Negotiating with Villains Revisited: Research Note

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Abstract. An earlier article examined the conditions under which it is reasonable to negotiate with rogue states. This article extends the argument to non-state terrorist "villains." Despite the risks inherent in negotiating with terrorists, the risks of following a no-negotiation policy are likely to be more deadly. States need to assess terrorist interests and intentions to find if there are reasonable entry points for negotiation and take advantage of these to transform the conflict.

Key words: negotiating with terrorists; rogue states; appeasement

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In 1998, the author wrote an article that examined the decision process and conditions under which sovereign states sometimes agree to engage rogue states through peaceful negotiation rather than practice a no-negotiation policy or engage in hostilities (Spector 1998). The article reviewed the reasons for cutting off the negotiation option, the psychology of villainizing the enemy and its influence on closing the options for peaceful resolution of conflict between states. While the article focused on villains as states, its analysis is still current, given the US government's recent pronouncements about rogue states comprising the "Axis of Evil." But the article ignored another type of villain that has become a central focus of contemporary international relations – non-state villains, in particular, terrorists. This research note seeks to extend the ideas of the former article to examine if there are circumstances under which negotiation with *terrorist* villains is feasible.

Who constitutes a villain in international relations? A villain is an international actor that is perceived as believing or acting in a threatening or hostile fashion in contravention of or in a manner that is totally indifferent to accepted norms of particular societies and the international community. Participation in or support for terrorism, trafficking in illegal drugs, disregard for human rights, the routine use of torture, exporting revolution, explicit deception in international affairs, and illicit trade in banned weapons are often sufficient to label a state or group as a villain. For some of these issues, international agreements define the criteria for asserting villainy; some countries, like the United States, have developed their own criteria in national law.

The perceptual nature of this definition is critical in understanding villainization. Villainy is a relative concept. It is determined through the lens of the beholder. A terrorist to some might be considered a freedom fighter to others. It is often the case that villainy is a mutually held belief; a state that views another as a villain is likely to be viewed as a villain in return. So, just as the United States government labeled Iraq under Saddam Hussein as a villain because of state support for terrorism, human rights breaches, the use of torture, and the alleged development of weapons of mass destruction, Saddam's regime labeled the US as a villain for its alleged imperialist actions and support for Israel.

Deciding to Negotiate with Villains

Dealing with villains poses a dilemma. Once labeled as a villain by the international community, it has become customary for a state or group to be ostracized from normal interaction. Because it does not abide by the rules and norms of international society, it gives up its rights to deal and be dealt with in a traditional way, and the "no-negotiation" doctrine takes effect. Negotiation is usually eliminated as an option to resolve conflicts with villains because the process is viewed as according legitimacy to the villain or worse yet, appeasing the villain. Accordingly, villains are usually given an ultimatum and if they do not comply, negative sanctions are made stricter, threats are hardened and violent conflict may be unleashed.

While these are the norms by which villains are managed, there are some who disagree with the policy. Eban (1994) argued that national leaders are obliged by their

constituents to negotiate directly and early with villains, no matter how detestable, to achieve pragmatic compromises that will save lives if security is in danger. The ethical imperative of democratic leaders is to ensure the safety and security of their population, no matter what. Jimmy Carter (Rose 1995) also believes in this ethical imperative of leaders to practice negotiation, even with unsavory characters, to open communication and gain the respect and trust of the villain, in the hopes of resolving conflict peacefully. From a practical perspective, Fisher, Ury and Patton (1991) also encourage negotiation with villains, not for the ethical reasons of saving lives, but because that is the only way to exert meaningful influence over them and to search for a viable formula.

