one non-state actors, including some PAGs, to sign a Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines. The deed allows these non-state actors, who are not eligible to enter into the AP Mine Ban Convention, to undertake to observe its norms. Such opportunities for a PAG to make the kinds of commitments made by state actors also show the PAG's ability to negotiate seriously and enforce compliance by its followers.*

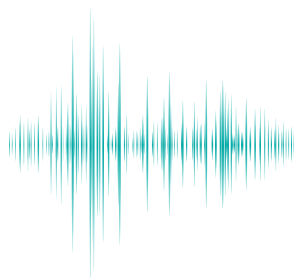
(For an in-depth discussion of the usefulness of track II initiatives to track I mediators, see another handbook in the *Peacemaker's Toolkit* series, *Conducting Track II Peacemaking* by Heidi and Guy Burgess.)

### **Weaken the Incentives to Support the PAG**

Mediators rarely have it in their power to influence policymaking to the degree necessary to initiate a government policy that can sap a constituency's support for a PAG, but a government negotiator is likely to have the ear of a policymakers. Such access may be an opportunity to suggest or support social reforms designed to make life less difficult for the PAG's constituency and thus weaken the hold of a PAG. *After Israel occupied the West Bank and Gaza in 1967, the Israeli government instituted the "open bridges" policy that enabled residents to work outside those territories. One direct consequence was a dramatic reduction in unemployment. An indirect effect may be to have postponed the outbreak of the first intifada for twenty years.*

According to one study of fourteen counterterrorism campaigns, "soft policies" to undermine support for terrorists by social reform and mobilization of moderates have been "crucial ingredients" in several of those campaigns.<sup>31</sup> In some cases involving PAGs with a mass base, policy initiatives have been used independently of or in place of negotiations with the terrorist group. *In Peru, the government refused to negotiate with the Shining Path itself but established microdevelopment agencies in areas where the Shining Path drew much of its support, and helped to regain local support for government authority.<sup>32</sup>*





## STEP 5

# Facilitate Negotiations

Fostering commitment to the peace process is vital, but no less so than trying to ensure that the negotiations at the heart of that process are productive. Indeed, if they prove unproductive, the PAG's commitment to the process is very likely to evaporate.

Of course, mediators in all kinds of conflicts try to push negotiations forward, and many of the techniques they use to do so are the same whether or not a conflict involves terrorism. However, because of the extreme distrust and cultural chasm that separate governments and PAGs, some things that are all in a day's work for a mediator may take on unusual sensitivity or significance.

This chapter highlights those tactics that are particularly pertinent to negotiations involving terrorists and outlines specific strategies that might help to secure an agreement despite the breadth and depth of the divide between the parties. It does so for the most part from the perspective of a mediator, rather than a government negotiator. To be sure, much of this chapter is relevant to the work of a government negotiator, but governments themselves are part of the challenge confronting a mediator who is trying to facilitate a negotiated settlement.

## Navigate Sensitivity of Third-Party Mediator Involvement in Talks

A PAG may resent a third party intruding itself into the group's conflict with the government, especially if the would-be mediator represents a state or organization that is sympathetic to the government. A government may also be sensitive to third-party involvement, seeing it as unwanted interference in its internal affairs or even as an infringement of its



sovereignty. *The Spanish government was irked by the issuing of the Brussels Declaration in March 2010, a document signed by an array of major international figures (such as Nelson Mandela and Mary Robinson) that called on ETA to adopt a permanent cease-fire and on Madrid to make an “appropriate response” and negotiate “a just, permanent and democratic resolution of the Basque conflict.” The Spanish government, whose security forces had dealt ETA numerous blows in recent years, declared, “This is not a time for statements, but a time for ETA to give up and disband itself.”*<sup>33</sup>

A mediator looking for entry may therefore want to avoid describing himself or herself as an “envoy” initiating a “negotiation” or “peace mission;” vague or elliptical terminology may be more acceptable, especially if the mediation initiative can be disguised—verbally at least—as a far less intrusive activity. *To avoid offending the British government and to launch his involvement with the Northern Ireland peace process, George Mitchell was given the title “special advisor to the president and the secretary of state on economic initiatives in Ireland” and asked to organize a conference in Washington on trade and investment between Northern Ireland and the Republic of Ireland.*

While governments usually want to treat terrorism as a matter for its domestic law enforcement system, some PAGs want to internationalize their conflict, bringing in foreign governments or IGOs that are either sympathetic to their goals or at least prepared to press the PAG’s government adversary to make concessions for the sake of ending the conflict. *The PLO has almost invariably welcomed U.S. involvement in the Israeli-Palestinian peace process, not because Washington necessarily supports Palestinian interests but because Washington is seen as having both the ability to influence Israeli decision making and a strong interest in bringing stability to the Middle East.*

Mediators, always looking for leverage over the parties, may share a PAG’s desire to internationalize the peace process and for much the same reason. However, confronted by a government’s reluctance to internationalize, a mediator will need to tread carefully not only in the terminology he or she uses but also in the external actors he or she seeks to introduce into the peace process. Ideally, those actors should be seen by the government and the PAG as supportive allies or at least as evenhanded supporters of the peace process. Consider recruiting several foreign actors so as to reassure each party that at least some of the foreign players have

its interests at heart. And where possible enlist the participation of foreign governments that one or both parties are reluctant to offend.

*Cuba, Venezuela, Mexico, Spain, and Germany have all played host on various occasions to peace talks between the Colombian government and Marxist rebel group the Ejército de Liberación Nacional (ELN). At talks between the ELN and government in Cuba in 2005, Spain, Norway, and Switzerland participated as observers.*

*American involvement in the Northern Ireland peace process was welcomed by the IRA, which had always enjoyed strong political and financial support from sections of the American public. The British government was wary at first of U.S. involvement, but Downing Street did not want to offend or embarrass the Clinton White House. Furthermore, the body set up to oversee the decommissioning of arms and explosives by Republican and Nationalist fighters included a Canadian chosen by the British and a Finn picked by the Irish.*

## Build Trust and Demonstrate Neutrality

Neither party trusts the other but both must trust the mediator for the mediation to work. Such trust, however, will not exist at the outset of a mediation initiative and has to be earned.

