



Talking to Groups That Use **TERROR**

Nigel Quinney and A. Heather Coyne



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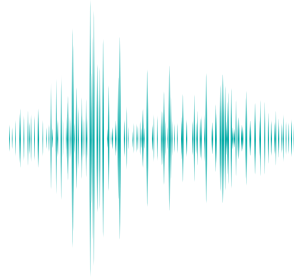
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Introduction

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 violence¹ 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.²

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.³ 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.⁴ 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.⁵ 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.⁶ 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.⁷ 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

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- *Integrating Internal Displacement in Peace Processes and Agreements*
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The Online Version

All the handbooks in the *Peacemaker's Toolkit* are available online and can be downloaded at 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.

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