

HOW DO GOVERNMENTS NEGOTIATE EFFECTIVELY WITH TERRORIST
ORGANIZATIONS? AN EXAMINATION OF THREE CONFLICTS:
NORTHERN IRELAND, SRI LANKA AND COLOMBIA

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Abstract

The goal of this paper is to look at and define what conditions are necessary for successful negotiations with terrorists. The author seeks to test the conditions set forth in Peter Neumann's article, "Negotiating with Terrorists" in three case studies: Northern Ireland, Sri Lanka and Colombia. This paper will identify whether or not the five conditions that Neumann states exist in each conflict. The conditions, briefly stated are: (1) the terrorist organization has an identifiable political objective; (2) has internal cohesion; (3) is at a strategic juncture within the conflict; (4) two-track diplomacy is utilized and finally (5) the negotiation is successful if there is a cessation of violence. (Neumann, 2007) This paper seeks to understand whether or not the five conditions alone are sufficient for successful negotiations with terrorist organizations or if there are other conditions that are necessary to facilitate successful negotiations.

While Neumann's five conditions are an excellent starting out point it should be amended to include two theories from the conflict literature. These two theories include structural violence, which was defined by Johan Galtung and the ripeness theory, which was defined by William Zartman. These additional theories provide for a more comprehensive understanding of how to resolve conflicts between governments and terrorist organizations.

Introduction

Peter Neumann, in *Negotiating with Terrorists*, sets forth several conditions that lead to successful negotiations. The conditions Neumann sets forth are: (1) the terrorist organization has an identifiable political objective; (2) has internal cohesion; (3) is at a strategic juncture within the conflict; (4) two-track diplomacy is utilized and finally (5) the negotiation is successful if there is a cessation of violence. (Neumann, 2007) This paper takes Neumann's conditions and tests to see if they exist in conflict situations with terrorist organizations. By examining three different internal conflicts - Sri Lanka, Northern Ireland and Colombia – it will be tested whether Neumann's conditions are present. The terrorist organizations that will be examined are the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka; the Irish Republican Army (IRA) in Northern Ireland and Fuerzas Armadas Revolucionarias de Colombia (FARC) in Colombia. A comparative case study will be the analysis tool used to highlight which of Neumann's conditions, if any, existed in the negotiations.

It is necessary to provide a review of the literature on terrorism and negotiations in order to better understand what conditions are necessary for successful negotiations. Whilst conducting research it became apparent that additional topics and additional conditions needed to be highlighted in the literature from various scholars. These findings took the research in a different direction, which led to an examination of not only conditions for successful negotiations, but also, an examination of types of terrorists and defining terrorism, as well as a deeper understanding of negotiations literature.

Academics such as William Zartman and Bruce Hoffman have significantly contributed to the field of conflict resolution. Zartman's theory of ripeness in negotiating with terrorists and understanding terrorists and counter-terrorism approaches, respectively, has made a significant

contribution to the field. Others such as Dean G. Pruitt and Brian Jenkins have contributed to the concept of negotiating with terrorist organizations. However, with the exception of Neumann's conditions, no other academic has weighed in on the importance of what specific conditions make for effective negotiations.

There is an ongoing argument over the benefits and limitations of negotiating with terrorists. Missing from the research is a further investigating as to what conditions would be most effective for negotiations with terrorists. This paper strives to bridge the gap in research between what has been termed necessary and what could be most effective for successful negotiations with terrorist organizations.

Governments are frequently tasked with the difficult responsibility of negotiating with terrorist organizations that threaten the existing political order. There is a need to develop a protocol to identify when and how governments should negotiate with terrorist organizations. The topic of effective conditions for negotiations, broadly speaking, has been given considerable attention in the conflict literature from authors such as William Zartman, Peter Neumann and Bruce Hoffman.

The main goal of this paper is to provide a better understanding of what conditions are most effective to negotiate with terrorist organizations. It is important to understand not only what conditions are necessary, but also, what conditions are most effective for negotiating with terrorist organizations. There are two additional theories from the conflict literature that are proposed as an amendment to Neumann's conditions. The first theory is structural violence, which was defined by Johan Galtung, and looks at issues embedded within the conflict, that inherently cause a cycle of violence, direct or indirect, and must be addressed before resolution can be reached (1969). The second theory is the ripeness theory, which was defined by William

Zartman, and looks at the timing of a conflict and whether or not the parties are ready to move forward in a negotiation. It is hoped that by amending Neumann's conditions to include the two above-mentioned theories, it will provide a more refined method for successful negotiations with terrorist organizations.