A terrorist movement will naturally be suspicious of any formal mediation effort offered by an international community that has largely condemned the movement. Begin to allay this suspicion by showing a willingness to listen to the PAG's grievances and by indicating understanding of, and even sympathy for, the terrorist group's goals, while making it clear that the group's tactics are entirely unacceptable.

A government will be wary of a mediator who regularly talks with a group it considers anathema and who seeks to persuade the government to make concessions to that group. Strive to persuade the government that the mediator's allegiance is to the peace process, not the terrorists, and that a negotiated settlement is in everyone's interests.

The mediator must not only be independent from both sides but also be seen to be independent. Insist on neutral language, which may mean embracing arcane terms or neologisms ("decommissioning" instead of "disarming" in the case of Northern Ireland) that ruffle no feathers. Be

conscious of symbolism at all times. Do not choose a venue for negotiations that embodies the power of one side or evokes painful memories for the other. Time announcements of key developments and deadlines for reaching agreement to coincide with celebrations that bring the two sides together (a religious holiday, perhaps) rather than with commemorations that push them further apart (such as the anniversary of a military victory or defeat).

## Provide Cover for the Parties

Once trust has been established, the mediator can become a cover for concessions, with the parties making compromises for the sake of good relations with the mediator, something they could not have made directly with each other. However, in the end the person negotiating for the terrorist group must be able to take responsibility for the agreement, which cannot be seen as having been forced on him by the mediator.

Mediators can be invaluable to parties who have great difficulty convincing constituents of the value of engagement. A mediator may opt to publicly assume responsibility for misunderstandings, deadlocks, and delays—even if the mediator was, in fact, entirely blameless—rather than see the process collapse. A mediator may also rescue negotiations from the ire of constituents averse to any concessions by publicly announcing that an arrangement may indeed be a compromise for both sides, but highlight the need for a compromise in order for the peace process to move forward.

## Encourage Compromises

Compromise, of course, is vital if any peace process is to advance, yet in a conflict between terrorists and governments the two sides will probably have spent years, if not decades, loudly proclaiming their implacable opposition to any concessions to the other side. In such a situation, the mediator must use every tool at his or her disposal to help the parties escape this self-imposed embargo on compromise and to prepare their constituents to accept that a partial success is preferable to continuing armed struggle.

Useful techniques may include the following:

- ▶ Distinguish between valid security needs and entrenched positions when trying to create compromises. For instance, a PAG may genuinely

fear for its members' safety if it disarms entirely in advance of the implementation of a negotiated settlement, but a blanket refusal to get rid of any weapons as negotiations proceed is likely to be motivated by political rather than practical considerations. Similarly, a government that insists that a PAG hand in all its weapons at an early stage in the peace process is probably trying to score political points by demonstrating its uncompromising stance to its own supporters or by demanding something that the PAG cannot realistically provide. Political calculations matter, of course, but they are more negotiable than solid security concerns.

- ▶ Make sure that both sides get something they want, but also try to ensure that those gains are mutually dependent. *In Northern Ireland, several institutions were established—among them, the North-South Ministerial Council, the Northern Ireland Assembly, and the British-Irish Intergovernmental Conference—and it was agreed not only that they would function simultaneously and cooperatively during a transitional phase, but also that if one ceased to function so would the others.*
- ▶ Ensure that concessions are not only reciprocal but also, where possible, parallel, thereby helping to resolve the question of which side makes concessions first. *In negotiations in the late 1980s and early 1990s to end the insurgency in El Salvador, the government and the FMLN agreed that negotiations on political issues would proceed in tandem with a process of gradual disarmament.*
- ▶ Structure concessions so that they are not isolated nor unilateral but phased and reciprocal. For instance, demilitarization of the security forces should be matched by disarmament of the terrorist forces. Early release of prisoners should be accompanied by steps to recognize the suffering of victims and provide their families with compensation. Unilateral concessions are likely to be pocketed by the other side. *In Colombia, President Pastrana sought to persuade FARC of his sincere desire to negotiate by handing control of much of the south of the country to FARC, but FARC responded by acquiring new recruits and weapons. Pastrana later tried a similar approach with the ELN in the north of the country, but this time he conditioned the withdrawal of security forces on the ELN's participation in a national peace convention.*

- Propose that the parties solve a thorny issue not by trying to negotiate a solution among themselves but by agreeing to establish an independent process that will then determine a solution. *In the El Salvador negotiations, “the FMLN wanted the dismissal of a large number of army officers identified by name, but was persuaded to accept that an impartial panel should make recommendations that the president agreed, sight unseen, to carry out within his powers as commander in chief. The FMLN also agreed not to press for negotiation of economic reforms, agreeing that the economic policy should be left to a government elected in a free and fair process with ample, internationally verified participation.”*<sup>34</sup>
- Soften the impact of demands placed on parties by framing them as considerations rather than requirements, as informal suggestions rather than formal recommendations.

## Allow Parties to Save Face

Like achieving compromises, helping parties save face is a vital ingredient of enabling the parties to exit entrenched positions and break stalemates. Governments, no less than PAGs, are acutely conscious of the price of being seen by their constituents as caving in to pressure either from their adversary or from the mediator. If the parties are to contemplate making concessions, they need the reassurance that the mediator, if not their adversary, will help them appear to be making concessions from a position of strength or adherence to principle, not out of weakness or unprincipled expediency.

One way the mediator can do this is to secure agreement on general principles before tackling specific demands. The parties may have difficulties in persuading their supporters to accept those principles, but if and when they are accepted, subsequent compromises can be presented to supporters as consistent with those principles.