Empirically, several researchers have found that negotiation is indeed a viable mechanism to resolve conflicts with villains – especially in intrastate conflicts. Gurr (1992) concluded that negotiation was used successfully to find short-term peaceful solutions in ethnopolitical struggles where both sides are typically villainized. Richardson (1992) found that the negotiation process was helpful to leaders in managing deeply rooted disputes. Stedman, Rothchild and Cousens (2002) present many cases in which negotiation and mediation were used to successful implement peace agreements that ended civil wars among parties that mutually viewed each other as villains.[1]

The suspension of the no-negotiation doctrine for villains, while still taboo in the international community, has been exercised in a discrete fashion and to good effect in some intrastate and international contexts. The 1998 article examined four such cases that occurred between 1993-94: Israel-Palestine Liberation Organization, US-Haiti, US-North Korea, and Great Britain-Sinn Fein. In these cases, several approaches were used to overcome the no-negotiation impediment:

- One party temporarily suspended the stigma of being a villain from the other side. It submerged ideology and emotion and took a very pragmatic approach to the problem.
- The leaders reframed the villain and communicated their new vision to their constituents. They indicated that the villain was still an enemy, but one that can be trusted sufficiently to implement a peace initiative.
- An historic moment was sensed whose opportunity should not be missed.
- The leaders presented themselves as tough and self-interested with strong credibility among their constituents. They were viewed as looking out for their country first.
- The leaders saw themselves as figures who have to take risks for peace.
- The negotiation mechanisms used were cautious and secretive – unofficial mediators were sent as envoys to send up trial balloons with the villain and with the domestic population. If the attempts did not work, the mediator could be scapegoated.
- The negotiation offer presented overwhelming incentives to the villain – extreme costs (imminent military invasion) or extreme reward (massive foreign aid) – and it was presented as the villain's last chance.

These mechanisms enabled leaders to transform the prevailing no-negotiation-with-villains policy. It is interesting to note that in all of these cases, save Haiti, the

agreements reached through the ensuing negotiations were shortlived. The so-called villainous state, and in some cases, the other party as well, failed to live up to the agreed provisions after only a few years. However, the negotiated settlements did defuse the immediate situations that threatened violence and potential loss of life; from this perspective, the ethical "duty" of leadership to ensure the safety and protection of citizens was exercised effectively.

Deciding to Negotiate with Terrorist Villains

There are some clear differences between villains that are sovereign states and those that are terrorist organizations, which will have direct implications for the decision to negotiate. Terrorist groups are not legitimate representatives of a physical territory or population. They lack formal accountability to any constituency and thereby may not abide by international law, norms or principles, and may not act as reliable negotiation partners who faithfully implement agreements. They typically hold extreme positions, values and beliefs that are not shared by many in their country or internationally. Terrorist groups also do not participate in the same traditional channels of communication and interaction as nation states.

Negotiation is not often thought to be a relevant mechanism for terrorist organizations. Prerequisites for successful negotiation often include the cessation of hostilities, open communication channels, a belief in reciprocity, and trustworthiness. Most of these factors are antithetical to terrorist activity. Violence is the terrorist's principal mode of operation. Terrorist communication is often one-sided, heralding threats and demands, but not necessarily responding to the outside world. Reciprocity in the negotiation sense is also not a typical terrorist attribute; interactions are generally conflictual, sporadic, and unpredictable. Terrorists do not preach reciprocation, but resignation of the other side. And there is little confidence that terrorists will comply with negotiated agreements if they are not perceived as producing victory for their ideological objectives.

Much as terrorist violence promotes an atmosphere in which negotiation is inoperable, so a government doctrine of "no-negotiation with terrorists" plays to the strength of the terrorists. If not negotiation, then what? Interaction can become a deadly tit-for-tat, escalating the conflict with no apparent way out other than capitulation or retreat by one side. Nonetheless, "no-negotiation" is the doctrine because it is believed that open government engagement in negotiation is simply an unreasonable option in the face of violence and threat.

From the position of the state, there are several decision options available when confronting a threatening terrorist organization. They can declare a war on terrorism and attack with greater force, hoping to disable and obliterate the threat. They can threaten the terrorist group with future attack and establish obstacles for their operations. They can initiate a preventive campaign to build an internal fortress capable of fending off future terrorist attacks. And they can decide to negotiate with the terrorists.

