



NEGOTIATING WITH POLITICAL, IDEOLOGICAL, AND CRIMINAL TERRORISTS

*By Guy Olivier Faure
PIN/Clingendael, The Hague, Netherlands
The Sorbonne University, Paris*

Nothing in the former diplomatic tradition has ever prepared states to deal with such people but necessity has led more and more to negotiate with these extremely difficult counterparts. In this new wake, after the Madrid attacks (2004), a jihadist who claimed to speak on behalf of Al-Qaeda, stated that "the international system built-up by the West since the Treaty of Westphalia will collapse and a new international system will rise under the leadership of a mighty Islamic state".

For all nations security interests are of a most crucial importance, as the previous century has led to the violent death of over 170 millions of people and produced enough weapons of mass destruction to easily destroy the whole world population. Among the agents of potential risk, there is a very particular category that deserves great attention because of the dramatic consequences of their actions, the terrorists. The dawn of the 21st century has given an increasing importance to this type of actors. Negotiators who are confronted with actors in this particularly violent game include members of the police and national defence agencies, agents working for specialist services, consultants, and intermediaries operating as proxies or mediators. This is a very peculiar type of diplomacy, for these people represent a country without representing it. Officially, as a matter of principle, states do not commit to negotiating with terrorists. Furthermore, terrorists, even hostage takers are among the most unlikely negotiators. When they take hostages, it is not to discuss about what could be agreed upon to have them released but it is simply to impose their demands. On the side of the governments, the negotiators themselves belong to the first circle of actors, those who are in direct verbal contact with the



terrorists. Thus, they stand in stark contrast to the official authorities, who do not openly expose themselves but are the decision-makers. This form of track-two diplomacy involves an asymmetric relationship, because on the one hand there is a state and on the other hand there is a group which is often a nebulous and evasive organization with no obvious territorial basis. The management of such a relationship is most problematical, for the negotiation is officially a non-negotiation and the counterparts are the most unlikely of negotiators.

Governments or official authorities are constrained by two conflicting goals, saving hostages but, at the same time, deterring their terrorist counterparts or other groups to take any more hostages. This is one of the most difficult dilemmas to manage when facing terrorists. Saving the life of the hostages is a short term objective, with highly dramatic connotations while deterrence is a long term objective, which is not spectacular but with high global return.

In terms of negotiation, two basic situations can be distinguished: those where discussions can take place immediately and those where the potential for negotiation has to be created. In the first case, we often have terrorists having taken hostages or pirates having attacked a ship. These seek to exchange the captured goods or persons either for members of their organization that are detained in prison or for money or logistical assistance. When terrorists do not ask for anything and conceive their actions as being strictly punitive, negotiable issues need to be created. For instance, this can be done in a siege or hijack situation by trying to convince terrorists who are ready to die that they can serve their cause much more effectively by staying alive and can save the reputation of their organization by not killing their hostages. These are typical tasks that actors in this parallel form of diplomacy strive to carry out.

THE METHOD, TERRORISM, AND THE ACTORS, THE TERRORISTS

There is not any universally accepted definition of terrorism but simply a working definition widely used by social scientists: "Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons,



whereby — in contrast to assassination — the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violence-based communication processes between terrorist organisation, imperilled victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought," (Schmid and Jongman, 1988)¹.

Resorting to violence against a population or a group is basically done through intimidation or calculated coercion. Weapon of the weak against the strong, terrorism resorts to a number of tactical means such as hijacking, assassination, car bombing, suicide bombing, kidnapping, hostage taking, threats. Terrorism is understood as an attempt to provoke fear and intimidation. It is the result of an extremely imbalanced situation in terms of forces produced by frustration. There is no war or negotiations with terrorism, as it is simply a method. Wars and negotiations can only be carried out with or against terrorists. Terrorist acts aim to spread fear and are therefore conceived to attract wide publicity and cause public shock. The intention may also be to provoke disproportionate reactions from governments, thus triggering an escalation process (Zartman & Faure, 2005). Terrorism as *asymmetric warfare* does not abide by laws and international rules, whereas governments are bound by them. As mentioned by Laqueur² (1999) "In the terrorist conception of warfare there is no room for the Red Cross".

¹ Schmid, Alex P., and Albert J. Jongman (1988). *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature*. New Brunswick, New Jersey: Transaction Books.

² Laqueur, W. (1999). *The New Terrorism*. NY: Oxford Univ. Press



Three categories of terrorist groups

Terrorists fall into three clusters, the political, the religious and the economic groups. Among the first grouping, *political organizations*, one may find The FARC, Revolutionary Armed Forces of Colombia, the Tamil Tigers in Sri Lanka, the Red Brigades in Italy, the PKK (Kurdistan Workers' Party) in Turkey, separatist groups in the Caucasus, the ETA in Spain, Al- Aqsa Martyrs brigades (a Palestinian nationalist movement), the former Nepalese Maoists, or the former IRA in Northern Ireland. Rogue states are sometimes included in this category as they only abide by their own rules, indulging in illegal or criminal activities such as North Korea or Iran with nuclear dissemination. This way, through for instance nuclear businesses or missiles secret sales, they finance themselves and increase their leverage in the international arena.