Another tactic is to let parties buy time if they need it. A government or political party that has previously refused to negotiate with a PGA may need to give its constituents time to reconcile themselves to the fact of upcoming talks. In such cases, accede to requests to delay the start or next round of negotiations so that the political temperature can cool down and the party can consult with its members and supporters and begin to build acceptance of the idea of negotiations. Be aware, however, that parties may

pretend to need time to build internal consensus when they are merely seeking a breathing space in which to rearm. To guard against the latter, ask other parties for their assessment of the sincerity of the party's request for time, insist on regular updates from the party and look for evidence of progress toward consensus, and create deadlines for a return to the negotiating table.

Consider referring highly contentious, symbolically loaded issues to referendums, so that the parties do not have to shoulder the responsibility of making a controversial decision and can instead offload that burden to their constituents. Hard-liners may still protest if the constituents opt for a compromise solution, but such a solution will be better able to withstand attacks from spoilers if it has widespread public support. This tactic is not without its dangers, notably the prospect that a majority of voters will oppose a proposed concession or peace agreement. That danger should not be exaggerated, however. If a majority, or even a substantial minority of a PAG's constituency, opposes a deal, then that deal may well be fated to eventual collapse. So an earlier rejection (and a subsequent search for a more acceptable deal) may, in fact, be better for the peace process in the long term.

Allow parties to reject an agreement rhetorically, thereby maintaining their uncompromising image within their own constituency, as long as they implement it in practice. *Ian Paisley, leader of the Democratic Unionist Party, was asked by George Mitchell to affirm his party's commitment to the Mitchell Principles (the ground rules for participation in talks on Northern Ireland's future). "Paisley responded with a speech in which he called the entire process a 'complete charade' and criticized the Irish government. He then accepted the principles unreservedly. I thanked him and said that I regarded his additional comments as personal remarks that did not affect his party's acceptance of the principles."*<sup>35</sup>

## Structure the Process to Provide Necessary Flexibility and Constraints

The very structure of the peace process and the basic negotiating approach can also help the parties save face as well as allow the peace process to withstand external shocks and internal crises.

- ▶ Terrorist negotiations are best advanced by step-by-step agreements. Successive agreements allow issues to be handled seriatim, permit check-points to be established along the way, engage the parties in a familiarization and moderation process, and build trust. Incremental negotiations also avoid major crises posed by a large take-it-or-leave-it proposal, which may be too much to swallow all at once and therefore may cause breakdowns.
- ▶ Design a structure that can accommodate walkouts by various parties, given the need for grandstanding or time to adjust to major shifts in position. The mediator can arrange for the negotiations to continue but change the format to ensure that decisions that require all parties are not taken during periods when they are not participating.
- ▶ Use different structures to address differing priorities among the participants. Mediators can choose between options such as parallel commissions; different groupings of parties in different parts or strands of the talks; the use of separate, private meetings on the side and other options to pursue negotiations in the forum most conducive to success. The use of a variety of structures helps a mediator address the asymmetry between the parties, as well as recognition issues. Such asymmetric structures may be helpful to avoid asking a government to sit with a terrorist movement as equals.
- ▶ Format meetings for success. Hold private meetings between some participants before or alongside the full formal meeting so that different parties can develop a better understanding of each other's positions and of the mediator's goals. Remove recording equipment and prohibit note taking in meetings at which the participants are to be encouraged to speak candidly.
- ▶ In multiparty talks, design a voting structure that can limit opportunities for stalling and build or sustain momentum. *In the Northern Ireland peace process, Mitchell used a complex voting procedure called sufficient consensus. This procedure required majority support within unionist and nationalist ranks for any agreement while denying any single party within either bloc power of veto. Sufficient consensus also enabled a party to vote against a specific part of the agreement while voting for the agreement as a whole. In addition, Mitchell gave each party*

*the right to raise any relevant issue of concern and receive a fair hearing, but not the right to have a vote on each issue.<sup>36</sup>*

## Draft Documents That Encourage, Not Foreclose, Discussion

The process of drafting documents to be used in the talks is not a purely technical affair but also an opportunity to stimulate constructive discussion of new ideas rather than provoke the rehearsal of old grievances. Even a seemingly obvious and straightforward step such as crafting a document that identifies the key issues for resolution may help the parties to see beyond their own agenda and acquire a more panoramic view of the interests at stake, which in turn may disclose where trade-offs can be made. Given that governments and publics often see nothing more of a PAG than its violence and hear nothing of its demands except for the loudest and more radical, this simple tactic can often surprise government negotiators and uncover potentially productive avenues for discussion and compromise.

Draft an agenda for discussion that gives the parties something to respond to, rather than presenting them with a blank slate and *carte blanche* to discuss anything and everything. Alternatively or additionally, consider using a two-draft process. The first draft presents in unvarnished form the parties' maximalist demands and is virtually guaranteed to provoke heated exchanges, denunciations, and accusations. But once the parties have let off steam, they can be given a much more moderate and more diplomatically worded document, which will seem all the more even-tempered and even-handed in light of the first, and which will allow the parties to discuss issues of substance.

## Manage Public Relations and Media

In dealing with the media and shaping public perceptions of the peace process, the mediator should employ many of the same techniques that are pertinent to mediating conflicts of all kinds. These are discussed in depth in another handbook in the *Peacemaker's Toolkit* series, Ingrid Lehmann's *Managing Public Information in a Peace Process*. For instance, the mediator should monitor the press carefully and continuously, anticipate crises, and maintain good contacts with both local and international media.



Some PR techniques, however, are particularly germane to mediation between governments and PAGs. Leaks, for example, are more likely because of the low level of trust between the parties, the high level of internal disunity on the PAG's (and perhaps also the government's) side, and the intense interest among the public on both sides in the progress of the talks and the equally intense fear that the negotiators are trading unacceptable and unforgivable concessions.