For all the reasons described above, negotiating with terrorists is not an easy decision to make. But it is not an impossible decision. There have been examples of negotiations with rebels and spoilers of peace agreements considered to be terrorist groups at an intrastate level – in Sri Lanka, South Africa, Mozambique, Mali, Mexico, and elsewhere (Rothchild 1997; Zartman 2001; Stedman 2000). This negotiation option need not occur through traditional or formal mechanisms. It can proceed in indirect talks through a trusted third party in secret (Zahar 2003), impersonally via the mass media or through nonverbal demonstrations that seek reciprocation. Small initiatives to generate mutual confidence or larger formulas for agreement can be attempted as trial balloons. Threats, warnings, promises and rewards can be transmitted to persuade and influence. Particular initiatives that will have known meaning to the other side can be implemented to induce a tit-for-tat reciprocation that reduces tensions (Osgood 1966). If none of these work, the initiators can disassociate themselves from the attempts without loss of face. History has shown that tough negotiating with terrorists has a chance of being productive if appropriate opportunities are found where the state has ample capacity to back out gracefully or secretively and escape capitulation and charges of appeasement if the attempt fails.

Accounting for Terrorist Interests

Terrorists are often viewed as criminals. However, they differ from ordinary criminals in that their intentions are usually political. And unlike traditional political interest groups, terrorists pursue their objectives through violent means; their interests often seek a revolution to the current political order. Under normal negotiation circumstances, parties would seek to address their competing interests through a give-and-take process. However, the sovereign states that are targets of terrorists often react solely to the terrorists' violent actions and tactics, not to their motivating ideas and interests; they either do not attend to their interests or refuse to acknowledge them. A stark example of this is the US State Department's latest *Patterns of Global Terrorism* report (2002) where the goals and interests of most terrorist groups are not discussed. Another example is a database project on intrastate terrorism in Europe where the researchers (Engene and Skjølberg 2001) have collected time series information on terrorist events using 61 variables, 59 of which deal with incidents and fatalities, and only 2 that deal with group ideology and attitudes toward the state. One might conclude from these efforts that terrorist groups pursue violence for no reason other than to wreak havoc; while some terrorist acts in fact are random and senseless, others most assuredly are purposeful. The point is that without acknowledging terrorist interests, no matter how heinous they might be, negotiation certainly is not possible.

Terrorists usually are motivated by intense, often extreme, interests – interests to overthrow their national or neighboring regimes, transform economic relationships, and expel foreign troops or foreign culture, for instance. Parties that have interests, at least in theory, can be engaged in negotiation to achieve their objectives if they see it as legitimate channel where they might succeed. Terrorists resort to violence, in part, because they see it as the only way to achieve their objectives or gain attention to their

interests. If there are other paths to their goals, perhaps they can be nudged in those directions.

For terrorists, the negotiation mechanism might be acceptable if they believe that they will not be sullied by interacting with their erstwhile target. They need to be convinced that they can, in fact, achieve their goals through negotiation *and* that they will never achieve them through continued violence, because of impenetrable barriers or overwhelming force.

At the same time, if state leaders have the political will to promote negotiation as a response to terrorism, they will need to attend to terrorist interests and intentions, not only their actions, strategies and tactics. In doing so, states will have to look "between the lines" at terrorist interests to evaluate where progress can be made legitimately. Only then will there be the possibility to engage them in negotiation.[2]

It is very likely that in certain cases, addressing terrorist interests effectively will be impossible for the threatened state. Terrorist intentions may be entirely irrational or totally absolute and irreconcilable. In the case of suicide terrorists, negotiation is a non-starter, but for hostage or hijack terrorists, for example, negotiation is an alternate way out to achieve their goals. The challenge will be to dissect and dissemble terrorist interests to identify and separate those that can be negotiated from those that cannot. If this can be done, peaceful transformation of the terrorist may be feasible.

Feasible Negotiation Strategies

Some strategies described in the 1998 article that proved useful for leaders deciding to negotiate with state villains are not likely to be appropriate in negotiating with terrorists:
- It will be difficult to deny the villainous stigma of the terrorists and assert their trustworthiness without some concrete evidence that the terrorists have reformed themselves.
- Taking risks for peace with terrorists is likely to be viewed as foolhardy.
- Positive incentives are likely to be viewed as bargaining from weakness.