Problem

This paper seeks to understand whether or not Neumann's conditions alone are sufficient for successful negotiations with terrorist organizations or if there are other conditions that are necessary to facilitate successful negotiations. This paper seeks to fill in the gap where the literature fails to provide what is necessary and what is most effective for negotiating with terrorist organizations. Conflict resolution literature has been grappling with competing explanations for many topics, including what aspects of negotiating with terrorist organizations hurt or harm the process. More research and investigation needs to be done to fine-tune resolution of such intense topics. It is hoped that this study will contribute to this literature and expand the current debate among conflict scholars to include contributions made by scholars as to what conditions are necessary to achieve successful negotiations with terrorists.

Hypothesis

The hypothesis of this study is based on Neumann's propositions that there are certain prerequisite conditions for effective negotiations. This paper explores the possibility that there are *more* conditions, like timing, ripeness, and structural violence, than what Neumann has reported that contribute to successful negotiations.

When completing a comparative case study one expects that:

- 1) Each of Neumann's conditions will be found to be present in each of the successful negotiations.
- 2) The presence of these conditions will be found to be an insufficient or unsatisfactory explanation for the success of the negotiations.
- 3) The timing of the negotiation and the presence of structural issues will impact the dynamics and eventual outcome of the negotiation.

Research Questions

This paper intends to test Neumann's theory on effective conditions for negotiating with terrorists. Peter Neumann (2007) sets out several conditions to negotiate effectively with terrorist organizations. There are a multiplicity of important questions which require examination on this and related topics. The purpose of this study though is to answer the following research questions:

- 1) Are Neumann's conditions present in the negotiations?
- 2) Are these conditions a sufficient explanation for the success or failure of the negotiation?
- 3) Do additional conditions exist beyond those set forth by Neumann that help to explain the success or failure of the negotiation?
- 4) What contributions made by conflict scholars might be useful to augment the existing literature on effective negotiations with the terrorist organization?

This paper seeks to understand whether or not Neumann's conditions alone are sufficient for successful negotiations with terrorist organizations or if there are other conditions that are necessary to facilitate successful negotiations. This paper attempts to fill in the gap where the literature fails to provide what is necessary and what is most effective for negotiating with terrorist organizations. For the purposes of this paper, I hope to examine what conditions are most effective to negotiate with terrorist organizations. Success, by Neumann is defined as a cessation of violence.

Definitions and Concepts

One of the more difficult aspects to tackling the issue of terrorism is that there is no unified definition of terrorism (Jenkins, 1982). It is problematic for researchers to decide what aspects need to be included. A few accepted definitions by scholars are:.

The State Department defines terrorism, Title 22 of the U.S. Code, Chapter 38, Section 2656f(d): “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience” (Ruby 2002:10). (Tilly, 3)

The FBI defines terrorism as, “the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.” (Hoffman, p. 31, 2006)

The Defense Department defines terrorism as “the calculated use, or threatened use, of force or violence against individuals or property to coerce or intimidate governments or societies, often to achieve political, religious, or ideological objectives.” (Hoffman, p. 31, 2006)

The United Nations definition is “any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain

from doing any act. (Article 2(b) of International Convention for the Suppression of the Financing of Terrorism, May 5, 2004.

An example at defining terrorism from the academic literature can be found in Schmid's work, "Terrorism is an anxiety-inspiring method of repeated violence 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 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), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought." (Schmid, 1988).

The Oxford English Dictionary gives two definitions for terrorism: (1) "government by intimidation as directed and carried out by the party in power in France during the Revolution of 1789–94 . . ." and (2) "policy intended to strike with terror those against whom it is adopted." Both definitions point to the asymmetrical deployment of threats and violence against enemies outside the forms of political struggle routinely operating within the current regime." (Tilly, 4)

"Since the French Revolution, the word terror has expanded in scope. Writers on terror continue to use it for governmental intimidation of citizens, as in Joseph Stalin's use of

executions to still dissent within the Soviet Union (Mayer 2000). But they also use the term frequently to designate clandestine attacks on governmental targets by domestic opponents such as Basque separatists, the Irish Republican Army, and Sri Lanka's Liberation Tigers of Tamil Eelam (Schmid 2001)" (Tilly, 5)

For the purposes of this paper, the definition of terrorism refers to actors that commit violent acts against individuals, governments or states for which they have a political goal. This is a broad definition of a terrorist and it must be stated that there is literature that breaks down the definition of terrorists and terrorism into types of terrorists and what the varying definitions mean. (Hoffman, 2006).:

Terrorists and Terrorism

Bruce Hoffman (2006) explains that there are certain rules of war and, "accepted norms of behaviours that prohibit the use of certain types of weapons" (p.26). He discusses the rules of war that comply with the approach to non-combatants and civilians in war. Terrorists do not abide by these rules, thus contributing to the definition of terrorism. Hoffman (2006) lists the following rules that are laid out in the Geneva and Hague Conventions on Warfare of the 1960s, 1899, 1907 and 1949. The rules of war observed are:

- Granting civilian non-combatants immunity from attack,
- Prohibit taking civilians as hostages; impose regulations governing the treatment of captured or surrendered soldiers (POWs);
- Outlaw reprisals against either civilians or POWs; recognize neutral territory and the rights of citizens of neutral states;

- Uphold the inviolability of diplomats and other accredited representatives.

(Hoffman, pgs.26-27, 2006)

Terrorists, according to Hoffman, whether they intend to achieve their own state or control over their government, do not abide by the rules of war. The word “terrorist” is applied to persons whom commit acts of violence against human beings whether it is for political, religious or any other purpose and who also disregard the rules of war and do not comply with the rules of war. Terrorists, in part, can be viewed as individuals who do not care about the consequences of their actions but care more about their purpose and intent. They have intent to kill and cause harm based on their own beliefs. They may commit acts of violence to draw attention to their purpose or to cause harm to an entity, state or government that they believe is not supporting them. (Hoffman, 2006).

Literature Review

Neumann's Conditions

Do terrorists make good negotiating partners? Are terrorists rational or irrational? Are they nihilistic? Do they have ‘absolute’ or ‘apocalyptic’ goals? Neumann (2007) argues these are not ideal negotiating parties. “‘Traditional’ terrorists that can be ‘instrumental’ or ‘political’ in their aspirations and so have the potential to become constructive interlocutors” (Neumann, 2007, p. 129).

What are terrorists using violence for? Neumann (2007) argues “it is terrorists’ violent means rather than their particular political objectives that make them uniquely problematic.” (Neumann, 2007, p. 129) Neumann explains that terrorists with political aims make better negotiating partners as opposed to irrational and nihilistic terrorists. Thus, the first condition is to know whether or not the terrorist organization makes a good negotiating partner: do they have concrete, political goals in mind rather than fatalistic absolutist goals.

The second condition must provide the answer to Neumann’s question: “Is there a level of internal cohesion within the terrorist organization?” (p.130) Neumann (2007) argues, “a government must consider not only whether the terrorist leadership will accept the terms of a settlement but also whether it can control its rank and file” (Neumann, 2007, p.130).

The third condition is that the terrorists must be at a strategic juncture for negotiations to take place. Neumann argues, “For talks to succeed, a terrorist group must be at a strategic juncture: questioning the utility of violence but not necessarily on the verge of defeat” (Neumann, 2007, p. 132).

The fourth condition that Neumann (2007) suggests is that there is a certain approach the government or state actor must take when pursuing negotiations, which Neumann explains as

primary and secondary concessions. However, there are fears when opening communication lines with a terrorist organization. The government has fears of appearing ‘weak’ or fear of recognizing the terrorist group and legitimizing the terrorists. How does a government approach this? Neumann offers a two track approach. He states,

Governments can split negotiations into two tracks and consider two types of concessions. Primary concessions would relate to the terrorists’ stated demands, secondary concessions to their personal fate. Both sets would be negotiated in parallel, but whereas secondary concessions would be discussed in direct negotiations between the government and the terrorists, primary concessions would have to be a part of a broader process that would subject the terrorists to a democratic mandate, secured through elections for a constitutional assembly or a similar body (Neumann, p. 134, 2007).

This can best be represented in a process such as Track I Diplomacy and Track II Diplomacy. Track I being the more formal aspect of negotiations and Track II is an approach that is ‘behind the scenes’ and away from the public eye.¹

Neumann further states,

The distinction between these two tracks is essential. Terrorists seeking primary concessions aim to alter the political arrangements under which the state operates, and no self-respecting democracy can allow a small group of once-violent conspirators to impose constitutional change, even after it has ostensibly renounced violence. On the other hand, terrorists will have little incentive to engage in negotiations unless they feel constitutional change is at least a possibility. The only way to resolve this tension is to grant primary concessions only in the context of a broader settlement involving all major parties—and in which the terrorists participate on the basis of a democratic mandate—so that the concessions become an extension of the polity’s will (Neumann, p. 135, 2007).