That same degree of public interest also puts a premium on the need for the mediator to conduct a public information campaign throughout the mediation effort. Even before talks occur, and even when they have resumed in secret following an earlier breakdown, the mediator should seek to build popular support for the idea of a negotiated settlement by using the media, speeches, and other public appearances to underscore the costs of continued conflict, lay out the mutual advantages that a peaceful settlement can bring, explain the terms and structure of the negotiating process, counter misinformation, and encourage optimism while tempering unrealistic expectations.

A mediator should be seen by all parties as fundamentally evenhanded, but that does not mean that all a mediator's public statements should treat both sides equally or should pretend that both sides have always made equal concessions. It is important that a negotiation be seen as balanced *as a whole*; it is not necessary to strive for balance at every point within that negotiation. As well as issuing statements denouncing one side for violating the terms of an agreement, the mediator should be prepared to issue press releases that reveal that one side has gained a concession or other advantage in the talks. Such statements may actually spur negotiations by enabling a party to show skeptical supporters that the negotiations are going well. But, of course, the mediator must not give the impression that either side is getting too far ahead of the other. A succession of statements that portray the same side as winning all the negotiating rounds will demolish support for the talks among the other party's constituency.

The media can be a challenge for the mediator in terms of publishing leaks, ratcheting up tension, and inflaming opinion on one or both sides. But the media can also be a useful ally. For instance, a vigilant press can play a key role in monitoring the conduct of the government's security forces

during a peace process. In democratic societies, although governments usually have the upper hand over terrorist groups in terms of the orchestration of domestic propaganda, independent television, radio, and press outlets can play major roles in shaping public opinion. In nondemocratic societies, where a government will usually be able to control coverage of the conflict and the peace process by domestic media, it usually falls to the international media to report violations of human rights by the security forces and to uncover or publicize failures by the government to honor the terms of agreements reached at the negotiating table.

For these reasons, the mediator should establish and maintain good relations with both the domestic and the international media. Toward this end, the mediator should make himself or herself accessible to journalists looking for interviews, ensure that his or her team regularly briefs the media on the progress of talks, and arrange photo-ops and other events that spotlight key figures, events, and developments in the peace process.

## Use Deadlines Adroitly When Pressing for Agreement

There are no hard and fast rules about if, when, and how to use deadlines to pressure the parties to come to an agreement. Deadlines can certainly be helpful in developing among the parties a sense of purpose and urgency—in creating the image of a peace process as a train that is about to depart from the station whether or not all parties are aboard. In the absence of a deadline, the parties might continue talking indefinitely, conscious that ongoing talks are less risky (in terms of political standing and personal safety) than reaching an agreement that one's own hard-liners might violently reject or that exposes one's side to domination by the other.

Unsurprisingly, a deadline is most likely to work when all sides have been consulted about it in advance and buy into it. *In Northern Ireland, Mitchell had spent weeks discussing a deadline of Good Friday with all the participants and working to get their support. Before he presented the revised plan for their approval he knew it would be agreed to unanimously. The headlines in the newspapers said that he had imposed a deadline, but in reality he had not imposed anything; the parties had accepted the deadline because they were as eager as Mitchell to get an agreement.*<sup>37</sup>

A deadline for agreeing to a political solution may be attractive to the terrorists if they have renounced violence, because otherwise the government will achieve its goal (ending terrorists acts) while the terrorists have not had any of their interests met. A deadline in this case forces the government side to engage on the issues.

For a mediator, the proposal of a deadline can indicate seriousness of intent, and for the parties the acceptance of a deadline can demonstrate a commitment to a solution.

But deadlines can be counterproductive. In the first place, they may be seen by a PAG—or, indeed, a beleaguered government—as an opportunity to buy time, to gain a breathing space in which to rearm and rebuild before the deadline arrives and, in the absence of agreement, the fighting restarts. Second, the imposition of a deadline may exacerbate a PAG's sense of being constantly hounded and harried by the forces or representatives of the established order, and may thus make the PAG's negotiators less, rather than more, prepared to compromise and reach agreement. Third, a deadline can deny the parties the time they need to build support on their own side for the terms of an agreement. Fourth, a deadline that the mediator sets but, when it is missed, does not enforce will create the impression that the mediator is indecisive, unreliable, and given to bluffing—characteristics that will make the mediator's job only more difficult.

## **Make a Signed Deal Easier to Envisage or Accept**

Signing a peace agreement is, in most cases, a step into the unknown for the parties. It is one thing to discuss the terms of an agreement but quite another to sign up to when one finds it hard to envisage how it might work in practice. The mediator thus needs to offer the parties reassurance. This can come in various forms. For instance, the mediator can point to the negotiating process itself as a model and explain that powersharing arrangements can work on a grand scale because they are already happening on a smaller scale in the negotiations themselves. Representatives from parties in other conflicts that have implemented similar agreements can be invited to describe their experiences, particularly any unanticipated challenges they encountered and the ways in which they dealt with those without having to renegotiate the agreement. The mediator can also solicit side letters from one of the

parties or a third party (such as a powerful state) that promise a signatory support—be it moral or material—once the deal is done to ensure that the terms of the deal are implemented without unwelcome surprises.

In negotiations in which the parties have been able to hammer out the terms of a deal that addresses one component of their conflict (e.g., an exchange of prisoners or the declaration of a temporary cease-fire) but have not been able to bridge the chasm of mistrust or develop any confidence between them, they may be prepared to sign an agreement only if they do not have to sign with one another directly. In such a situation, the mediator can act as a signatory or can enlist a third party, so that each party signs an agreement with the mediator or third party but not with each other. *Hamas and Israel negotiated a deal on prisoner exchanges in 2009 but were only prepared to sign up to it by signing separate agreements with Egypt, which had mediated the negotiations.*

## Decrease External Opposition to the Negotiations

External actors may be helpful to and supportive of the mediator, but they are just as likely to be obstructive. Seek to diminish the level of opposition to the talks not only to enhance the prospects for reaching a negotiated settlement but also to help create an environment that is not hostile to its subsequent implementation.