In the category of *religious groups*, falls Al-Qaeda, a Palestinian organisation such as the Hamas, the Abu Sayyaf group in the Philippines, the former Salafist Group for Preaching and Combat in Algeria, now Al-Qaeda in the Islamic Maghreb, Aum Shinrikyo, a Japanese religious sect, Lord's Resistance Army a Christian/Pagan group that operates in northern Uganda. If the issue at stake is a territory or the demand for autonomy, as it is often the case with separatist factions, a compromise through negotiations might be achieved but dialogue is extremely difficult to establish with religious fundamentalists such as Islamist radical movements. Their demands are often far beyond what can reasonably be offered such as the restoration of the Caliphate, or the removal of all Western forces from Muslim lands (with the suppression of the state of Israel) and the restitution of formerly Muslim lands (including parts of Spain). These organisations can be classified as *absolute terrorists* if we refer to the definition given by Zartman³ (2006) and developed by Faure and Zartman (2010). Absolute terrorists are those whose action is “non-instrumentalist, a self contained act that is completed when it has occurred and is not a means to obtain some other goal” (Zartman, 2006: 2). In these cases, even if the point is not just to punish the other party like on September 11, totally unrealistic claims make any negotiation most improbable.

³ Zartman I.W. (ed.), (2006) *Negotiating with Terrorists*. Martinus Nijhoff Publishers.

⁴ Faure G.O. and Zartman I.W. (2010) *Negotiating with Terrorists: Strategy, tactics, and politics*. New York, Routledge.



The third category of terrorists corresponds to the *economic category*, unfortunately operating in a most promising sector, one may find criminal organizations such as the Sicilian Cosa Nostra, the Calabrese Ndrangheta, the Neapolitan Camorra, the Chinese triads, Mexican and Colombian drug cartels, Yakuza gangs in Japan, or more recently the Russian Solntsevskaya Mafia or the Ukrainian Bratva to name a few. These are non state actors that aim to control economic activities, business channels, underground businesses such as drugs trafficking, prostitution, gambling, smuggling of weapons, money laundering or racket for so-called protection. They resort to threats and assassinations to establish and maintain their control over an activity or a portion of territory. It is a psychological warfare based on fear instilled to such an extent that ordinary people rather conform their behaviour to the requirement of these groups than to the law. Sometimes, religious or political groups downgrade their activities to organized crime in order to make money through kidnapping or drug dealing. The FARC of Colombia or Chechen rebel groups belong to this last category. For instance, in the year 2000 no less than 3572 hostages were kept as captive by the FARC as an exchange currency.

Suicide attacks are a basic method used by both religious groups and political organisations. Although to negotiate with most of these groups has not yet led to much of any tangible result, it can be viewed as more realistic to consider them as possible counterparts, because the values they promote can find a concrete expression in specific circumstances, as it has been the case with the IRA concerning the issue of power sharing in Northern Ireland or with the Maoists in Nepal. They fall into the category of *contingent terrorists* and possible trade offs with them can be considered (Zartman, 2006; Faure and Zartman, 2010). In such cases, the whole point of negotiating relies on the possibility to have them shift from an attitude of absolute terrorist to one of contingent terrorist. This means that such a group has to modify its perception of the problem, its related objectives and demands. Reciprocally, the authorities have to concede something they did not offer before in order to make the negotiation option attractive enough.



TERRORISM IN CONTEXT

Terrorism widely benefits from globalisation. Terrorists groups can be set up on transnational bases with no more territorial reference. Borders are no more obstacles and the extension and sophistication of hi-tech has greatly contributed to the development of multi-functional organisations operating at the financial, social, strategic levels. They can be informal, decentralised, in a context where communication is fast, anonymous and effective. It is no more necessary to have a territorial base even if situated for instance in a country with a collapsed state. There are numbers of anarchical megapoles such as Karachi that can be used as unassailable sanctuaries. The field of action of terrorism is a civilian context, where spotting a group is the most difficult and the actions the most deadly. In addition, the Western laws emphasising individual freedom often drastically limits defence capacities.

Some of the most spectacular attempts were carried out in Europe and in the US, but the West is not the prime target of jihad terrorism. The highest numbers of fatalities happens in the Middle East. Muslims are the principal victims of terrorism perpetrated in the name of Islam. The Iraq war has drastically boosted terrorism instead of lessening it. Considering the high level of domestic attacks and fatalities in Iraq, one may conclude that September 11 and the “war on terror” that has followed have clearly contributed to a ‘clash within one civilisation’, turning this country into an epicentre of terrorist activities. Nevertheless, Europe is also another battlefield. The Madrid attacks and the London bomb attempts tragically illustrate this fact. Thus, some countries have gradually become an operating base of terrorist support groups. This evolution has been facilitated by the increase of Muslim communities, growing tensions with the native populations, and the relative freedom with which radicals could organise themselves in mosques, charitable and cultural organisations (Alonso, 2010; Clutterbuck, 2010). The ideological work was done by militants who came to these countries as religious dignitaries. A phenomenon spread all over the western world has also provided new human resources for terrorist groups: the radicalisation of the second generation of immigrants. Just in Europe, for the year 2010, 179 members of terrorist organizations planning an attack have been arrested preventively. Among the major targets of Al-Qaeda were, and



may be still are, Heathrow airport, the Panama Canal, the port of Dubai, the Brooklyn Bridge, and again the White House.

Over now two decades considerable changes have occurred in the domain of terrorism. One of the most important is the shift from a pyramidal system of organization to a rhizome model. The pyramidal system is a stage that was prevailing until the end of the cold war. Terrorist groups, guerrilla movements were following Leninist principles of organization with a strict centralized system of commandment. They were most often financed, controlled, trained and monitored by states that had a strategy whose rationality was, if not shared, at least well understood. The rhizome type of organization stage corresponds to the birth of entities proliferating in a quasi-biological way like bamboo groves or strawberries. These entities are loosely structured, autonomous, just ideology driven. They are uncontrollable by states, most difficult to identify and even more to infiltrate such as the numerous Al-Qaeda networks.