Finally, Neumann defines success as a “cessation of violence.” The above conditions stated by Neumann provide a basis to test whether or not these conditions are present within

1. For additional information on Track I and Track II Diplomacy please refer to “Evaluating the Contributions of Track-two Diplomacy to Conflict Termination I South Africa, 1984-90 from the *Journal of Peace Research* by Daniel Lieberfeld. He discusses the difference and positive effects that track-two diplomacy may have as opposed to track-one diplomacy.

conflicts. This paper seeks to identify whether or not the conditions are met within the conflicts and whether or not the negotiations were successful or failed. Neumann defines success as a cessation of violence and therefore this paper will also utilize the definition of success as a cessation of violence.

Types of Terrorists

Amy Zalman (2009) focuses on one of Neumann's conditions for negotiations to succeed. Zalman discusses the importance of identifying what type of terrorists the government is dealing with. Zalman refers to Neumann's article to highlight his specificity for negotiations to succeed with a more 'traditional' terrorist as opposed to a more 'absolute' terrorist such as Al-Qaeda.

Most terrorist organizations have "goals, means, and behavior familiar to those who studied the subject during the 20th century." (Hayes, et al., 2003, p.452). Terrorist organizations can be put into categories of 'absolutist' and 'classic' type such as a terrorist organization acting on goals related to ethnicity or politics. The absolutist terrorist organization acts outside of a formal structure and is often not willing to enter into "political discourse." The demands of absolutist terrorist organizations are: immediate, unconditional, and universal. The tactics of absolutist terrorists are also much more likely to include suicide attacks....and their willingness to cause mass, indiscriminate casualties." (Hayes et. al, 2003, p.452) An example of a classic terrorist or traditional terrorist is the Irish Republican Army in Northern Ireland. The IRA is fighting for political recognition and utilizes certain tactics to achieve their goals. An example of an absolutist terrorist is a member of Al-Qaeda, while there may be stated goals they are universal and not concrete as opposed to members from the IRA that have a clear objective and goals. Absolutist terrorism is not seen as negotiable since there is one specific tactic, to kill or

be killed, they lack a concrete goal and objective. The underlying difference is often the classic terrorist is willing, at some point, to enter into negotiations whereas an absolutist terrorist has one immediate goal which does not involve any form of negotiation or willingness to do so.

Hayes (2003) makes the argument that a different negotiation approach must be made when dealing with absolutist versus classic terrorists. The terrorist organizations utilized in this paper are considered the ‘classic’ type of terrorist organization. All three conflicts dealt with in this paper involve political and ethnic conflicts. All three conflicts are thus considered to be “classic” terrorist organizations.

It is essential to differentiate which type of terrorist organization is being negotiated with because the tools and techniques to effectively negotiate are fundamentally different. This is not to say that it is impossible to negotiate with ‘absolutist’ terrorist organizations, but for the purposes of this paper, the focus shall remain on the ‘classic’ terrorist organization. In order to implement the most effective techniques to resolve the conflict, it is necessary to address the underlying issues of the conflict. It is important to make the distinction as to what terrorist organization a government is negotiating with, because it is essential to tailor the conditions for effective negotiations to the specific terrorist organization and the specificities of the conflict. The specificities of the conflict relate to the underlying causes for terrorist acts, which include political goals and recognition, ethnic and/or race recognition and identity issues - among many others.

Effective Negotiations

The topic of conditions necessary for effective negotiations, broadly speaking, has been given considerable attention in the conflict literature. Many academics and scholars in the conflict literature refer to basic negotiation literature which highlights methods for successful

negotiations. It is important to have an understanding of what approaches are best utilized in a negotiation. Thus, an understanding of the negotiation process serves as a stepping stone to add to the conditions necessary for negotiating with terrorist organizations.

There are many ways to approach a negotiation. There are styles of approach such as competitive negotiations and collaborative negotiations (Fisher, 1991). Another issue that is involved in negotiations is the difference as to whether or not people are negotiating their positions or interests. Positions are often what people think they should get from a negotiation: their position is why they should get what they want. An interest is what the person really wants. (Fisher, 1991)

In negotiations it is necessary to be able to differentiate from parties' positions and interests. A party may appear that they are hardliners or not willing to budge on a specific topic, but why? It is important to understand why a party wants or needs something in a negotiation. Once you understand why they want something then there is room to negotiate. Often people need to satisfy basic human needs such as: security, economic well-being, a sense of belonging, recognition, etc. (Fisher, 1991). Many of these basic human needs are relevant to the cases of Northern Ireland, Sri Lanka and Colombia. Terrorists often fight for things such as political status, leadership or control over one's life (Fisher & Ury, 1991). In order to successfully negotiate with a terrorist organization, there must be preparation done to understand what the terrorists' interests are. It is also important to know the interest of the government negotiating. If the United States is involved in negotiating with Al-Qaeda, why are they involved? What is their purpose? Is it to end terrorism? Is it to create a democracy in the Middle East? What does Al-Qaeda want? These are questions that leaders of the United States and its allies should be asking themselves before negotiating.