A mediation effort may have been accepted—albeit reluctantly and resentfully—by the government directly involved in the conflict, but other governments may be vociferous in their objections to the progress of the talks. Reasons for foreign condemnation can range from specific objections to the PAG being engaged in terrorist activities to a general antipathy to talking to any terrorists. *Israeli governments routinely lambast any talks with Hamas on the grounds that they assist Hamas in its terrorist efforts to destroy the state of Israel.* Try to forestall public criticism from foreign governments by contacting them in advance of negotiations to explain the nature and scope of the talks and to allay concerns that the negotiations will heighten the PAG's international stature. Where criticism cannot be forestalled, use the international media to keep the international community as a whole informed about the general tenor and direction of the talks—assuming, of course, that the parties have not insisted on strict confidentiality. In the case of states whose support is important to the mediator, use diplomatic channels to provide a more detailed account of the progress of the

negotiations and reassure allies that their interests are not being sacrificed in the search for a settlement.

## Counter Domestic Opposition to the Talks

Closer to home, the mediator needs to seek to allay the fears and build the support of political parties and publics that have been the target of the terrorists. Parties that have played according to constitutional rules are likely to protest the talks—especially if those parties have not been invited to participate in the talks—on the grounds that the terrorists are being rewarded for their use of violence with a seat at the table. Moreover, terrorist groups that are permitted to participate in politics can transform the political scene. With their reputations for uncompromising allegiance to a cause, the political wings of terrorist groups can win popular support away from moderate parties that have made the politically astute but un-heroic compromises required by players in peaceful politics. One effect may be to radicalize the peaceful opposition, as the parties seek to outbid each other in their unswerving devotion to the cause. Political wings can also destabilize the political process by feeding money and recruits into their radical wings, a process that can prove particularly devastating should a group go underground again.

To counter these negative impacts, ensure that parties committed to peaceful politics have a seat at the negotiating table or at least an opportunity to be heard by those who do sit at the table. Give verbal support to moderates in public and in private, and provide practical support by timing announcements and setting deadlines so that they do not undermine support for moderates during elections. And (as discussed in Step 6) punish any political actor that encourages or indulges in violence.

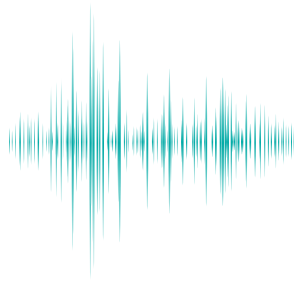
Like moderate political parties, the general public is likely to see the talks as a reward for violence and may well either oppose them or regard them skeptically or cynically. As a first step in countering such perceptions and attitudes, emphasize one's commitment to the political process and determination to eradicate political violence. However, while such verbal declarations are necessary, they are rarely, if ever, sufficient. More effective are the following kinds of measures:

- Organize shows of support for the peace process from victims and victims' families. Many, perhaps most, victims are likely to regard the

talks with anger or distaste, but some, having come to accept the need for long-term reconciliation, may be prepared to publicly commit themselves to the peace process.

- ▶ Encourage the compensation of victims. Irrespective of whether any victims pledge their backing for mediation effort, the mediator should try to ensure that victims receive monetary compensation and public acknowledgment and commemoration of the hurt that they have experienced.
- ▶ Publicize evidence that the terrorist group may have reformed or is otherwise worthy of engagement.
- ▶ Solicit economic support for the society as a whole. Public backing for the peace process will be enhanced if it can be associated with tangible improvements in the standard of life for everyone. Seek international backing for economic programs tied to the peace process that promise to improve levels of employment and income, as well as the general business climate, not only for the terrorists' constituency but also for the society as a whole.
- ▶ Create widespread engagement with the peace process. Take or create opportunities to make the public feel that its voice is being heard in the negotiations and to give the public the chance to buy in to any agreement. At the local level, for instance, arrange a series of public meetings at which members of the community can learn from the mediator about the current status of the peace process and discuss pertinent issues. At the national level, use referenda to seek public approval of major decisions made at the negotiating table.





## STEP 6

# Protect the Process from the Effects of Violence

## Recognize the Inevitability of Violence

Violence during the negotiations is inevitable. If the mediator does a good job of facilitating the talks and the parties end up discussing a peace agreement, spoiler groups will use violence in an effort to derail the movement toward settlement. If, by contrast, the talks are riddled with angry exchanges and denunciations and lead nowhere, one or more parties will use violence in the streets to express its frustration or seek to force concessions from its counterpart at the bargaining table.

Not only is violence inevitable, it is also highly likely that the level of violence will intensify during negotiations. It will grow for numerous reasons: discipline among the ranks of fighters on all sides will decay in the absence of “hot” war; former full-time combatants have yet to be integrated into the state’s forces or reintegrated into society and still retain their weapons; the security forces may be reducing their presence on the street as agreed in the ongoing negotiations; or, paradoxically, members of the public feel safe enough to return to the streets and vent their fears and animosities, participating in demonstrations that may turn into riots.

Whatever the source and form of the violence, the mediator or negotiator must limit its impact on the peace process if that process is to continue. Even robust processes can be undone by persistent outbreaks of violence, and fragile processes can collapse when buffeted by a single incident. The most effective tools with which to protect the process from the effects of violence are a sense of proportion, a clearly understood system of investigating and punishing violations of commitments, and the



rule of law. Mediators can also sometimes use the outrage generated by violence to bolster the peace process.

The long-term goal should be to remove the incentives for violence. This is no easy task, to say the least. But one can move gradually toward that goal by consistently and publicly condemning outbreaks of violence by either side and making it clear that the perpetrators are losing, rather than gaining, leverage in the peace process as a result of their actions.

## Do Not Overreact but Do Enforce Consequences

Given that violence is inevitable, it is usually unwise to terminate a peace process because of a single high-profile incident or even a short series of less well-publicized incidents committed by a party to the talks. The political capital, diplomatic prestige, and other scarce resources that have been invested into the peace process should not be frittered away on public or political posturing to assert that one or more parties can no longer be trusted to be a part of the peace process. Talking to terrorists is an inherently messy and mistrustful business, and violations of cease-fires and other commitments to eschew violence must be expected. If one is trying to make the process inclusive, the last thing one wants to do is to expel participants.