ENGAGING TERRORISTS

Negotiating with terrorists refers to methods that are fundamentally alien to classical practice because of the nature of the counterpart, the issues at stake, the context, and the basic paradigm governing that type of situation. The counterpart is not perceived as an equal, an alter ego. An element of psychological asymmetry characterizes the relation. As a consequence, communication remains of a relatively poor content. The terrorist is viewed as a counterpart imposing the relation, forcing his way, thus not respecting the other. What is at stake is most often highly dramatic as one deal with human lives. Thus, the smallest mistakes may elicit terrible consequences for the hostages with highly traumatising effects on the negotiators. The absence of alternate solutions when the hostages are detained in a place or country accomplice to terrorists adds to the difficulty. The situation is characterized by a number of uncertainties, in particular on the credibility of the demands, that of the threat, which is one of the basic techniques used by terrorists. Uncertainty may also characterize the real health state of the hostages: alive, wounded, sick, underfed, beaten up, tortured.



Each terrorist group has its own methods. For instance, originally Al Qaeda members did not take hostages, for their purpose was to punish “Judeo-Crusaders” or “Nazarene unfaithfuls” (the Christians) and to trigger an escalation process between the West and the Muslim world. Later, they started, especially with AQMI, to take hostages and thus to turn into extortionists. Still, they would only take males to be traded. In case of suicide bombers, they would have their people with the body hair carefully shaved and abundantly use perfume to be perfectly clean before entering heaven.

Five strategic options may be considered when facing terrorist actions such as hostage-taking: no negotiation, manipulation of the terrorist group, secret negotiation, normal negotiation, and negotiation in order to prepare for an assault. The “*no negotiation*” doctrine aims to deter terrorists from taking more hostages. It does make sense in a long term strategy in terms of risk management. This is, for instance, the official Israeli policy with regard to the Palestinians. This is also the British policy that strictly bans any form of substantive concession such as a ransom or the release of prisoners. This option will have the most painful consequences concerning the present hostage situation. The present hostages may have the feeling that they are sacrificed to long term national interests.

The “*manipulation of the terrorist group*” is a complex strategy that can yield high benefits but which requires great skills, time, and the ability to stand a high level of risk. The principle behind is to use sophisticated tricks in order to get the hostages free. It is a smart game of deception that has been, for instance, successfully used against the FARC of Colombia. Detainees of this Marxist-Leninist movement were kept in several mountains and jungles controlled by the FARC. Communication between these camps was scarce and difficult. The Colombian military intelligence managed to infiltrate some of these local FARC hide outs. Colombian agents spent months lodging themselves within the FARC, gaining the terrorists' trust. At some point a government mole was able to convince the FARC's chiefs in charge of the hostages to accept a so-called request from their headquarters to transfer the hostages for safety reasons. In fact, they were brought to a meeting place where they were taken in charge by



Colombian government commandos dressed as guerrillas and put in a helicopter similar to those used by the Red Cross. All the 15 captives had been handcuffed before being placed aboard the helicopter, along with two of their FARC guards, who were disarmed and subdued after take off. Then, the hostages were whisked to freedom when a government intelligence agent told them. "We are with the army, you are free," The whole operation was performed without a single shot and no one was wounded.

The "*secret negotiation*" strategy is more commonly used. No one mentions anything about what is really going on, not even that there are meetings or discussions. One of the major advantages of this option is to remove negotiators from the influence of public opinion and media. It provides more flexibility for the authorities who do not have to report to any external audience and avoids the issue of looking weak if making concessions. This was the case after the seizure of the US embassy in Tehran in 1979 by Islamic students supported by the Iranian government. 52 US diplomats and employees of the embassy were kept as hostages during 444 days of terrible mistreatments under the slogan "America can't do a thing." After a rescue mission that turned into a disaster, the US government, humiliated and helpless, had no other choice than discretely negotiating to free their nationals.

The "*normal negotiation*" option is used when there is no way of hiding the hostage-taking from public audiences. The authorities have to stand the pressure of the media, the public opinion, the actions carried out by the families of the hostages. Thus, they better show that they are doing something and make it known. This is, for instance, what happened with the French journalists taken as hostages in Iraq in the years 2004 - 2005. At that time, it was common practice in this country, almost a national sport, and the amount of money paid as a ransom was even widely known as a rate base.

"*Negotiation in order to prepare for an assault*" is another way of resorting to the discussion process in order to collect information about the terrorists, such as the number of terrorists and details of their equipment and state of mind. It is also a means of exhausting them or altering their concentration levels before



launching an attack. This is usually done when the environment is well controlled by the authorities. The storming of the residence of the Japanese ambassador in Lima is one of many cases belonging to this category.

These various situations correspond to different negotiation paradigms. The “no negotiation” policy can be framed as an anticipated “chicken game”. There is no option for cooperation. The priority is not to free the hostages but to deter terrorists from repeating this type of action. Considering the current situation, the setting is one with a win-lose outcome at best and a lose-lose outcome at worst. The manipulation of the terrorist group belongs to the “no negotiation” rationale and carry the idea that what is played is a win-lose game with the highest possible gains. In other words, total victory at no cost while saving the hostages lives. It is a victory at several levels, human, political, strategic, and psychological. The “negotiation in order to prepare for an assault” option leads the negotiation process astray. It turns it into a simple means of achieving a different objective, one that does not involve any form of agreement. There is no real process of adjustment, with the negotiation simply setting the stage for the surrender – and potentially the death – of the terrorists. Both hostages and hostage-takers may lose their lives at the end. The “secret negotiation” and “normal negotiation” options relate to the “prisoner’s dilemma” paradigm. This leaves room for competition, but also some kind of cooperation in which the two parties can achieve at least part of their goals.

Should the terrorist be accepted as a legitimate counterpart?

