

Negotiating with Terrorists: A Discrete Form of Diplomacy

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Summary

Crisis negotiation has been burdened with an additional and most problematic task, that of dealing with terrorist issues. Negotiators must engage in a very peculiar type of diplomacy because, officially, states do not negotiate with terrorists. This track-II diplomacy involves an asymmetrical relationship between a state and an often nebulous and evasive group. Its management is most paradoxical, for the negotiation is a non-negotiation and the counterparts are the most unlikely of negotiators.

This article analyses the very specific elements of such negotiation, in which the actors no longer play classical diplomatic roles but instead fulfil a much less urbane function that is embedded in the register of terror, even murder. It examines methods that are fundamentally alien to classical diplomacy because of the nature of the counterpart (who is not perceived as legitimate/equal), the issues at stake, the context, and the paradigms governing negotiating with terrorists, where psychological asymmetry and poor communication are basic attributes. Specific processes such as demonization and media management, as well as negotiation-effectiveness evaluation methods, are also studied.

Two types of situations are finally investigated, those where discussions can take place immediately, such as hostage-taking via kidnapping or barricade hostage-taking, and those where the potential for negotiation must be created because the terrorists make no demands and consider their actions as strictly punitive.

Keywords

Terrorists, negotiation, demonization, crisis, track-II diplomacy, asymmetric negotiation, kidnapping, barricade hostage-taking, media management, negotiation paradigm, assault, terrorists' profiles.

Introduction

The task of diplomacy, when handling national interest, basically serves three specific purposes: security, prosperity and humanity. Security interests are of the most crucial importance, as the twentieth century led to the violent death of 170 million people and produced enough weapons of mass destruction to destroy easily the whole world's 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: terrorists. The dawn of the twenty-first century has given increasing importance to this type of actor, so far among the most unlikely negotiators. Nothing in the former diplomatic tradition has ever prepared states to deal with such counterparts, but necessity has led more and more to attempt negotiations with these extremely difficult negotiators. In this new wake, after the Madrid attacks of 2004, an ayatollah 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'.

Negotiators who are Involved 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. The negotiators themselves belong to the first circle of actors, those who are in direct verbal contact with the terrorists. They thus stand in stark contrast to the official authorities, who do not openly expose themselves but are the decision-makers.

This form of track-II diplomacy involves an asymmetric relationship, because on the one hand there is a state and on the other hand there is a group that is often a nebulous and evasive organization with no obvious territorial basis. The management of such a relationship is paradoxical, for the negotiation is a non-negotiation and the counterparts are the most unlikely of negotiators.

This article offers an analysis of the very specific elements of this type of negotiation. The actors involved are no longer limited to the classical diplomatic figure of the type in evidence at the Congress of Vienna in the form of Talleyrand and Metternich. In the relatively new current context, these negotiators fulfil a much less urbane function, one which is embedded in the register of terror, even murder.

Two basic situations can be distinguished in terms of negotiation: 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 taking hostages or pirates attacking a ship, and seeking to exchange the captured goods or persons either for members of their organization who are detained in prison or for money or logistical assistance. When terrorists do not ask for anything and conceive of 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 fulfil.

A New Prominent Actor: The Terrorist

‘There is nothing new under the sun’, said the Ecclesiastes. This is also true about terrorism. In the first century AD, zealots were already fighting against the Roman occupation of what is now Israel. They would attack Roman soldiers with daggers. Since then, methods have evolved, technology has improved and the aim of terrorists is no longer limited to pushing back invaders, but what has also changed considerably is the extension of the practice and its effectiveness. It has known such a development that the United Nations has had to deal with it. The UN has not yet produced a fully elaborated definition of terrorism but there is a 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 organization, 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.¹

The use of violence against a population or group is basically done through intimidation or calculated coercion. Using weapons 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 and threats.

Terrorism is also often identified as a conjunction of the following attributes: violence and the threat of violence; the deliberate and specific selection of civilians as direct targets, which may be a government, a whole society, or a group within a society. As the name implies, terrorism is understood as an attempt to provoke fear and intimidation. Terrorist acts are therefore designed and may be deliberately timed to attract wide publicity and cause public shock. The intention may also be to provoke disproportionate reactions from governments, thus triggering a process of escalation.

Terrorists usually aim to achieve political or religious goals. Several claims are characteristic of a terrorist action: reference to the ideals of the group or the values that they want to promote; reference to historical grievances, usually what they consider as the oppression of an ethnic or religious group; and punishment for specific acts, including military campaigns. For instance, Islamist groups recurrently refer to the occupation of Iraq. There may also be a specific demand related to the above factors, such as the demand that all non-Muslims be driven away from Saudi Arabia.

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

Acts of war, including war crimes, repression of civilians, genocide, and other crimes against humanity, are not considered as part of the terrorist repertoire of action. State-sponsored terrorism, in which a government supports terrorist activity in another state, is usually regarded as low-intensity warfare between sovereign states. Guerrilla warfare, when directed against military targets, is generally considered as part of a military strategy rather than a terrorist action, although both terrorism and guerrilla warfare are forms of asymmetric conflicts.

Terrorists' Profiles

Terrorists fall into two categories: the religious; and the political groups. Among religious groups, one may find al-Qaeda, a Palestinian organization such as Hamas, the Abu Sayyaf group in the Philippines, the Salafist Group for Preaching and Combat in Algeria, Aum Shinrikyo (a Japanese religious sect) and Lord's Resistance Army (a Christian/Pagan group that operates in northern Uganda).