But that is not to say that clear lines between acceptable and unacceptable behavior should not be created, nor that infractions of those lines should not be punished. To impose no costs is to encourage hard-liners to transgress again and again.

Create a process for investigating violations and deciding penalties, and make sure that all parties explicitly—if not enthusiastically—accept that process. Ideally, the process should be established early on in the talks, but in some cases it may have to be improvised later on. *One of the ground rules in Northern Ireland was that an allegation of noncompliance with the talks' guiding principles would be referred to the governments for decision; and London and Dublin were obliged to consider the views of all of the participants. But no rule had been established for the procedure to be followed when a violation was alleged, so Mitchell made one up: a written allegation would be circulated one day and a written response produced*

*overnight; the accuser and alleged violators would have thirty minutes on the following day to make their cases, followed by a question-and-answer session and a general discussion; then the governments would decide.*<sup>38</sup>

Whatever penalties are imposed for a violation of the ground rules, they should not be so severe that they automatically destroy the process. Penalties might include public criticism, stopping diplomatic contacts, and temporary suspension from participation in the negotiations. Readmittance to the talks can be made contingent on the suspended party committing no further violence in the interim.

*Although the temporary expulsions of the Ulster Democratic Party (UDP) and Sinn Fein following murders committed by their military wings were dismissed by some as “a spell in the sin bin,” they were the “minimum action required to justify claims that the Mitchell principles would be enforced. The acceptance of the suspension by the UDP and Sinn Fein, however truculently, indicated their determination to remain within the peace process.”*<sup>39</sup>

A mediator or negotiator should keep the door open as long as possible for a PAG that seems to have a genuine interest in recommencing negotiations and for groups that have previously opposed participation in the talks but now have indicated an interest in renouncing violence and engaging in the political process. But the door should be closed firmly once a PAG shows itself to be unwilling or unable to refrain from violence. *ETA has entered into negotiations at various times over several decades but has often undermined those talks by its attachment to violence. In March 2006, for instance, ETA declared a “permanent cease-fire” and expressed interest in peace negotiations, but as those talks progressed ETA undertook a number of provocative acts (such as stealing three hundred weapons and ammunition) and then detonated a bomb at Madrid airport, killing two people and prompting the Spanish government to publicly denounce the explosion and withdraw from the talks. Four years later, when ETA asked for talks, the Spanish government rejected the request.*

The mediator must never appear to be rewarding violence. For instance, do not give the impression that violence has succeeded in generating a concession. Even if an act of violence has, in fact, spurred a concession, the announcement of that concession should be delayed as long as possible so that the causal connection is not obvious.

## Don't Blame the Negotiators for the Actions of Spoilers

An engaged movement itself may reject violence, but new groups may form from rejectionist remnants. Such fringe players may actually increase their use of violence, escalating in order to derail promising peace talks.

*The IRA's acceptance of the terms of the Good Friday Agreement led to the emergence to two splinter groups, the Continuity IRA and the Real IRA, who opposed any deal with the Unionists. Palestinian attempts to form a united front in negotiations with Israel have long been undone by the readiness of factions to splinter off from the main movement to protest what they see as unacceptable concessions. The Popular Front for the Liberation of Palestine (PFLP), for instance, withdrew from the executive committee of the PLO in 1974 because it felt that the PLO had abandoned its goal of destroying Israel. In the five preceding years, the PFLP itself had suffered no fewer than three breakaway groups.*

Even if splinters do not emerge as rival movements, spoilers within the group are a constant problem for any attempt to end a conflict. Terrorist groups are particularly likely to produce “total spoilers”—factions that seek total power and cannot be swayed by limited concessions.<sup>40</sup> A terrorist leadership faces a dilemma when it cannot completely control its own members, even if the leadership itself has genuinely embraced peace. Admitting a lack of control weakens the leaders' internal credibility and discredits them as a negotiating partner because they cannot claim to end the violence. Pretending continued control leaves them open to charges that they deliberately incited the violence.

The mediator or negotiator should be sensitive to this dilemma and seek not to embarrass the terrorist negotiator by insisting it halt violence that it cannot control. But the mediator must not excuse a PAG that may, in fact, have at least some responsibility for the violence. The question of guilt by association is a tricky one, because the lines separating political wings from military wings, splinter groups, and spoilers are typically very blurred, and may be entirely fictitious. Consequently, the mediator should seek to carefully distinguish between attacks launched by the PAG itself and by splinter groups or spoilers, but also press the terrorist negotiator to apologize for the former and repudiate the latter. Condemnation of spoiler violence as “illegitimate” by the PAG does make a difference, especially if

the PAG is publicly committed to a peace process that enjoys popular support and strong backing from external powers.<sup>41</sup>

## Involve the Community in Dealing with Violence through the Rule of Law

Whenever possible, deal with violence through the police and the courts. Doing so criminalizes it and builds support for the rule of law—but only if the police are seen as evenhanded and the courts as independent. Thus, efforts to deal with violence must go hand in hand with efforts to reform the police and judicial system so that all sides see them as neutral and effective. This is easier said than done, of course (and one of the key issues in the ongoing negotiations is sure to be reform of the security services), but it points to the need to tackle police reform earlier rather than later in the peace process. The sooner that reforms are implemented, or even just seriously discussed, the quicker will the terrorists' constituency be prepared to turn to and work with the police and courts to deal with violence.