Negotiating with a terrorist organization implies a kind of de facto recognition of this organization. Prior to entering the negotiation, the question of the legitimacy of the counterpart is thus raised. This is a delicate and embarrassing point for a government. Officially, no government recognises a terrorist group, an extortionist, or a hostage taker as a legitimate counterpart. In addition, there is a widely acknowledged principle, which consists in stipulating that one does not negotiate under threat. Principles are clear, but as the point is to save lives, one has to be realistic. The moral duty of intervening has been formalised by a UN resolution (1987), which does not only condemns hostage-taking, whatever the



motivations may be, but requires governments to take all necessary measures to put an immediate end to the confinement. Most often governments chose to finally intervene, either directly or with the help a third party. This is done through what is conventionally called “Track-II diplomacy”. The “no negotiation” principle is more of a hard-line rhetoric than a reality, especially if the place where the hostages are kept is unknown or is in a country friendly to terrorists. History shows that democracies are more willing to negotiate and compromise with terrorism than they would admit (Quinney and Coyne 2011; Zartman and Faure, 2011).

Should a government negotiate with terrorists? Considering only the effectiveness criterion, which is here the freedom or life of the hostages, some researchers (Fisher, Ury, Patton, 1991)⁴ provide a positive answer on the ground that through communication there is a way to exert influence. Negotiation is a mechanism for influencing other parties’ decisions, and given adverse or sub-optimal circumstances, negotiation may be a measure of last resort for avoiding an undesirable outcome. The point would not be to negotiate or not to negotiate but rather to negotiate properly. One should simply make clear that a decision to negotiate does not mean recognition of the legitimacy of the demand or the acceptance of the other side’s behaviour. What one does accept when negotiating with terrorists is the humanitarian cause it serves through trying to save lives.

If the basic principle that applies to such a situation is at least not to make any concessions, the only resource left to authorities is persuasion. This is usually a most insufficient tool to get the hostages back in return. Then, discreet but real concessions have to be made at some point. It was the case in Tehran with the storming of the US embassy. Usually the final deal is not made public because often the country involved has to make concessions that, if known, would create problems with other countries or with her own public opinion (Faure, 1988)⁵.

⁴ Fisher R., W. Ury, and B. Patton. *Getting to Yes: Negotiating Agreement Without Giving In*. Century Business, London, UK, second edition, 1991

⁵ Faure G.O. and Shakun M. Negotiating to Free Hostages: A Challenge for Negotiation Support Systems, in Shakun (ed.): *Evolutionary Systems Design, Policy Making under Complexity*. Holden-Day, Oakland, 1988, 219-246.



Here more than in any other situation the iceberg principle, which consists in disclosing only a small portion of the information known, applies. If one considers again, for instance, the actions of the Abu Sayyaf Group in the Philippines, no government has acknowledged having paid a ransom to obtain the freedom of its own nationals. For its own part, the Filipino government formally opposes payment of ransom for hostages. In all cases, it is most unlikely that persuasion alone has been sufficient to free hostages whose only function is to serve as exchange currency.

Faure and Zartman (2010) contend that negotiating with terrorist organizations is not supping with the devil. It is not soul-selling or evil pacting and does not imply for the states involved renegating their moral values. The point is to induce moderation and flexibility in the terrorists' demands, reshaping their ends into attainable reforms, and forcing an end to their violent means of protest while, at the same time, opening for instance the political process to broader participation. States should not engage because of terrorist violence but to end terrorist violence.

What can be negotiated with terrorists?

On the side of the authorities, what is traded off with terrorists is human lives. In return, the concessions made to hostage takers fall into the following categories:

- Payment of a ransom
- Providing weapons, food, equipment, technology, or information
- Release of imprisoned terrorists, political prisoners, dissidents
- Release of imprisoned supporters or sympathisers of terrorism
- Putting an end to a military intervention and withdrawing soldiers
- Making a public apology
- Provision of access to the media to publicise their cause
- Provision of transport to another location
- Provision of political asylum or amnesty within a host country
- The promise of a fair trial



With the spreading of hostage taking all over the world, a sort of market price for hostages has been set up. According to the place, conditions, number of hostages and solvability of governments, the ransom may vary from 1 to 10 millions US\$. Among the most generous governments stands Japan, then western countries such as Germany. The world record was probably beaten by Li Ka-Shing, a renowned real-estate tycoon, who gave an estimated amount of 1,3 billion HK\$ for his son abducted in Hong Kong (1966).

Negotiation situations

Two generic types of situations created by terrorist actions call for negotiation: kidnapping and barricade hostage taking. *Kidnapping* refers usually to an action done in a context not controlled by the captors unless it is perpetrated in a “rogue state” or a state that has no more control on its territory. The authorities who have to solve the case do not know where the hostages are confined. Contacts between the authorities and the captors are indirect, uneasy and interaction reduced to a minimum. The FARC of Colombia has massively illustrated this practise with a record of about 4,000 people kidnapped in the last decade. The Abu Sayyaf group in the Philippines has also an impressive record in this domain. As there were not enough potential targets in their country, this group went to neighbouring countries to kidnap people representing a good currency for exchange. The former GSPC (Groupe Salafiste pour la Prédication et le Combat) in North Africa took Western tourists as hostages after having carefully selected those belonging to countries that are particularly generous in paying for the freedom of their nationals.