Examining the profiles of some terrorists groups led to some unexpected observations, such as those made on the Salafist movement by Sageman.² The Salafists are strictly Sunni, come from the middle/upper class, and 73 per cent are married with children. Besides religious beliefs, social bonds play an important role in the development of the global Salafi jihad. Research shows that there is no correlation between poverty and terrorism. Poverty does not cause terrorism and prosperity does not cure it. In the world's 50 poorest countries, there is little or no terrorism. The link between terrorism and nationalist, ethnic, religious and tribal conflict is far more tangible.

Terrorism as asymmetric warfare does not abide by laws and international rules, whereas governments are bound by them. As mentioned by Laqueur, 'In the terrorist conception of warfare there is no room for the Red Cross'.³ If the issue at stake is a territory or the demand for autonomy, a compromise through negotiations might be achieved, but dialogue is extremely difficult to establish with Islamist radical movements. Their demands are often far beyond what can reasonably be offered, such as restoration of the Caliphate or the removal of all Western forces from Muslim lands (including the suppression of the state of Israel) and the restitution of formerly Muslim lands (including Spain). These organizations can be classified as absolute terrorists if we refer to the definition given by Zartman.⁴ 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'.⁵ In these cases, even if the point is not just to punish the

² Marc Sageman, *Understanding Terror Networks* (Philadelphia PA: University of Pennsylvania Press, 2004).

³ W. Laqueur, *The New Terrorism* (New York: Oxford University Press, 1999).

⁴ I.W. Zartman (ed.), *Negotiating with Terrorists* (Leiden: Martinus Nijhoff Publishers, 2006).

⁵ Zartman, *Negotiating with Terrorists*, p. 2.

other party, as on '9/11', totally unrealistic claims make any negotiation most unlikely.

Among the political groups one may find FARC (the Revolutionary Armed Forces of Colombia), the Tamil Tigers in Sri Lanka, the Red Brigades in Italy, the PKK (Kurdistan Workers' Party) in Turkey, the ETA in Spain, Al-Aqsa Martyrs brigades (a Palestinian nationalist movement), the Nepalese Maoists, or the former IRA (Irish Republican Army) in Northern Ireland.

Suicide attacks are the basic method used by both religious groups and political organizations. Although negotiating with most of these groups has not yet led to many tangible results, it can be viewed as more realistic to consider these groups as possible counterparts, because the values that they promote can find a concrete expression in specific circumstances, as 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 with whom there are possible trade-offs to be considered.

The New Context of Terrorism

Globalization is the dominant trend and terrorism benefits widely from it. Terrorists groups can be set up on transnational bases with no more territorial reference. Borders are no longer obstacles, and the extension and sophistication of hi-tech has greatly contributed to the development of multifunctional organizations operating at financial, social and strategic levels. Terrorist groups can be informal and decentralized, in a context where communication is fast, anonymous and effective. It is no longer necessary to have a territorial base, even if situated, for instance, in a country with a collapsed state. There are a number of anarchical states or regions that can be used as unassailable sanctuaries. Terrorism's field of action is in a civilian context, where spotting a group is very difficult and their actions the most deadly. In addition, Western laws emphasizing individual freedom often drastically limit defence capacities.

The West is not the prime target of jihad terrorism. The highest numbers of fatalities happen in the Middle East. Ironically, 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 '9/11' and the 'war on terror' that followed have clearly contributed to a 'clash within one civilization', 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. Some countries have thus gradually become an operating base for terrorist support groups, with this evolution facilitated by increasing Muslim communities, growing tensions with native

populations, and the relative freedom with which radicals can organize themselves in mosques, charitable and cultural organizations. The ideological work has been 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 radicalization of second-generation immigrants.

Over the past decade and a half, 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 and 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, loosely structured, autonomous, ideology driven. They are uncontrollable by states, most difficult to identify, and even more difficult to infiltrate, such as the numerous al-Qaeda networks.

Maritime piracy is another type of terrorist action that has made an impressive comeback over the last two decades. Maritime piracy, according to the *United Nations Convention on the Law of the Sea* of 1982, consists of any illegal act of violence, detention or depredation committed for private ends by the crew or the passengers of a private ship and directed against another ship on the high seas. Sea piracy involving transport vessels is an extremely common practice, especially in the waters close to Indonesia, south of the Philippines and off the Somali coast, as well as in the Straits of Malacca and Singapore, which are used by over 50,000 commercial ships per year. Following the disintegration of Somalia and the collapse of its governing structures, warlords in the region have attacked oil and gas tankers, bulk carriers and even ships delivering food aid. Maritime regions such as the Nigerian coast and the ports of Chittagong in Bangladesh and Santos in Brazil are also seeing increases in piracy. Ships are attacked and then controlled by pirates, who take the vessel to their base, as they do in Somali waters, where they negotiate a ransom. One of the many examples is the storming of the 'Ponant', a French luxury yacht carrying 30 crew members, in the Gulf of Aden in 2008. It was taken under the pirates' control to Garacad, south of the port of Eyl, on Somali territory, where it spent one week while negotiations were under way between representatives of the pirates the vessel's owner and French authorities.

Negotiating with Terrorists: A Most Peculiar Form of Diplomacy

Negotiation with terrorists refers to methods that are fundamentally alien to classical diplomacy 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 relationship, and as a consequence, communication remains of a relatively poor content. The terrorist is viewed as a counterpart imposing upon the relationship, forcing his way, thus not respecting the other.

What is at stake is usually highly dramatic, as one is dealing with human lives. Thus, the smallest mistakes may elicit terrible consequences for the hostages, with highly traumatizing effects on the negotiators. The absence of alternate solutions when the hostages are detained in a place or country that are accomplices to terrorists adds to the difficulty.

The situation is characterized by a number of uncertainties, in particular about the credibility of demands and that of the threat, which is one of the basic techniques used by terrorists. Uncertainty may also characterize the real state of the hostages' health: whether they are alive, wounded or sick.