## Take the Opportunities That Violence Provides

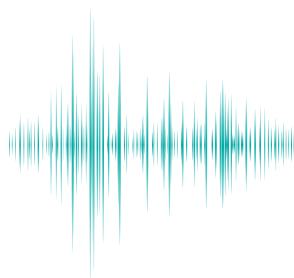
Some incidents of violence actually help the peace process by galvanizing opposition to the groups and individuals who refuse to lay down their arms. *In August 1998, the Real IRA planted a bomb in the town of Omagh that killed twenty-eight shoppers, Protestants and Catholics alike. Coming in the wake of referendums supporting the Good Friday Agreement, the bombing was regarded by almost all parties as a despicable and desperate attempt to undermine the peace process. The IRA condemned the bombing unequivocally, and both the Irish and British introduced tighter anti-terrorism measures without any popular protest. The year before, ETA's murder of a local Basque politician was the tipping point for hundreds of thousands of Basques, who for the first time demonstrated in opposition to ETA's campaign of violence.*

Why some atrocities should prompt such popular disgust, but not others, is difficult to explain. It may be that “what converts outrage to action is condemnation within the context, or at least within the realistic hope, that agreement is possible and that further violence could threaten it. . . . Outrage without a mechanism to enforce it fades away. . . . A peace process, or the prospect of one, creates a mechanism for connecting anger

to the political process. . . . The most important effect of catalytic atrocities is not their ability to end spoiler violence. It is that they enable the middle ground to find its voice at a time when the voice of moderation could make a difference.”<sup>42</sup>

Sometimes violence perpetrated by one terrorist organization can increase pressure on another to abandon violence and enter negotiations. *When Islamic terrorists set off a series of bombs in Madrid in March 2004, they not only killed 191 people but also provoked such condemnation of terrorism in all its forms from all quarters of Spain that ETA—which had been initially blamed for the attacks by the Spanish government but, in fact, was entirely uninvolved—appears to have decided to call a halt to the use of violence, at least for a while. Two years later it declared a “unilateral cease-fire,” though that lasted only nine months.*

The lesson for mediators is to take advantage of those opportunities when they present themselves, to be alert to when the outrage is there, and to harness it to advance the peace process.



## Conclusion

This handbook has focused on strategies and tactics for talking with groups that use terror; but a few words should be said about the character of the person who will seek to put these approaches into practices.

A mediator or negotiator who deals with a PAG must possess a number of personal qualities in abundance. Prodigious amounts of self-control and self-confidence are required, as are Olympian proficiency in navigating minefields of explosive terminology and reframing zero-sum problems so that they can lead to win-win solutions. But perhaps the most valuable attribute is patience. The mediator or negotiator will inevitably suffer numerous rebuffs, setbacks, and disappointments. He or she will also encounter bad faith, betrayals, and sabotage. And not only the future of the peace process but also the reputation of the mediator or negotiator will come under attack from all sides, including his or her own.

In short, the temptations to wind up or simply withdraw from the peace process will be powerful and persistent. But those temptations must be resisted, for patience can bring great rewards. The longer a peace process endures, the more likely it is to withstand shocks and spoilers. Many participants in the process develop working relationships that they are loath to sever. They invest more and more heavily in the process as it continues and thus want to press ahead with their joint venture until it repays them in the form of a peace settlement. They develop attachments to those elements of an envisioned settlement that they have helped to nurture. For some members of a PAG, the failure of a peace process to which they have committed might well signal the end of their political life.

Longevity, it should be pointed out, is no guarantee of eventual agreement. In most cases negotiations trundle on, enjoying neither spectacular breakthroughs nor sudden breakdowns.<sup>43</sup> But, as explained

earlier, the very act of negotiation can also gradually diminish a PAG's appetite (and, indeed, the appetite of its opponent) for violence. And a negotiation or mediation that produces no final settlement but does produce fewer deaths can hardly be considered a complete failure.

Patience, however, is a virtue only for so long or so far. Some PAGs enter negotiations merely to buy themselves some breathing room in which to regroup and rearm. When confronted with persuasive evidence of this attitude, the mediator or negotiator should promptly terminate any ongoing talks, while leaving the door open for the PAG to reenter negotiations should it be prepared to do so in good faith. Other PAGs are prepared to negotiate but not to compromise in any significant way, and thus the negotiation becomes largely pointless. It takes time for a mediator or negotiator—and for the PAG itself sometimes—to recognize that no amount of reframing of issues, rewording of demands, or deploying of confidence-building measures will alter a PAG's fundamental refusal to compromise. But once this is recognized, the mediator or negotiator should wind down the talks or impose a deadline for doing so unless the PAG relents.

In the face of understandable and widespread skepticism about a PAG's readiness to lay down its arms and embrace nonviolent political means, it should be remembered that sometimes such deadlines actually work. So, sometimes, do the other techniques described in this handbook for fostering commitment to the process and yielding an agreement. And, sometimes, those agreements have stuck. They have tended to stick when they have included specific kinds of provisions, such as mechanisms to resolve disputes over implementation, a realistic timetable for implementation, strong external guarantors, and provisions that result not only in a cessation of violence but also in tangible economic and political benefits for the constituency a PAG represents. A mediator should encourage the parties to adopt similar provisions as they negotiate their agreement and should seek to recruit external actors who can help in or fund implementation.

All the patience in the world, all the wisdom of Solomon in deciding when patience is being abused or wasted, and all the most sensible provisions cannot guarantee enduring peace. There are limits to what a mediator or negotiator can achieve, as evidenced by a long list of fruitless negotiations and a somewhat shorter list of failed peace agreements

between PAGs and governments. But without a skilled and committed mediator or negotiator, even PAGs and governments that are ready and willing to find a peaceful exit from their conflict are unlikely to get there.