Terrorists may be seen as more dangerous than state villains, in part because they are not accountable to a constituency. Their actions are more random and anarchic, generating greater fear than more traditional enemies. The ethical path for state leaders confronted with such terrorist threats is a conundrum. How best to secure the safety for their citizens: by eliminating the terrorist threat through counterattack, by threatening extreme retaliation in the future, by engaging in preventive security measures, or by negotiating? The first two options risk the safety of more lives. The third option may save some lives, but 100 percent prevention is impossible. The fourth option – negotiation – offers the opportunity to transform the engagement from one of antagonism to one of strong but peaceful competition. Negotiation with terrorists, if possible in a particular case, can be framed as coopting the villain -- to mollify and soften their tactics from violence to talk and persuasion. Negotiation would preempt the terrorists' approach and channel it into socially acceptable paths.

What negotiation paths with terrorists are available and feasible? To overcome the no-negotiation impediment, state leaders will need to respond in a special way to:

- Seek an understanding of terrorist interests and intentions, translate those interests into politically acceptable terms, and respond to them appropriately.
- Negotiate with complete deniability, using the media, dispensable third parties and go-betweens in unofficial processes.
- Implement symbolic initiatives to signal an interest in negotiation.
- Employ coercive diplomacy (sanctions, ultimatums, threats and warnings) to practice tough bargaining (George 1991), making high demands and threatening great costs for non-compliance.
- Establish limited short-term goals and seek to get the terrorists to abide by some rules.
- Don't give up principles and don't excuse the crimes – but practice tough bargaining

While terrorist tactics cause tangible destruction and loss, it is, in essence, psychological warfare that terrorists are waging. Reciprocal violence will not stop the terrorism over the long term; there are always more to fill the ranks and there only needs to be a few terrorists to wreak havoc. State objectives should focus on reciprocal psychological transformation: finding the opportunities for change and communication.

New Research Directions

Many questions need to be examined. Not all terrorists are alike. Which kinds are more prone to be interested in the negotiation track? Are there particular terrorist attributes that might predict their readiness for negotiation or when overtures to negotiation would be a non-starter? For example, are terrorists that are motivated by clear nationalist objectives more likely to have political goals that can be satisfied by negotiation? In general, how can terrorist intentions be deconstructed to reveal those that may be negotiable?

In comparison with nation-states, terrorist groups serve very different functions, abide by different rules, have very different relationships with their constituencies, and maintain a different basis for legitimacy. Can such differences be broached in negotiation? As well, interests, stakes and the consequences of action are very different to terrorist groups than to nation-states due to the absence of accountability for terrorists. How do such fundamental differences impact the course of possible negotiation?

While non-governmental groups are getting more involved in negotiation in general, they still do not participate at an equal level as states; they influence, pressure, create public opinion, but do not negotiate per se. Our current negotiation frameworks do not clearly represent how negotiation processes work among non-equivalent entities. Individual-to-individual or state-to-state negotiation has been analyzed extensively, but state-to-nonstate negotiation is not well understood. How does the power imbalance and structural difference impact negotiation and what can be accomplished reasonably?

While the reasonableness of state negotiation with terrorists may be highly questionable in many circumstances, research on these types of issues may shed light on the opportunities where negotiation is feasible. And if negotiation is deemed feasible, it is the appropriate path for national decision makers.

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Notes

[1] However, in another piece, Stedman (2000) presents cases where groups become *spoilers* in post-conflict situations, sometimes using terrorist tactics to undermine the emerging peace if they see their power or interests threatened by the new order. Recent examples of success by spoilers include Angola (1992) and Rwanda (1994).

[2] Stedman (2000) concludes that effective spoiler management requires a correct diagnosis of the spoiler problem to assess their intentions and motives objectively. If this is assessment is accomplished, appropriate strategies can be implemented that either threaten, promise, or induce the spoiler to transform terrorist tactics into cooperative approaches. Zahar (2003) extends these ideas: importance is given to understanding how spoilers assess their own costs and benefits and why they spoil the peace process in the first place.