When facing terrorist actions such as hostage-taking, four strategic options may be considered: no negotiation; secret negotiation; regular negotiation; and negotiation in order to prepare for an assault. The 'no negotiation' policy aims to deter terrorists from taking more hostages and is, for instance, the official Israeli policy with regard to the Palestinians. This option has the most painful consequences on the hostage situation. The 'secret negotiation' strategy is more commonly used, one of its major advantages being to remove negotiators from the influence of public opinion and the media. This was the case after the seizure of the US embassy in Tehran in 1979. The 'regular negotiation' option is used when there is no way of hiding the hostage-taking from public audiences, as was the case with the French journalists in Iraq, when even the amount of money paid as a ransom was widely known. '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 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 setting is one with a win-lose outcome at best and a lose-lose outcome at worst. 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 death — of the terrorists. Both hostages and hostage-takers may lose their lives at the end. The 'secret negotiation' and 'regular 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.

The current literature addressing this most peculiar type of negotiation, which involves dealing with the worst possible negotiation counterparts, can be divided into two main categories: analytical works; and practical advice. The analytical literature explores the conditions that make such negotiation possible, the specific elements of the negotiation process, potential outcomes, psychological profile and motivation of the terrorists, and related strategy.⁶

Drawn from field experience, technical manuals have been produced to provide advice for practitioners. These guidelines deal mostly with the methods and tactics to be applied to different types of situation. Basic principles are outlined, such as avoiding getting into verbal conflict, actively listening, avoiding deadlines, giving nothing away but always making trade-offs, understanding that lies and deception are acceptable in such critical matters, gaining time, diverting the captors' attention away from the hostages, reassuring hostage-takers that the site will not be attacked, minimizing the seriousness of the crime, not using the word 'hostages', not suggesting exchanging oneself for the hostages, and not exposing oneself physically.⁷

⁶ The most significant works include: D.A. Baldwin, 'Bargaining with Airline Hijackers', in I.W. Zartman (ed.), *The 50% Solution* (New York: Doubleday, 1976); A. Dolnik, 'Contrasting Dynamics of Crisis Negotiations: Barricade Versus Kidnapping Incidents', in I.W. Zartman, *Negotiating with Terrorists* (Leiden: Martinus Nijhoff, 2006), pp. 51-82, reprinted from the *Journal of International Negotiation*, vol. 8, 2003; W.A. Donohue and P.J. Taylor, 'Testing the Role Effect in Terrorist Negotiations', in I.W. Zartman, *Negotiating with Terrorists* (Leiden: Martinus Nijhoff, 2006), pp. 83-102, reprinted from the *Journal of International Negotiation*, vol. 8, 2003; G.O. Faure and M. Shakun, 'Negotiating to Free Hostages: A Challenge for Negotiation Support Systems', in M. Shakun (ed.), *Evolutionary Systems Design: Policy-Making Under Complexity* (Oakland CA: Holden-Day, 1988); G.O. Faure, 'Negotiating with Terrorists', *PINPoints*, IIASA, Laxenburg, no. 18, 2002; G.O. Faure, 'Negotiating with Terrorists: The Hostage Case', in I.W. Zartman, *Negotiating with Terrorists* (Leiden: Martinus Nijhoff, 2006), pp. 25-50, reprinted from the *Journal of International Negotiation*, vol. 8, 2003; Richard Hayes, 'Negotiations with Terrorists', in V.K. Kremenyuk (ed.), *International Negotiation* (San Francisco CA: Jossey-Bass, 2002); Walter Laqueur, *Voices of Terror* (London: Reed, 2004); A.H. Miller, *Terrorism and Hostage Negotiations* (Boulder CO: Westview, 1980); W.L. Waugh, *International Terrorism* (Salisbury NC: Documentary Publications, 1982); M. Wilson, 'The Psychology of Hostage-Taking', in A. Silke (ed.), *Terrorists, Victims and Society: Psychological Perspectives on Terrorism and its Consequences* (Chichester: John Wiley, 2003); and I.W. Zartman (ed.), *Negotiating with Terrorists* (Leiden: Martinus Nijhoff, 2006).

⁷ See Faure, 'Negotiating with Terrorists'. Major contributors include O.M.J. Adang and E. Giebels (eds), *To Save Lives* (Amsterdam: Elsevier, 1999); F. Bolz and E. Hershey, *Hostage Cop: The Story of the New York City Police Hostage Negotiating Team and the Man who Leads it* (New York: Rawson, Wade, 1980); F. Bolz, K. Dudonis and D. Schultz, *The Counterterrorism Handbook: Tactics, Procedures and Techniques* (London: CRC Press, 2002); R.L. Clutterbuck, *Kidnap, Hijack, and Extortion: The Response* (New York: St Martin's Press, 1987); H.H. Cooper, *The Hostage-Takers* (Boulder CO: Paladin, 1981); T.N. Davidson, *To Preserve Life: Hostage-Crisis Management* (Auburn CA: Cimacom, 2002); F.J. Lanceley, *On-Scene Guide for Crisis Negotiators* (New York: CRC Press, 1999); A.C. MacWilson, *Hostage-Taking Terrorism: Incident-Response Strategy* (New York: St Martin's Press, 1992); M.J. McMains and W.C. Mullins, *Crisis Negotiations: Managing Critical Incidents and Hostage Situation in Law Enforcement and Corrections* (Cincinnati OH: Anderson, 2001); J.M. Poland and M.J. McCrystle, *Practical, Tactical*

The Legitimacy Issue

Formally, negotiating with a terrorist group implies a kind of de facto recognition of this group. Prior to entering the negotiation, the question of the counterpart's legitimacy is thus raised. This is a delicate and embarrassing point for a government. Officially, no government recognizes 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 was formalized by a UN resolution in 1987, which 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.