# Notes

1. The logic here is that terrorists crave attention—for themselves and/or their cause—above all, and that by acknowledging their influence in the conflict, the mediator feeds their appetite for attention and makes them less likely to commit further attention-grabbing violence.
2. President Barack Obama entered office in 2009 declaring that his administration would consider dialogue with interlocutors that the preceding administration considered beyond the diplomatic pale, yet while the Obama administration has talked with governments formerly treated as pariahs by Washington, it has not publicly, at least, talked with terrorist organizations.
3. Audrey Kurth Cronin, *When Should We Talk to Terrorists?* Special Report no. 240 (Washington, DC: United States Institute of Peace, May 2010), 3.
4. The manuscript was written with the support of the Smith Richardson Foundation as well as the United States Institute of Peace. Faure and Zartman have published a book, *Negotiating with Terrorists: Strategies, Tactics, and Politics* (London: Routledge, 2010), that focuses on hostage situations.
5. See, for example, David G. Savage, “Supreme Court Upholds Law against Advising Terrorists,” *Los Angeles Times*, June 22, 2010, <http://www.latimes.com/news/nationworld/nation/la-na-court-terror-20100622,0,5090110.story>. The article begins: “The Supreme Court ruled Monday that human rights advocates led by a USC professor could be prosecuted if they offered advice to a foreign terrorist group, even if the advice was to settle disputes peacefully.”
6. Crocker made his comments at a roundtable discussion of the Supreme Court’s *Holder v. Humanitarian Law Project* decision held at the United States Institute of Peace, Washington, D.C., on September 10, 2010. See the online report “When Is International Peacemaking Illegal?” <http://www.usip.org/events/when-international-peacemaking-illegal-the-supreme-court-decision-in-holder-v-humanitarian-la>.
7. The impact of antiterrorism proscription regimes on mediating peace processes is discussed at length in Veronique Dudouet, *Mediating Peace with Proscribed Armed Groups*, Special Report no. 239 (Washington, DC: United States Institute of Peace, May 2010), 8–11.
8. Cronin, *When Should We Talk to Terrorists?* 4.
9. Dudouet, *Mediating Peace with Proscribed Armed Groups*, 4.
10. See Arun Kumar, “Nepal Maoists Were Never Called a Terrorist Outfit: US,” *SIFY News*, May 15, 2008, <http://www.sify.com/news/nepal-maoists-were-never-called-a-terror-outfit-news-international-jegr8kfgcac.html>.
11. See Fernando Reinares and Rogelio Alonso, “Spain and the ETA,” in *Democracy and Counterterrorism: Lessons from the Past*, ed. Robert J. Art and Louise Richardson (Washington, DC: United States Institute of Peace Press, 2007), 128 and 114.

12. Dudouet, *Mediating Peace with Proscribed Armed Groups*, 6.
13. See David Smock, "Uganda/Lord's Resistance Army Peace Negotiations," *Peace Brief* (Washington, DC: United States Institute of Peace, February 2008), <http://www.usip.org/resources/ugandalords-resistance-army-peace-negotiations>.
14. Aharaon Kleiman, "Israeli Negotiating Culture," in *How Israelis and Palestinians Negotiate: A Cross-Cultural Analysis of the Oslo Peace Process*, ed. Tamara Cofman Wittes (Washington, DC: United States Institute of Peace Press, 2005), 110.
15. See George J. Mitchell, *Making Peace* (Berkeley: University of California Press, 2001), 19 and 110.
16. Mitchell, *Making Peace*, 33.
17. Kirsten Sparre coined the phrase. See, for example, her article, "Megaphone Diplomacy in the Northern Irish Peace Process: Squaring the Circle by Talking to Terrorists through Journalists," *International Journal of Press/Politics* 6, no. 1 (January 2001): 88–104.
18. See Jessica Elgot, "David Abrahams Meets Hamas," *Jewish Chronicle*, January 21, 2010, <http://www.thejc.com/news/israel-news/26296/david-abrahams-meets-hamas>.
19. This point is made in John Darby, *The Effects of Violence on Peace Processes* (Washington, DC: United States Institute of Peace Press, 2001), 39.
20. Quoted in Princeton Lyman, *Partner to History: The U.S. Role in South Africa's Transition to Democracy* (Washington, DC: United States Institute of Peace Press, 2002), 48.
21. See Dudouet, *Mediating Peace with Proscribed Armed Groups*, 10.
22. See Mitchell, *Making Peace*, 19.
23. For a detailed description of this peace process, see Anthony Regan, *Light Intervention: Lessons from Bougainville* (Washington, DC: United States Institute of Peace Press, 2010).
24. See Carolin Goerzig, *Talking to Terrorists: Concessions and the Renunciation of Violence* (Abingdon, UK, and New York: Routledge, 2010).
25. Reinares and Alonso, "Spain and the ETA," 128–129.
26. Mitchell, *Making Peace*, 113.
27. Darby, *Effects of Violence on Peace Processes*, 67.
28. *Ibid.*, 69.
29. Many of these ideas are taken from Darby, *Effects of Violence on Peace Processes*, 44–45.
30. John Wallach with Michael Wallach, *The Enemy Has a Face: The Seeds of Peace Experience* (Washington, DC: United States Institute of Peace Press, 2000), 112.
31. Robert J. Art and Louise Richardson, "Conclusion," in *Democracy and Counterterrorism*, ed. Art and Richardson, 574.
32. *Ibid.*, 578. For more details, see the chapter in Art and Richardson's volume by David Scott Palmer, "'Terror in the Name of Mao': Revolution and Response in Peru," 209.

33. Paddy Woodworth, "ETA Seeks Talks after Ceasefire Claim Rejected," *Irish Times*, September 20, 2010, <http://www.irishtimes.com/newspaper/world/2010/0920/1224279262500.html>.
34. Alvaro de Soto, "Ending Violent Conflict in El Salvador," in *Herding Cats: Multiparty Mediation in a Complex World*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1999), 381.
35. Mitchell, *Making Peace*, 54.
36. See *ibid.*, 62.
37. See *ibid.*, 146.
38. See *ibid.*, 72.
39. Darby, *Effects of Violence on Peace Processes*, 51–52.
40. Stephen John Stedman, "Spoiler Problems in Peace Processes," *International Security* 22, no. 2 (Fall 1997): 10–11.
41. See Cronin, *When Should We Talk to Terrorists?* 8.
42. Darby, *Effects of Violence on Peace Processes*, 99–100.
43. Cronin, *When Should We Talk to Terrorists?* 4.

# Acknowledgments

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