A common misperception in a negotiation is assuming that each party knows exactly what the other party needs or wants. Preparation for a negotiation requires each party to assess what they want or need out of the negotiation as well as try to predict what the other party may want or need out of the negotiation. It is the difference of understanding a position, which can be viewed as a strong stance on an issue and an interest; what does the other party *really* want or *really* need. (Fisher, 1991)

Negotiating parties can benefit from adding substance to the negotiation. It can be as simple as talking to the other party and finding out what they need, discovering their underlying interest. Negotiations require two or more parties to be involved in a decision-making process (Fisher, 1991). Some of the problematic issues when negotiating are identifying who you are negotiating with and knowing what your interests are and what the other parties' interests are as well. This is important in moving forward in a negotiation.

Preparation before a negotiation is important to have a successful negotiation. Literature such as Fisher and Ury's "Getting to Yes" advises on several ways to prepare for a negotiation. Preparation includes understanding what your alternatives are if you do not negotiate and anticipating what the other party's options are other than negotiating with you. Fisher and Ury (1991) also advise that in the preparation stages of a negotiation, you should try and anticipate what the other party may ask of you or want from you. They suggest a collaborative effort by both parties in a negotiation is ideal, but how is this applicable to terrorist organizations? Do the terrorist organizations state their goals? Is the government willing to speak with terrorists?

Robert Mnookin (2003) in his article "When Not to Negotiate: A negotiation imperialist reflects on appropriate limits" discusses several aspects a party should consider before proceeding in a negotiation. These include understanding your interests, assessing what the

interests of the other party might be and the decision on whether or not to negotiate. (Mnookin, 2003). For some parties, certain things may be non-negotiable or parties may refuse to negotiate as a tactic in the negotiation (Mnookin, p. 1081, 2003). For some parties, what issues are on the negotiating table will effect whether or not they want to proceed in a negotiation.

All of these decisions impact how a negotiation may proceed and what the outcome will be. Mnookin (2003) sets forth several questions to ask yourself in order to prepare for a negotiation, which include: “Interests, what are you interests and what are the interests of the other party? You should ask yourself “what is important to the other side? What do they value?” In doing this, you can assess the benefits and costs of alternative courses of action. Second is: “What is my best alternative to negotiation? What is my counterpart’s?” This is in reference to the negotiation term BATNA (Best Alternative to a Negotiated Agreement). The third preparation question is “are there potential negotiated outcomes that can satisfy my interests and those of the other party better than our respective BATNAs?” (Mnookin, p.1083, 2003).

The BATNA is what each party’s option is outside of the current negotiation. (Fisher, 1991) Each party has another option whether it is good or bad. Mnookin (2003) and other scholars such as P. Terrence Hopmann (1995) in the negotiation literature suggest that in negotiations it is important to asses not only your own BATNA but to try to theorize or gauge what the BATNA of the other party may be. In dealing with terrorists, there are often concerns of trust, fear, anger, confusion and it is important to be able to understand the organization you are negotiating with.

Negotiating with Terrorists

Dean Pruitt in his article, “Negotiating with Terrorists” (2006) specifies five main strategies to deal with terrorists which include “capitulating, combating, isolating, mainstreaming and negotiating.” (Pruitt, pages 3-4). Pruitt explains that governments often deal with terrorists by combating the terrorist organization because the government does not have to grant any form of concessions, or legitimacy. Pruitt does make the distinction that when dealing with terrorist organizations that are more “ethno-nationalist,” such as the IRA and the Tamil Tigers, that the combat approach is less likely to work wherein a negotiation approach involving all parties is most likely to work. The reason that a negotiation approach is more successful is because it legitimizes the organization. This is often important because ethno-nationalist groups tend to have “substantial support in their group.” (Pruitt, p. 2, 2006).