Considering what kind of actions could be taken, the number of options is very limited: either an armed intervention or entering negotiation. The 'no negotiation' policy has always been strongly advocated by the law enforcement community, primarily because bargaining invites repeated attacks.⁸ Another common recommendation, often made by criminologists, is that terrorism should be processed by the criminal justice system in the same way as other crimes.⁹ Confronted with the tough requirements of reality, governments most often finally choose to intervene, either directly or with the help of a third party. This is done through what is conventionally called 'track-II diplomacy'. The 'no negotiation' principle is more of a hardline rhetoric than a reality, especially if the place where the hostages are kept is unknown or is in a country that is friendly to terrorists. History shows that democracies are more willing to negotiate and compromise with terrorism than they officially admit.

Considering only the effectiveness criterion, which is here the freedom or life of the hostages, should a government negotiate with terrorists? Some researchers provide a positive answer on the grounds that through communication there is a way to exert influence.¹⁰ Negotiation is a mechanism for influencing other parties' decisions, and given adverse or suboptimal 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

and Legal Perspectives of Terrorism and Hostage-Taking (Lewiston NY: Mellon, 1999); Todd Sandler and John L. Scott, 'Terrorist Success in Hostage-Taking Incidents: An Empirical Study', *Journal of Conflict Resolution*, vol. 31, no. 1, 1987, pp. 35-53; and L. Thomson, *Hostage Rescue Manual* (London: Greenhills, 2001).

⁸ J. Elliott and L. Gibson (eds), *Contemporary Terrorism: Selected Readings* (Gaithersburg MD: IACP, 1978).

⁹ R. Crelinsten *et al.*, *Terrorism and Criminal Justice* (Lexington MA: Heath, 1978).

¹⁰ R. Fisher, W. Ury and B. Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (London: Century Business, 1991).

of the legitimacy of the demand or acceptance of the other side's behaviour. What one does accept when negotiating with terrorists is the humanitarian cause that it serves through contributing to saving lives.

For most nations, if the basic principle that applies to such a situation is at least not to make any concessions, the only resource left to negotiators 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.

The US and many of its allies are formally committed to a policy of 'no negotiation' with terrorists. Whenever US citizens abroad are taken as hostages, the US policy specifically states the refusal 'to pay ransom [...] and make other concessions to terrorists in exchange for the release of hostages [...] under the assumption that such a practice only increases the danger that others will be taken as hostages. However, hard facts tell us much more than official principles. For instance, in Tehran in 1979 Iranian militants stormed the US Embassy and took more than 90 hostages. Against all of the principles governing international relations, the so-called 'students' kept 54 people, American diplomats and embassy employees, confined for 444 days. The US government, humiliated and helpless, launched a military rescue mission that turned to a catastrophe, finally had to negotiate and of course made concessions.

In another context, in 1985 two Hezbollah terrorists hijacked a TWA flight carrying 153 passengers and crew, forcing the pilot to land at Beirut airport and keeping them as hostages. The terrorists demanded the release of 766 Shi'ite prisoners from Israel in exchange for the American hostages. In response to the hijacking, US President Ronald Reagan publicly stated that he would never negotiate with terrorists. However, US officials privately asked the Israeli government to release the prisoners in exchange for the American hostages. Two weeks later, the American hostages were released. Then, the following day, the Israeli cabinet freed 300 Shi'ite prisoners, stating that the release had been planned long ago.

'Talking' to terrorists or to representatives of so-called 'rogue states', which in fact means negotiating even if the wording is carefully avoided, has served different purposes for governments, such as resolving a hostage crisis, preventing a terrorist attack, exploring possibilities for a negotiated settlement with the terrorist group that would lead to relinquishing violence and integrating into more conventional politics. In the case of 'rogue states', the purpose can be to regain influence over them and to bring them back towards normal international behaviour. This has been the case with Libya since the Lockerbie aeroplane bombing that led to the death of 270 people in 1988.

Usually the final deal is not made public because the country involved often has to make concessions that, if known, would create problems with other countries or with its own public opinion.¹¹ Here, more than in any other situation, the

¹¹ Faure and Shakun, 'Negotiating to Free Hostages', pp. 219-246.

iceberg principle, which consists of 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 ransom payments for hostages. Yet in all of the cases, it is most unlikely that persuasion alone has been sufficient to free hostages whose only function is to serve as exchange currency.

Money and weapons have been the basic ingredients for freeing hostages from the very beginning. In 1985 and 1986 the US government traded arms for hostages in a deal with Iran. France had several nationals taken as hostages in Lebanon. France pardoned and expelled Anis Naccache, a Lebanese serving a life sentence for killing a bystander in Paris, in a failed attempt to assassinate an Iranian opposition leader in 1980. Naccache's release was one of the main demands of Iran and of the Lebanese hostage-takers. France got back the last hostage in 1988.

A survey undertaken on the period from 1968 to 1991 shows that negotiation was attempted in over half of the cases of terrorist events involving hostage-taking.¹² Facts demonstrate that even the most committed countries to the 'no concessions' policy often break with this principle.¹³ Diplomacy has thus been particularly instrumental in dealing with terrorist issues in cases such as ending the OPEC hostage crisis at Vienna in 1975; arranging a prisoner exchange with Lebanese hijackers in 1985; in Sudan in 1994 for catching Carlos, the most wanted terrorist of this time; and getting the IRA to agree to giving up its armed struggle in 1998.