The second type, *barricade hostage taking*, corresponds to a situation of siege. Here applies the fishbowl theory, for the fish is the perpetrator and the bowl his sphere of protection. Outside the bowl he is highly vulnerable as he does not control anything of the immediate surroundings. He is under the constant threat of an assault. Even electricity, food, and water supply depend on the good will of the forces that surround the terrorists. A number of cases illustrate such a situation in which the final purpose of the negotiation is not to really seek an agreement but to prepare what is usually called the “tactical solution”, a



storming of the place. This is what happened with the Maalot School in Israel (1974) where children were taken as hostages by a Palestinian group. In Moscow (2002) a group of Chechen militants took over a theatre with the whole audience, over 850 people held as hostages. In Lima, Peru (1996), the residence of the Japanese ambassador was occupied by a revolutionary group during more than 4 months. Fourteen rebels from the Tupac Amaru Revolutionary Movement took 72 hostages during a traditional celebration. In the three cases, the place of detention was stormed and the terrorists killed. However, it has not been always done without dramatic consequences for the hostages. In the Maalot hostage taking 21 children were killed, and in the Moscow theatre case at least 90 hostages lost their life during the assault.

There is a mixed situation borrowing from barricade hostage taking and kidnapping, which is hijacking a plane. Terrorists try to maximise their chances of success by creating a situation in which they can move the situation of siege to a friendlier context such as a “rogue state”. If this is carried out successfully, then the captors do not risk any longer having their place stormed. Typical hijacking are the Lufthansa flight forced to land in Mogadishu, Somalia (1977) by the Popular Front for the Liberation of Palestine, the TWA flight hijacked from Athens by the Hezbollah and forced to land at Beirut (1985), or the Air France flight hijacked first to Benghazi, Libya, then to Entebbe, Uganda (1976) by a Palestinian terrorist group and a German leftist organisation.

Negotiating: stages and variables

Hostage takers who appropriate the lives of innocent people they even do not know and representatives of legitimate organisations whose action is carried out according to the law have not much in common. This characteristic will have an obvious consequence on the negotiation process. The empathy phenomenon implying that one side stands in the shoes of the others and tries to understand (if not to share) their views can hardly operate. The moral gap created by the hostage-taking act is an element structuring the negotiation in terms of relational incompatibility and raises a major obstacle to the implementation of a mechanism of exchange and concessions. Thus, the negotiated package is at



the same time a necessary tool but extremely difficult to set up. As negotiation is the process of combining divergent positions into a joint decision, the first challenge when negotiating with terrorists is to establish common rules with people who reject all the rules by which the others act. Furthermore, this is a negotiation under conditions of high asymmetry because negotiators receive their instructions from their government, while some terrorists consider that they receive their own orders directly from God. The negotiation will have to be carried out with counterparts regarding themselves as “soldiers of Allah” mobilized to fight the “evil” of the world and to overthrow the “impure order”.

Negotiating

The negotiation process taken as a whole may be broken down into three stages, a pre-negotiation, the establishment of a formula for a possible agreement, the fine tuning on each of the issues kept for discussion. The *pre-negotiation* requires applying the most diplomatic approach as this is during the first hour that most of the killings happen. The brutal change introduced by the hostage taking brings uncertainty on both sides even if the operation has been extremely well planned because no one knows for sure how the other and the hostages are going to react. The situation has to be stabilised, a channel of communication established, a crisis management group created and a negotiation team selected. Then, the legal authorities have to make sure that the hostages are truly alive. This is a phase of active listening with the purpose of gathering intelligence in order to prepare the coming negotiation.

The second stage consists in agreeing on a list of issues that can be accepted for negotiation, in other words, a *formula*. It is quite often a much protracted phase because seldom a ZOPA (Zone Of Potential Agreement) naturally comes out from combining both ranges of demand and offer. Furthermore, there are quite a few demands from the terrorists that normally cannot be met by a government such as providing weapons, making public apologies. Time plays an important role, working at the beginning against the terrorists and after a period of time turning to their advantage especially because of the pressure from the public opinion and that from the families of the hostages who both



expect the government to solve the problem. Sometimes terrorists go with escalating their demands which are linked at each stage with a deadline to add something more than the classical pressures. Usually, the interaction meets many obstacles because of the outrageous demands of the terrorists who tend to think that some governments are able to spare no amount of money to get back its own nationals.

The third stage deals with the *fine tuning* on each of the issues finally accepted by both parties. It is very much of a zero-sum game where all sorts of tricks may be used either to cheat the other or to reduce the cost of the concessions or the risk to be caught afterwards. For instance, on the authorities' side, paying with faked currency, handing over outdated medicine or equipment that does not work properly. On the kidnapper's side, killing the hostage to avoid releasing someone who can later help the authorities to discover the hide of the terrorists. A positive-sum game may thus be turned in a moment into a lose-lose outcome. Sometimes if no MHS (Mutually Hurting Stalemate) takes place the negotiation may be deadlocked for years. If a situation is painful for both sides, more and more unbearable, the pain has a positive effect because it gives an incentive to restore the negotiation process. Thus, what can done is first to create the conditions for a MHS by increasing the shared pain.

Each phase of the process has its own goals, rationale, and has to be dealt with differently by resorting to specific tactics. For instance, the pre-negotiation phase does not require any discussion on the substance of the negotiation but to only work on establishing the conditions for negotiating. The second stage enables to build the structure of the possible deal. Creativity may be important at that level. Credibility and commitment are also essential tools in this most complex phase. The third stage is highly distributive. Bluffing, deadlocks and unexpected events feed the process. Even if a minimum necessary level of trust has been achieved, anything may happen at this stage, turning the negotiation into a sequence of "*fait accomplis*".



As it is with terrorist action, the critical variable that organises the whole interaction is the *threat*. On one side, the authorities are facing the risk of having the hostages killed. On the other side, the terrorists are, in most of the situations, under the constant threat of an assault. Each side tries to modify the situation in a more favourable way in order to have a better bargaining position. Terrorists take measures to protect themselves against a possible storming and strengthen their commitment by sometimes killing one or more hostages. Legal authorities try to put all sorts of pressure on the perpetrators to lower their level of expectation and weaken them such as tactics of harassment, exhaustion, and depriving them of sleep.