Legitimizing the terrorist organization acknowledges that the terrorists can be seen as an interlocutor in a negotiation. Some academics argue that, “the legitimization of ‘terrorist’ groups through talks can be a means to transform a conflict away from violence, while complexity may in fact open up new possibilities for engagement.” (Toros, 2008, p. 407). In order to have a negotiation both parties must be seen as legitimate by each other. Both parties must set out to satisfy the interests of each party as best as they can. Acknowledging a terrorist organization provides legitimization to negotiate, which can lead to resolving a conflict.

Spector (2003) discusses fears of the initiating party in a negotiation with a ‘villain.’ He explains that often there is a fear that if the government initiates negotiations with the ‘terrorist’ or villain, then the initiating party is seen as weak and shows a “willingness to accept a solution dictated by the aggressor” (Spector, 2003, p. 44). Thus, the initiating party demonizes the bad

actor in order to save face. Spector (2003) also discusses the influence of public opinion on a government or national leaders' decision to negotiate with a bad actor.

An example is former President Carter initiating a change in approach to negotiating with bad actors, something he never fully supported, yet changed after his presidency ended (Spector, 2003). Carter changed his approach to a belief that "communication, respect, trust, and granting legitimacy are essential to ending conflicts" (Spector, 2003, 7; Rose, 1995). Carter's approach is important because it highlights conditions that may be necessary in resolving a conflict. To resolve a conflict, both parties must be involved and be able to have a conversation. If terrorists are isolated and ignored, violence will continue to erupt. There is a difference in seeing terrorists as negotiating parties versus bad actors. Governments and national leaders must understand that even if they are granting legitimacy to terrorists it does not mean they are condoning terrorist actions: rather they are saying that they are willing to negotiate in order to obtain a peaceful resolution.

Spector (2003) highlights the importance of listening to the interests of the bad actor. It is through communication and understanding that a peaceful resolution can be achieved. The Irish Republican Army (IRA) in the conflict in Northern Ireland is a great example of a change in the thinking and approach of Sinn Fein. The IRA is known as the para-military branch that most often carries out the terrorist acts while Sinn Fein is known as the political wing, which shares a willingness to resolve the Northern Ireland conflict. Over time, the parties were able to work together to find a resolution. To achieve lasting peace in a conflict, it takes time and change for both parties' positions to move forward. Often this does not happen until there is a mutual hurting stalemate or all parties have reached a limit on death and violence and realize they have to work together to achieve a resolution. (Spector, 2003).

Pruitt continues to lay out ways to negotiate with terrorists specifying that a government's choice is rarely to choose negotiations first, rather combating or isolating the terrorist organization is preferred for fears of legitimizing the terrorist organization. Pruitt also explains that in negotiations "There are almost always die-hard extremists unwilling to negotiate and who seek to overturn any agreement; there may also be extremists on the government side who have a similar outlook. The trick is to produce an agreement that is endorsed by a large enough central coalition, which embraces as many groups as possible on both sides of the conflict, to isolate the fringes and present them from acting as spoilers." (Pruitt, p. 10 2005) (Zartman, 1995). Clearly, there is never a clear path for negotiations, but expecting spoilers is important as well as aiming to make negotiations amenable to a large part of the organization.

Pruitt acknowledges the need for backchannel talks or track-two diplomacy in order to achieve successful negotiations. Pruitt states, "Without the possibility of backchannel talks, there would be very little negotiation and very few settlements in the major conflicts of the world." (Pruitt, page 11, 2006). Backchannel talks allow for exploration of each party's interests. "When backchannel talks are successful, they usually produce enough optimism about the success of a negotiation for a ceasefire to be established and open negotiations to begin. Once source of this optimism is the discovery on both sides that the other side is flexible in its demands and hence can be trusted to reciprocate concessions." (Pruitt, p. 1-2, 2006). Backchannel talks are also useful in developing a plan to "narrow the gap between the parties' positions." (Pruitt, p. 12, 2006). This is an important step in moving forward in a negotiation process.

It is important to remember that negotiations and methods to achieve successful negotiations are contingent upon the type of terrorist organization that is involved in the process.

It has been highlighted throughout the literature on negotiating with terrorists that successful negotiations are more successful with an ethno-nationalist or politically motivated terrorist organization (Pruitt, 2006). This paper examines three conflicts that involve politically motivated terrorist organizations. Thus, negotiations are more likely to be successful in these conflicts. The question that needs to be answered is what conditions are necessary for successful negotiations.