Issues for Possible Negotiation

What has to be traded with terrorists is usually human lives, but there are also cases where hostages were not human beings but dogs or other pets, and even on occasions artistic masterpieces. Whatever the currency of exchange, if a negotiation takes place, concessions have to be made to terrorists even if states pretend that nothing has been given to them. The usual concessions made to terrorists fall into two categories, those referring to original demands, for which the hostage takers seek an exchange against the hostages:

- Payment of a ransom
- Providing weapons, food, equipment, technology or information
- Release of imprisoned terrorists, political prisoners or dissidents

¹² Edward Mickolus, Todd Sandler, Jean Murdock and Peter Fleming, *International Terrorism: Attributes of Terrorist Events* (Dunn Loring VA: Vinyard Software, 2000).

¹³ David Tucker, 'Responding to Terrorism', *Washington Quarterly*, vol. 21, no. 4, 1998, pp. 103-107; and Barbara F. Walter, 'The Critical Barrier to Civil War Settlement', *International Organization*, vol. 51, no. 3, 1997, pp. 335-364.

- Release of imprisoned supporters or sympathizers of terrorism
- Provision of access to the media to publicize their cause

Those referring to the condition of the hostage-takers often shift their focus to their own fate as they drop their original demands:

- Provision of transport to another location
- Provision of political asylum or amnesty within a host country
- The promise of a fair trial

On the terrorist side, it may be paradoxical to take hostages and trade them. This is especially true for radical Islamist groups because their faith does not allow the buying or selling of men. Some Islamic terror groups, however, do. Both sides to the negotiation thus infringe upon the set of principles by which they claim to base their conducts.

International practice somehow leads to the establishment of a market price for hostages. According to the place, conditions, number of hostages and solvability by governments, the ransom may go from one to ten million US dollars. Among the most generous governments is Japan, but the world record was probably beaten by Li Ka-Shing, a famous real-estate tycoon, who gave an estimated 1.3 billion Hong Kong dollars for his son, who was abducted in Hong Kong in 1966.

The Structural Components

There are two basic types of situations created by terrorist actions that structurally call for negotiation: kidnapping; and barricade hostage-taking. Kidnapping usually refers to an action done in a context that is not controlled by the captors unless it is perpetrated in a 'rogue state' or a state that no longer has control over 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 and uneasy, and interaction is reduced to a minimum. The FARC in Colombia has massively illustrated this practice with a record of about 4,000 people kidnapped in one decade. The Abu Sayyaf group in the Philippines also has an impressive record in this domain. As there were not enough potential targets in the Philippines, they went to neighbouring countries to kidnap people who represented a good currency for exchange. The GSPC (*Groupe Salafiste pour la Prédication et le Combat*) in North Africa took Western tourists as hostages after carefully selecting them as nationals of particularly generous countries.

Barricade hostage-taking corresponds to a situation of siege. Here the fishbowl theory applies, for the fish is the perpetrator and the bowl his sphere of protection. Outside the bowl the fish/hostage-taker is highly vulnerable as he does not control anything of the immediate surroundings. He is under constant threat of an assault. Even electricity, food and water supply depend on the good will of the

forces who circle the terrorists. A number of cases illustrate such a situation, in which the final purpose of the negotiation is not really to seek an agreement but to prepare for what is usually called the 'technical solution', a storming of the place. This is what happened with the Maalot school in Israel in 1974, where children were taken as hostages by a Palestinian group. In Moscow in 2002 a group of Chechen militants took over a theatre with the whole audience, over 850 people, held as hostages. In Lima, Peru, the residence of the Japanese ambassador was occupied by a revolutionary group for more than four months in 1996, when fourteen rebels from the Tupac Amaru Revolutionary Movement took 72 hostages during a traditional celebration. In all three cases, the place of detention was stormed and the terrorists killed. However, it has not always been done without dramatic consequences for the hostages. In the Maalot hostage-taking, 21 children were killed, and in the Moscow theatre at least 90 hostages were killed during the assault.

Hijacking a plane is a mixed situation, borrowing from both barricade hostage-taking *and* kidnapping. Terrorists try to maximize their chances of success by creating a situation in which they can move the siege to a friendlier context, for instance to a 'rogue state'. If this is carried out successfully, then the captors no longer risk having their stronghold stormed. Typical hijackings are the Lufthansa flight that was forced to land in Mogadishu, Somalia, by the Popular Front for the Liberation of Palestine in 1977; the TWA flight that was hijacked from Athens by Hezbollah and forced to land in Beirut in 1985; and the Air France flight that was hijacked first to Benghazi, Libya, and then to Entebbe, Uganda, by a Palestinian terrorist group and a German leftist organization in 1976.

Negotiation in Action

There is very little in common between hostage-takers who appropriate the lives of innocent people that they do not even know and representatives of legitimate organizations whose actions are carried out according to the law. This characteristic will have an obvious consequence on the negotiation process. The empathy phenomenon implying that one side stands in the shoes of the other 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 is 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 of the rules by which the other acts.

The whole negotiation process may be broken down into three phases: pre-negotiation; establishment of a formula for possible agreement; and fine-tuning of each of the issues kept for discussion. The pre-negotiation phase requires

applying the most diplomatic approach, as it is during the first hour that most 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 stabilized, a channel of communication established, a crisis management group created and a negotiation team selected. The legal authorities then have to make sure that the hostages are alive, especially in cases of kidnapping.

The second phase consists of agreeing on a list of issues that can be accepted for negotiation. It is quite often a much protracted phase because a ZOPA (Zone Of Potential Agreement) seldom naturally comes out from combining both ranges of demand and offer. 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 pressures from public opinion and from the families of the hostages, who both expect the government to solve the problem. Terrorists sometimes escalate their demands, which are linked at each stage with a deadline to add something more than the classical pressures. The interaction usually meets many problems because of the terrorists' outrageous demands, as they tend to think that a government is able to spare any amount of money to get back its nationals.