A classical way to improve one's bargaining position is buying time to collect strategic information. On the authorities' side, it means, for instance, using microphones and laser systems to listen to conversations, or introducing hidden bugs in the place. This is what had been done with the Lima hostage taking when microphones were introduced in the place carefully hidden in chess wooden pieces. On the side of the terrorists, it means to have accomplices among the onlookers, the journalists covering the event or even among the hostages.

When the reputation of the counterparts make them untrustworthy, merciless, it may authorise behaviours that would otherwise not be so present in a negotiation such as lying, playing tricks, manipulating, and using deception devices. "We should not be constrained by Boy Scout ethics in an immoral world" stated Kenneth Adelman, former Assistant to the US Secretary of Defence. Terrorists groups do not care about the requirements of the Geneva Convention. A number of people highly familiar with this type of negotiation such as heads of Police consider that hostage takers should be promised everything and delivered nothing⁶. Thus, not only the final purpose of the negotiation but the "quality" of the counterpart may morally justify lying and cheating. The role of a negotiator may be to distract the enemy while the official authorities are preparing to attack them. However, if the Police have to deal later on with identical cases, the question of its credibility is raised. If there is not

⁶ Miller A. H. *Terrorism and Hostage Negotiations*. Boulder, Col., Westview Press, 1980.



a minimum of credibility among parties, no serious and effective negotiation can be carried out.

Any hostage taking negotiation develops under a high degree of uncertainty as the process may lead to an agreement but may also end up triggering an escalation in commitments, demands, level of threat or violence (Zartman and Faure, 2005). On occasions it may also lead to the surrender of the hostage takers or their escape. Predictability about terrorist behaviour is extremely difficult, for one of the most important causal variables is the psychological-ideological profile of the terrorist group. How much sensitive a fundamentalist group may be to arguments such as the reputation of Islam, the idea of fair justice, or the principle along which Muslims should not take women as hostages. Furthermore, terrorists are cautious about not releasing unnecessary information as to avoid enabling negotiators “reading their minds”. Al Qaeda provides a specific training on these issues to keep the upper hand even when in a difficult position. Nonetheless, some models have been developed to help predicting the outcome in hostage taking incidents bringing thus invaluable support to negotiators (Wilson, 2000).

Interaction techniques

SWAT teams have elaborated methods and techniques in order to interact effectively with terrorists and especially hostage takers. Here is the seven stage process used by a French renowned organization:

- 1- Gain time to better understand the situation and collect information. This is done through observation, use of microphones, bugs and mini-cameras.
- 2- Organize a negotiating group made of two-three people and decide who will be “the voice”, the person who will talk to the terrorists. Sometimes, when circumstances allow it, it will be a female negotiator to avoid getting into an escalation process.
- 3- Give respect to the counterpart; save his face. Offering status is the less costly concession to be made.



- 4- Let the terrorist express his anger, hate, fury, rage. He has to evacuate that strongly emotional part before getting into any “rational” discussion.
- 5- No concession without reciprocity. Always apply the “tit for tat” strategy. However, one has to remain balanced in his offer to keep enough credibility. The point is to start and feed a negotiation process by creating some negotiable issues. For instance, to put off the spotlights, restore air- conditioning, bring cigarettes, food, drinks.
- 6- Set up some kind of personal relationship by for instance, introducing oneself, indicating his/her first name.
- 7- Never invoke principles, values. Never introduce morals in the discussion.

These are basic techniques or tips to enable the negotiators not to have a successful discussion but at least to establish the necessary process for a proper negotiation. Then, the substance has to be dealt with according to the three-phase model.

The case of rogue states

Negotiating with “rogue states” is another variant of negotiating with terrorists. It raises many questions starting with the definition of a rogue state. It is a controversial label as it sometimes includes dictatorships only terrorizing their own populations. A rogue state may be defined as a country who does not abide by international rules by, for instance, disseminating weapons of mass destruction, exporting drugs, sponsoring terrorist groups, taking part in organized crime. At least a dozen countries have been, sometimes temporarily, associated with this concept such as North Korea, Iran, Libya, Afghanistan, Iraq, Soudan, Syria, Cuba, Yugoslavia, Venezuela, Zimbabwe, and Myanmar. Some governments have been so much infiltrated by terrorists that there is de facto collusion between the country and the terrorist group. This is for instance the case with Mali and AQMI concerning Western hostages detained in the Sahara/Sahel. The term of rogue state has been coined in the US and has led to much debate. It has been at times assumed that the US used to name rogue state any country it had serious troubles with. Some countries such as Iran have even described USA and Israel as rogue states.



Rogue states develop two types of activities that make them deserve this label:

- Building up a nuclear arsenal in order to increase their international influence or using it to extract money such as North Korea has been successfully doing for over a decade. This way, this country managed to extract US\$ 3 billions in compensation for stopping its missile program and finally did not stop it.
- Supporting or even sponsoring terrorist groups such as Iran does with the Hamas and Hezbollah. In this role, Rogue states may become a counterpart to deal with terrorist actions.

Originally, governments face a dilemma. Should they engage rogue states through negotiations or should they still apply the “no negotiation doctrine” and keep trying to isolate them? They engage more and more under the formula of talking to them instead of negotiating. Of course, in reality they discretely negotiate even with countries they have no diplomatic relations with. Demonization comes only when discussions led nowhere and governments look for an excuse to resort to other means of action.