Research Methods

The methodology used to test Neumann's theory for effective negotiations with terrorists is to use a comparative case study. Three different cases will be examined: Sri Lanka, Northern Ireland and Columbia. The goal is to look for Neumann's conditions during specific time periods within each conflict. Through this process, it is possible to highlight whether or not the conditions were present and to prove whether or not Neumann's theory is accurate².

Comparative case studies are useful in many ways. As stated by Miles and Huberman (1994), "Multiple cases are extraordinarily helpful in both generating explanations, and testing them systematically (p. 207). They continue on to explain that comparative case studies, "are our best resource for advancing our theories about the way the world works" (Miles and Huberman, 1994, p. 207). This paper seeks to explore the theories of structural violence and ripeness and apply them to Neumann's conditions for effective negotiations. In addition to applying Neumann's conditions to the three cases, it is hoped that other conditions will be identified that will create a more detailed outline to achieve successful negotiations with terrorist organizations.

There are also two things that a cross-case analysis allows a researcher to do: enhance the ability to generalize and to deepen understanding and explanation. In enhancing generalizability it is important to not just look at many cases but to look at the cases analytically and carefully in order to understand each case. It is important to look at the details of each case in order to see if the cases are applicable to the conflict resolution theory and can build upon that theory (Miles & Huberman, 1994).

² Neumann's conditions include (1) that the terrorist organization have an identifiable political objective; (2) there is internal cohesion within the terrorist organization; (3) the terrorist organization is at a strategic juncture in the conflict; (4) two-track diplomacy should be utilized and finally (5) success is achieved by a cessation of violence. (Neumann 2007)

A cross-case analysis also allows for an understanding an explanation, “multiple cases not only pin down the specific conditions under which a finding will occur but also help us from the more general categories of how those conditions may be related.” (Miles & Huberman, 1994, p. 208).

In order to do a true comparative case study each case must be fully understood and also apply a chronology of the case so that it can be understood. (Miles & Huberman, 1994). This paper provides a history of each case. Although it does not cover each detail of the history it does explain the background to the conflict. More importantly, it is the detail in the negotiation that is important for this paper. A specific time period has been chosen in each case to see if Neumann’s conditions are present.

Zartman (2005) explains that case studies are one of the most used methodologies in research on negotiations. He also highlights that case studies vary from doing an in depth historical study to establish all the facts of a case or case studies can be utilized in an analytical sense to “illustrate specific theoretical propositions” (p.9). A brief history of the case is given as well as building upon conflict resolution theory and applies it utilizing the comparative case study method.

The problems that may arise out of a comparative case study approach relates to how many cases are analyzed. Zartman (2005) explains that while a comparative case study may create a large amount of analytical material, in dealing with negotiations, it is the smaller details of a conflict that sometimes get lost in a statistical study. A statistical study of many cases leads to coding the data and often times the data turns into a ‘yes or no’ response and when sometimes a ‘yes or no’ may not sum up the information obtained from the comparative case study.

Zartman (2005) also argues that “direct data are often not available, only indicators, sometimes

termed proxies. Since the method can only handle comparable, quantifiable data, and so, because it has no ‘feel’ for its subject, it has to rely on indicators or ‘proxies’ subjective elements must be objectified to become data” (Zartman, 2005, p. 9). He explains that a result of the above statement is that the “indicators” such as economic growth do not represent what they are ‘proxying’ which can be the result of economic inequalities which can be a direct cause of protest or revolt. (Zartman, 2005).

History of cases

Sri Lanka

“The key objective for any government contemplating negotiations with terrorists is not simply to end violence but to do so in a way that minimizes the risk of setting dangerous precedents and destabilizing its political system” (Neumann, 2007, p. 129).



Map courtesy of The Perry-Castañeda Library Map Collection at the University of Texas, Austin

Terrorist Organization

Tamil United Liberation Front (TULF) is the original organization in Sri Lanka, which was created to represent the political interests of the Tamils. The LTTE actually stemmed off of TULF when a group of radicals formed a militant Tamil New Tigers, which later became the LTTE. The LTTE has separated itself from TULF but has formed a naval military group called the Sea Tigers, which was formed in 1984. (Start Database, 2008)

Historical Context

Sri Lanka, formerly known as Ceylon, gained its independence on February 4, 1948. It is mostly democratic with two major parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP). The SLFP is the main party in the People's Alliance (PA) coalition. The majority of Sri Lankan is Sinhalese and the minority is Tamil. The conflict is mainly between

the Government of Sri Lanka (GSL) and the Liberation Tigers of Tamil Eelam ("LTTE" or "Tigers"). This started in the 1980's and was ongoing for many years, until the recent settlement in May 2009.