The third phase deals with fine-tuning each of the issues that are finally accepted by both parties. It is very much a zero-sum game, where all sorts of tricks may be used either to cheat the other or to reduce the cost of concessions or risk of being caught afterwards (for instance, paying with forged currency, or handing over outdated medicine or equipment that does not work properly), or on the kidnapers' side, killing the hostages to avoid releasing someone who can later help the authorities to discover the hide of the terrorists). A positive-sum game may thus turn in a moment into a lose-lose outcome. Sometimes, if no MHS (mutually hurting stalemate) takes place, the negotiation may be deadlocked for years.

What is important to consider is that each phase of the process has its own goals and 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 is only to work on establishing the conditions for negotiating. The second stage enables building the structure of a possible deal. Creativity may be important at that level, and 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*.

The basic variable that organizes the whole interaction is the threat. On one side, the authorities are facing the risk of the hostages being killed. On the other side, the terrorists are in most situations under a constant threat of assault. Each side tries to modify the situation in a more favourable way in order to have a bet-

ter bargaining position. Terrorists take measures to protect themselves against a possible storming and to 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 expectation levels and to weaken them, including tactics of harassment, exhaustion and depriving them of sleep.

A typical way to improve one's bargaining position is to hide or collect strategic information: the authorities may use microphones and laser systems to listen to conversations, or introduce hidden bugs in the stronghold; the terrorists, meanwhile, may have accomplices among the onlookers or journalists covering the event.

An extremely negative representation of the counterpart may authorize 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 Defense. 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 nothing.¹⁴ 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 negotiation protracts and unfolds in several stages or if the police later has to deal with identical cases, the question of credibility is raised. If there is not a minimum of credibility among the parties, no serious and effective negotiation can be pursued.

Dealing with terrorists in a hostile environment raises the issue of sovereignty for a government that wants to take effective and quick action. Rather than abiding by international laws, governments often contend that the end justifies the means and ultimately just do what they consider as good for them. For instance, when foreigners are taken as hostages in Iraq, their governments directly discuss with terrorist groups and finally pay a ransom to get their own people free.

Demonizing the Counterpart

When the basic conflict is of a high degree, when divergences in goals are big, when positions are extremely antagonistic and when values are far apart, phenomena such as stereotyping, attribution bias, projection and cognitive dissonance may occur. Tactical means such as misinformation or inadequate data may also contribute to giving rise to, and feeding, a demonization process of the counterpart. Demonization is the characterization of individuals, groups or political bodies as evil for the purposes of refusing to negotiate, breaking off during negotiations, or justifying an attack, whether in the form of assassination, legal action, circumscribing of political liberties, or warfare. In the same realm, morbid portrayals

¹⁴ Miller, *Terrorism and Hostage Negotiations*.

of an individual, movement, or a nation as a mortal enemy might rally support for the accusing side. Such a process greatly reduces possibilities for reaching any negotiation outcome. The demonization process consists of an escalation of the opponent's image.¹⁵ It is a double process, addressing first the psychological dimension by building up on the anxiety, and then unfolding on the strategic dimension by disqualifying the other from allowing any action against him.

For governments, especially Western governments, demonization has been illustrated, for instance, by developing a Manichean worldview with the definition of an 'axis of evil' including Iran, Iraq and North Korea by US President G.W. Bush. His list was later completed by more countries, with Cuba, Libya and Syria added. The demonization of Islam and vilification of Muslims by associating them with terrorism are widely practised in Western media. Integrist and radical Muslims are labelled as 'Islamofascists'. Muslim activist groups are described as barbarian, monstrous, merciless and inhuman. Devoted Muslims are perceived as bigots and psychopaths who want to lash out at the West. American leaders characterize Iran's current leadership as 'mad mullahs', wild-eyed and irrational. The Iranian criminal justice system is denounced as mandating punishments such as crucifixion and amputation. Many Westerners hence tend to see Muslims as 'congenital terrorists'. Islamist totalitarianism has been described as an ideology of mass destruction, a 'green fascism', a pathologically anti-Western, anti-Jewish and anti-Christian fanaticism.

North Koreans have joined Islamic fundamentalists as villains. North Korea's leader, Kim Jong Il, has constantly been the target of demonization campaigns. Kim and North Korea are delineated as irrational, unpredictable, neo-Stalinist, secretive, reclusive, bizarre and militaristic. Dealing with Kim Jong Il is presented like negotiating with a man who holds millions of hostages, a 'genocidal maniac'. North Korea is described as a vast and grim concentration camp, where an evil-minded and abstruse dictator indoctrinates ordinary North Koreans into supporting his malefic designs for the world, including a nuclear strike on the US and US allies. He is presented as another Osama Bin Laden, but this time 'one with a bad haircut and a funny jacket'.

On the side of the terrorist groups, the designated enemy is demonized in totally irrational ways. The United States is defined as the 'number one rogue state' and the neo-conservative clan at the White House as a 'group of fanatics'. The United States has been recurrently called 'Great Satan' by Iran or 'the head of the snake' by al-Qaeda. Westerners are labelled as 'Judeo-crusaders' whose basic purpose is to slaughter as many Muslims as possible. The Pope is addressed as 'the worshipper of the cross'. Heads of moderate Arab countries such as Egypt or Jordan are named 'apostates'.

¹⁵ I.W. Zartman and G.O. Faure, *Escalation and Negotiation in International Conflicts* (Cambridge: Cambridge University Press, 2005).