Probably the one of the most ancient negotiation with a rogue state is between The United Nations represented by an American general and a North Korean general in Panmunjom for going beyond the armistice agreement. Here is an excerpt of the process:

“The American general and the North Korean general glared at each other across the table and the only sound was the wind howling across the barren hills outside their hut. (...) They sat there, arms folded for 41/2 hours. Not a word. Finally Gen. Ri got up, walked out and drove away. It was the 289th meeting of the Korean Military Armistice Commission at the truce village of Panmunjom and set a record as the longest such meeting since the Korean war ended July 27, 1953. The generals had been there 11 hours and 35 minutes. Neither ate or went to the toilet in all the time. Delegates to such meetings may leave the room only with a formal adjournment proposal.” (Rubin and Brown, 1975).



Several characteristics can be put forth to distinguish these negotiations from more normal ones, the question of accountability, the trust issue, the seizure of the historical moment. Rogue states like any state are supposed to be accountable to two types of audiences, their own people and the international community. Dictatorships do not mind too much about fulfilling the first type of obligations. However, there is still the rest of the world to deal with. If they were totally isolated they would be totally free but as soon as they have allies or close friends, they are accountable and cannot act beyond a certain limit if they do not want to harm the reputation of the ally. This is for instance the case with North Korea and China.

The issue of trust is a most challenging one. There should be some trust built, at least concerning the implementation of the agreement. On occasions, it may work such as with the negotiations between UK and the Sinn Fein. It is not the case with counterpart such as North Korea or Iran. If the counterpart is not perceived as trustworthy, there is very little chance to really strike a deal and the negotiation turns into a game of deception.

Sometimes, history provides a chance for achieving something that otherwise would not be possible. Sadate, the Egyptian Reiss, made the gesture with his visit to Israel. The chancellor Kohl did it with the Deutsch mark and the Euro. In the domain of terrorism, it has been the case with UK and the Sinn Fein.

There are other options than engaging such as appeasement, rollback, and containment. However, the two first are much riskier because they may be interpreted as signs of weakness opening the escalation road. Negotiating should be more effective as a process once the game has been structured through a strategy of containment.

Public opinion and media: information Vs manipulation

The essential task of the media is to inform the readers or the viewers about the events happening in the world. They often have a special interest for terrorist actions and hostage- taking cases because of their dramatic and spectacular



dimensions that strongly attracts attention. The hostage takers know about it and strive to also take advantage of this fact. They often resort to the media as an amplifier of their claims and a megaphone for their propaganda. Thus, the head of the People's Front of Liberation of Palestine stated that for him it was more important to keep one Jewish prisoner in a highly dramatic fashion such as being hostage than killing one hundred of them in a classical battle.

At times and without realizing it, the media, especially the television, may gradually turn the hostage taker from a mediocre unknown person, an anonymous individual among the crowd, into a hot-headed star in the limelight whose words and moves are echoed all over the world. A quasi-symbiotic relation may thus be established between journalists and terrorists, each one providing something essential to the other. TV viewers, newspapers readers may feel involved in the drama related by the media. Public opinion may thus play a non negligible role in the strategy adopted by governments. In the case of the hijacking of the Air France flight to Entebbe⁷, Uganda (1976) by Palestinians and German leftists (1), the Israeli opinion was opposed to a military solution until the terrorists raised their demands, bringing a doubt on the real possibility of reaching any negotiated agreement. Only because of this new situation the Israeli authorities were able to implement their usual policy of firmness.

The media have occasionally played a direct role in the hostage-taking situation by intervening among the protagonists. Thus, in New York, in a case in which the negotiation had led to an agreement including the release of the hostages and the surrender of the captor, a journalist almost derailed the all operation. He managed to reach the hostage taker by telephone and interviewed him on the reasons justifying his action. The immediate effect was to reactivate the grievances of the captor who then put the agreement into question again. As a basic principle, authorities normally in charge of the hostage problem try their

⁷ Two militants from the People's Front for the Liberation of Palestine and two from the [German "Revolutionäre Zellen"](#), after having embarked in Athens, first hijacked the plane to Benghazi, let go all non Israeli and non Jewish passengers, and then diverted it to Entebbe, Uganda. At [Entebbe](#), the four hijackers were joined by three additional terrorists, and supported by the pro-[Palestinian](#) forces of Uganda's President, [Idi Amin](#). The Israeli government sent 2 aeroplanes of paratroopers, who managed to kill all the captors, and release all the hostages.



utmost to keep the media away from the negotiation scene. This is not an easy strategy to implement as hostages families and captors tend to go the opposite way to get more weight on the negotiation process.

In all cases, a direct consequence of mediatisation of a hostage situation is the raise of the value of the captives, making any agreement costlier.

Negotiation effectiveness

There is no more difficult and complex task than to assess the effectiveness of negotiating with terrorists. Should the authorities get the hostages back at any price? Should they unwillingly reward the terrorists this way and encourage them to go for more hostages taking? Can one consider that each day, week, month or year of captivity add negative points on the balance sheet of the negotiators performance? Should a successful negotiation lead to the capture, surrender or killing of the terrorists? Should the outcome be assessed from a hostage point of view or only from the legal authorities' point of view? How to evaluate the level of danger for the hostages that may decide the authorities to give up negotiating and shift to the "tactical solution" by storming the place? Criteria for measurement are not obvious and may be even contradictory (Faure, 2003).

in spite of of the potential for mutual gain, negotiation may fail to quickly free (or even save) the hostages. One of the obstacles to negotiation between targets and terrorists is the perceived inability of terrorists to engage in credible commitments (Walter, 1997; Kydd & Walter, 2002)⁸. A key barrier to successful negotiation is that governments usually distrust militants and expect them to break their promises. No enforcement mechanism exists to punish terrorists if they do not abide by their commitments. If terrorists face no costs for breaking

⁸ Walter, Barbara F. (1997) The Critical Barrier to Civil War Settlement. *International Organization*. 51(3): 335-64; Kydd, Andrew and Barbara Walter (2002) Sabotaging the Peace: The Politics of Extremist Violence. *International Organization* 55(2): 263-296.



agreements, targets have no reason to believe that terrorists will stick to their commitments (Lake and Rothschild, 1998; Leeds, 1999)⁹.