Zionists are fantasized as representatives of an evil power and are accused of racism, fascism, imperialism, apartheid and genocide intentions, if not of 'Palestinocide' plans. The well-known work, *Protocols of the Elders of Zion*, revealing that Jews were plotting to take over the world, is currently being republished all over the Muslim world and feeds the hatred. The Zionists also provide content for the Arab version of the conspiracy theory applied, for instance, to '9/11'. In previous times, Jews and Zionists were seen as demanding that Jesus be tortured and crucified; nowadays they are accused of committing massacres on Palestinian lands and stabbing non-Jewish children to death for their blood, thus reactivating the old anti-Jewish images of ritual murder carried from medieval Christianity into some contemporary Arab-Islamic circles. 'Zionism' is becoming a pejorative word, which is increasingly used as an insult. Israel is deemed the 'greatest oppressor of all time', an 'apartheid state' that is even 'worse than the Nazis'. Television in authoritarian regimes such as Syria or Egypt produces and releases programmes that depict Jews as 'blood-thirsty world conspirators'.

The Media and Public Opinion

The purpose of the media is to inform readers or viewers about events happening in the world. They often have a special interest in hostage-takings because of their dramatic and spectacular dimensions that strongly attract attention. The hostage-takers know this and strive to take advantage of this fact. They often resort to the media as an amplifier of their claims and a megaphone for their propaganda. The head of the People's Front of Liberation of Palestine thus stated that for him it was more important to keep one Jewish prisoner in a highly dramatic fashion such as being a hostage than killing 100 Jews in a classical battle.

The media, especially 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 motions are echoed all over the world. A quasi-symbiotic relation may thus be established between journalists and terrorists, each providing something essential to the other. TV viewers and newspaper readers may feel involved in the drama that is 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 Entebbe, Uganda, in 1976 by Palestinians and German leftists, Israeli opinion was opposed to a military solution until the terrorists raised their demands, bringing doubt to the real possibility of reaching any negotiated agreement.¹⁶ Only from this new

¹⁶ 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, released 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 were supported by the pro-Palestinian forces of Uganda's President Idi Amin. The Israeli government sent two aeroplanes of paratroopers, who managed to kill all of the captors and release all of the hostages.

situation were the Israeli authorities able to implement their usual policy of firmness.

Media may play a direct role on occasions in a 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 surrender of the captor, a journalist almost derailed the whole 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 captor's grievances and to put the agreement into question again.

Uncontrolled media intervention may also lead to dramatic outcomes such as death. A Lufthansa flight was hijacked to Mogadishu, Somalia, in 1977. During the operation, the pilot managed surreptitiously to send information to the control tower about the terrorists, their number, the weapons that they had and their exact position in the aircraft. A journalist came to know about it and reported this information on a radio channel. One of the terrorists on board was listening to that channel and had no difficulty guessing where the leak had come from. He killed the pilot. As a basic principle, the authorities in charge of the hostage problem therefore try their 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 in the opposite direction to gain more weight for the negotiation process.

The case of the siege of the Church of the Nativity in Bethlehem in 2002 offers an example of productive synergy between negotiators and the international media. Sixty armed Palestinians and 160 civilians who were trying to escape from the Israeli army broke into this high place of the Christian faith. A 39-day siege ensued, during which the Israeli Crisis Negotiation Unit (CNU) carried out extremely difficult negotiations with the Palestinians inside the church. Several other parties were involved in the discussions, including the priests serving the church and its compound, who belonged to three different orders: Greek Orthodox; Franciscan; and Armenian. Officials from the United States, the European Union and the Vatican also intervened to facilitate ending the siege. An agreement was ultimately reached: most of the Palestinians were allowed to go free; 26 were exiled to the Gaza Strip; and thirteen others were deported to Europe.

The Church of the Nativity, which is believed to be located on the very spot where Jesus was born, is regarded as a place of exceptional sanctity, and so any attempt to storm it had to be ruled out. The whole world and the international media were closely following the events of this arduous negotiation process. The CNU managed to develop and sustain a relationship with the media, which became quite influential during the negotiation process. With reference to Gilboa's taxonomy of media coverage in international negotiations,¹⁷ the CNU

¹⁷ E. Gilboa, 'Media Coverage of International Negotiation: A Taxonomy of Levels and Effects', *International Organization*, vol. 5, no. 3, pp. 543-568.

adopted a position midway between 'closed-door' and 'open' diplomacy, disclosing a fair amount of information while still keeping confidential the core of the negotiations, such as the agenda and positions of the parties. Media coverage would usually tend to leave the people inside the church in a stronger position, and the challenge for the CNU was consequently to retain enough power to have real negotiations instead of an Israeli withdrawal. To this end, the CNU made a true effort to make the media aware of the situation's complexity and the extreme difficulty of reaching a peaceful solution. In addition, the international media acted as a communication channel to the besieged Palestinians. It also allowed the CNU to send messages to the families of the people inside the church in a way that was much more credible than if it had been done directly. Gestures of goodwill, persuasion and reassuring statements were displayed, instead of hard-bargaining tactics such as warnings and threats. This strategy supplemented by daily assessments of Israeli and Palestinian public opinion as public support was essential on both sides. This had the effect of deterring the besieged Palestinians from launching a massive attack on the Israeli forces and thereby ruining all prospects for a peaceful conclusion.¹⁸

Effectiveness of Negotiations with Terrorists

Assessing the effectiveness of negotiating with terrorists is a most difficult and complex task. Should the authorities get the hostages back at any price? Should they unwillingly reward the terrorists in this way and encourage them to attempt more hostage-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 the hostage's point of view or only from the legal authorities' point of view? How can one evaluate the level of danger for the hostages that may make the authorities decide to give up negotiating and shift to the 'tactical solution' by storming the place? Criteria for measurement are not obvious and may even be contradictory.¹⁹

Despite the potential for mutual gain, negotiation often fails to free quickly or even to save the hostages. One obstacle to negotiation between targets and terrorists is the perceived inability of terrorists to engage in credible commitments.²⁰ A key barrier to successful negotiation is that governments usually distrust militants and expect them to break promises. No enforcement mechanism exists to punish

¹⁸ M. Cristal, 'Negotiating under the Cross: The Story of the Thirty Day Siege of the Church of Nativity', in I.W. Zartman, *Negotiating with Terrorists* (Leiden: Martinus Nijhoff, 2006), pp. 103-130, reprinted from the *Journal of International Negotiation*, vol. 8, no. 3, 2003.

¹⁹ Faure, 'Negotiating with Terrorists'.

²⁰ Walter, 'The Critical Barrier to Civil War Settlement'; and Andrew Kydd and Barbara Walter, 'Sabotaging the Peace: The Politics of Extremist Violence', *International Organization*, vol. 55, no. 2, 2002, pp. 263-296.

terrorists if they do not abide by their commitments. If terrorists face no costs for breaking agreements, targets have no reason to believe that terrorists will stick to their commitments.²¹

Literature 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 is not without cost. To establish their own credibility, terrorists must keep promises in order to establish a reputation for trustworthiness.²² If governments become convinced that terrorists care about their reputation, they may believe that terrorists will abide by their promises. However, few terrorist groups believe that they have to stick to the rules and values promoted by their enemies.

Terrorist groups, even if not anchored in any specific territory, often have to rely on foreign sympathy to conduct their operations. They also need a base, even if for a limited time. Given that a terrorist base is located within a host's territory, 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.²³ These countries that host terrorist groups have been active supporters of a wide range of terrorism, most notably in a number of embassy bombings and hostage-taking operations. States such as Iran and Syria strongly influence terrorists' ability to operate.²⁴ Sponsors influence their groups by controlling weapons' supplies, funding and political support. Taking advantage of this situation, the host can, to varying extents, constrain terrorist behaviour.

Another consequence is that in addition to increasing terrorist capability, sponsorship serves the secondary function of improving terrorists' credibility in negotiations, thus enabling governments to expect terrorists to implement an agreement once it is reached. While unconstrained terrorists may defect from agreements without cost, constrained terrorists face punishment from host states that have an interest in pursuing a peaceful settlement. Since host states can also be punished for their terrorists' activities, hosts have incentives to resolve terrorist events peacefully. To ensure a negotiated settlement, host states may threaten to punish terror-

²¹ David A. Lake and Donald Rothchild (eds), *The International Spread of Ethnic Conflict* (Princeton NJ: Princeton University Press, 1998); and Brett Ashley Leeds, 'Domestic Political Institutions, Credible Commitments and International Cooperation', *American Journal of Political Science*, vol. 43, no. 4, 1999, pp. 979-1002.

²² Harvey E. Lapan and Todd Sandler, 'To Bargain or Not to Bargain: That Is the Question', *American Economic Reviews*, vol. 78, no. 2, 1988, pp. 16-21.

²³ Sean P. O'Brien, 'Foreign Policy Crises and the Resort to Terrorism: A Time-Series Analysis of Conflict Linkages', *Journal of Conflict Resolution*, vol. 40, no. 2, 1996, pp. 320-335.

²⁴ Magnus Ranstorp and Gus Xhudo, 'A Threat to Europe? Middle East Ties with the Balkans and their Impact on Terrorist Activity throughout the Region', *Terrorism and Political Violence*, vol. 6, no. 2, 1994, pp. 196-223.

ists that break agreements. If the host threatens punishment, the target recognizes that terrorists now have an incentive to fulfil their agreements. Targets may therefore be more willing to attempt negotiation with constrained terrorists, as long as the latter has something to gain or to lose from the final result.

Discussions between governments and terrorists are often viewed as parentheses in an ongoing warfare. In that case, solving the problem goes through submitting or destroying the other, and the negotiation is only a means to serve this ultimate objective. However, the 'tactical option' has not always been the panacea and some of them have met resounding failures, such as the hostage disaster in Munich in 1972, the Beslan school case in 2004 and Moscow theatre hostage-taking in 2002, both of which occurred in Russia and ended in impressive bloodbaths with hundreds of victims among the hostages. Nevertheless, brilliant operations — such as the successful hostage rescue in Entebbe by the Israelis, the German assault in Mogadishu, the storming of the Japanese ambassador's residence in Lima or the hijacking of the Air France flight at Algiers airport in 1994 by the GIA, which wanted to crash the aircraft into the Eiffel Tower — illustrate that tactical operations may work. However, in nearly all cases involving terrorists, death is on the agenda.

Conclusion

Crisis negotiation has 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 raises the issue of legitimacy. Rebels that are 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 rebels is a way to legitimize a dissident movement that denies this government as its representative and provides 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 that 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 to the negotiation table.

Developing 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 cooperation is not truly on the agenda. Both parties do not feel as if they

are 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 that 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 ideological and ethical dimensions do not contribute to easing tensions among the proponents.

Implementing new skills is an important requisite because the two sides often do not meet physically or meet in places where 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 crises and other types of hard-bargaining tactics are the most common tools for a negotiation that often does not give its name.

Managing relations with stakeholders that have contradicting objectives is a challenge *per se*. Consistency and effectiveness are constantly at risk. Diplomacy in these cases becomes a most difficult task, as it is not only a human struggle but a struggle of reason.

These are the attributes of this very special type of negotiation, which is 'discussing' with terrorists to end some of the wars of the twenty-first century.

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