Research on terrorism often assumes that terrorists operate free from any institutional constraints. This assumption is strongly challenged by facts. If terrorists want to negotiate, they must find some mechanism to convince targets that defection has a painful cost. To build their own credibility, terrorists must keep promises in order to establish a reputation for trustworthiness (Lapan & Sandler, 1988)¹⁰. If governments get convinced that terrorists care about their reputation, they may believe that terrorists will abide by their promises. However, few terrorist groups consider that they have to stick to rules and values promoted by their enemies. Terrorist groups, even if not anchored in any specific territory, have often to rely on foreign sympathy to conduct their operations. They also need some base even if for a limited time. Given that terrorists' base is located within a host's territory, for instance a rogue state, the group is subject to some kind of host's authority. With sufficient political capacity, hosts may thus influence a group's behaviour and ability to operate (O'Brien, 1996)¹¹. These countries hosting terrorist groups have been active supporters of a wide range of terrorist actions, most notably in bombings and hostage taking operations. States such as Iran and Syria strongly influence terrorists' ability to operate (Ranstorp and Xhudo, 1994)¹². Sponsors influence their groups by controlling weapons supplies, funding, and political support. Taking advantage of this situation, the host can, to a varying extent, constrain terrorists in their behaviour.

Talks and trade offs between governments and terrorists are often viewed as parenthesis in an on-going warfare. In that case, solving the problem goes through submitting or destroying the other and the negotiation is only a punctual

⁹ Lake, David A. and Donald Rothchild, (eds., 1998) *The International Spread of Ethnic Conflict*. Princeton: Princeton University Press; Leeds, Brett Ashley (1999) Domestic Political Institutions, Credible Commitments, and International Cooperation. *American Journal of Political Science* 43(4): 979-1002.

¹⁰ Lapan, Harvey E. and Todd Sandler (1988) To Bargain or Not to Bargain: That Is the Question. *American Economic Reviews* 78(2): 16-21.

¹¹ O'Brien, Sean P. (1996) Foreign Policy Crises and the Resort to Terrorism: A Time-Series Analysis of Conflict Linkages. *Journal of Conflict Resolution*, 40(2): 320-335.

¹² Ranstorp, Magnus and Gus Xhudo (1994) A Threat to Europe? Middle East Ties With the Balkans and their Impact on Terrorist Activity Throughout the Region. *Terrorism and Political Violence* 6(2): 196-223.



means serving this ultimate objective. However, the “tactical option” has not always been the panacea and some of them have met resounding failures such as the Israeli hostages disaster in Munich (1972), The Beslan school case (2004), the Moscow theatre hostage taking (2002), both in Russia, ended up in impressive bloodbaths with hundreds of victims among the hostages. Nevertheless, brilliant operations such as the successful hostage rescue in Entebbe by the Israeli, the German assault in Mogadishu, the storming of the residence of the Japanese ambassador in Lima, Peru (1996), or the hijacking of the Air France flight at Algiers airport (1994) by the GIA who wanted to crash the aircraft on the Eiffel Tower, illustrate the fact that tactical operations may work. However, in nearly all recorded cases death is on the agenda.

CONCLUSION

Edgy negotiations have been endowed with one more task when considering dealing with terrorist issues. To expect a sufficient level of effectiveness in that type of diplomatic practice, several requirements have to be met: accepting the terrorist as a negotiation counterpart; developing a specific concept of negotiation; implementing new skills, and managing a complex system of accountability. Considering the terrorist as a possible negotiation counterpart rises the issue of legitimacy. Rebels usually labelled as terrorists are the most unlikely counterparts. Associating principles of diplomatic activity and terrorist action leads to the management of an oxymoron. For a government, discussing with them is a way to legitimise a dissident movement that deny this government as representative and provide them with a diplomatic status. The policy shift usually starts by discussing at the political level, then switching to violent means, then getting to the negotiation table again. This is done because the government considers there is no other way to end the violence, or because the hurting stalemate is so damaging that something has to be done to stop it, or because a third party had enough influence to bring the two sides at the negotiation table.

Producing a specific concept of negotiation relates to the fact that the basic understanding of what is a negotiation with terrorist groups dramatically differs



from traditional diplomacy in substance and in form. It differs in substance because co-operation is not truly on the agenda. Both parties do not feel like being from the same human fabric. The spirit is often much more that of a cease fire to be agreed upon with each party having a hidden agenda, which does not exclude violence, treachery, and deception. The underlying negotiation paradigm tends to be much more a “chicken game” than a “prisoner’s dilemma”. It also differs in form, because such a type of negotiation is the extension of war through other means. The strong added ideological and ethical dimensions do not contribute to ease tensions among the proponents.

Implementing new skills is an important requisite because often the two sides do not meet physically or meet in places with one of them has to face an extremely hostile environment. The culture of the terrorist groups is usually not so much of a diplomatic culture but of a task force at war. Tension manipulation, aggressive language, hostile listening, threats, fait accompli, deliberately triggered crisis, and other types of hard bargaining tactics are most common tools for a negotiation that often does not tell its name.

Managing relations with stakeholders that have contradicting objectives such as freeing hostages but deterring terrorists from taking any more hostages, are a challenge per se. Consistency and effectiveness are constantly at risk. Diplomacy turns to the hardest by being not only a human struggle but a struggle of reason. These are the attributes of this very singular type of negotiation which consists in “talking” to terrorists for a safer world to come.



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