The LTTE want to have a separate state from Sri Lanka and took up arms to do so. Several peace initiatives have occurred in 1985, 1987, 1989-90, 1994-95 and the last initiative in 2002, which had failed. (Conciliation Resources, 2008). The conflict has since reached resolution in May 2009, but whether the peace will last is a different question, but by Neumann's definition of success, the conflict is considered to be successful. The outcome of the conflict in Sri Lanka will be delved into further in the discussion and conclusion section of this paper.

Sources of conflict stem from ethnic and identity differences as well as political ideology. Some of the main issues of the conflict deal with the political issues. The political differences are the root of many of the conflicts between the Tamils and the GSL because the Tamil population wants to live in a separate state from Sri Lanka. The LTTE took up an armed struggle after they felt threatened when the political leaders in Sri Lanka declared Sinhala as the official language in 1956. The government in power in the late 1950s through the 1970s was always Sinhalese and implemented policies that created a power imbalance between the Sinhalese and the Tamils. The Tamils felt threatened and soon a civil war that would last decades broke out (U.S. State Department and Conciliation Resources 2008). The tactics that have been used over the years are warfare, bombs, kidnappings, murder, etc. The changes that have taken place over time were involvement of outside parties in attempt to act as peacemakers.

Negotiations

We shall focus on the negotiations that took place in 2002 between the Government of Sri Lanka and the LTTE. Norway acted as a facilitator in 2002 and the government of Sri Lanka (GSL) and the LTTE signed a ceasefire agreement and proceeded with peace talks. The LTTE pulled out of peace talks in 2003 after not being allowed to attend a peace summit in the United States because the LTTE were labeled terrorists and were not allowed to come to the summit meeting. (Conciliation Resources 2008)

Norway brought the parties together for mediation. Norway did not address the internal conflicts within the GSL and the LTTE. The inter-group disagreements must also be dealt with before or during the negotiations. For example, the GSL is made up of the UNP and SFLP which often compete for ruling power of Sri Lanka. International actors and even humanitarian aid groups such as UNICEF have asked that the GSL provide a united front and form a platform of agreement. This is yet another issue that must be dealt with. A lasting agreement cannot be made if there is intra-group fighting on each side. (UNICEF, 2008)

Another issue that Norway had to deal with was that the U.S. and the EU labeled the LTTE as terrorists. “In October 1997, the U.S. Government designated the LTTE as a foreign terrorist organization under provisions of the Anti-Terrorism and Effective Death Penalty Act of 1996 and has maintained this designation since then, most recently re-designating the group in October of 2003. The U.S. Government in November 2007 froze the U.S.-held assets of the Tamils Rehabilitation Organization, a charitable organization associated with the LTTE.” (U.S. State Department website, 2008) In naming the LTTE terrorists that creates a greater power differentiation between the two parties. The LTTE had been in negotiations with the GSL and

were working towards an agreement when the LTTE were banned from a meeting in Washington D.C. The meeting in Washington was to prepare for talks in Japan and the LTTE were not allowed in the U.S. because of the terrorist label. This shattered any trust that may have been built in the peace negotiation process. Now the LTTE mistrusted a majority of the international actors.

Northern Ireland



World Atlas 2009

Terrorist Organization

The conflict in Northern Ireland has an extensive history, but it is a conflict that has reached resolution and is important to look at when looking for effective conditions for negotiating with terrorists. For the purposes of this paper, the history of the conflict is brief in order to provide the reader with necessary background to the conflict for the application of the conditions for effective negotiations. In Northern Ireland, one of the core issues is whether or not Northern Ireland should be its own entity or a part of Ireland. Throughout this conflict, fatalities were numerous. The main source of conflict was not over land but over identity, religion and politics. The terrorist group that this paper is analyzing is the Irish Republican Army (IRA). The IRA has two parts to it. There is the political wing – Sinn Fein, and the paramilitary wing, which is known as the Provisional IRA and is responsible for most terrorist activities. (Curran, 2001)

The main parties in this conflict are the Nationalists/Catholics, who are republican and desire closer ties to the Republic of Ireland. The Unionists/Protestants are Loyalists and want

closer ties with Britain. The IRA is a part of the Nationalists. Sinn Fein, also known as the Nationalists, is lead by Gerry Adams. The Unionists are lead by David Trimble and Ian Paisely. (Curran, 2001)

Historical Context

The history of the conflict can be traced back to when the British colonized Ireland in the early 1600s. The British, who were Protestant, gave land-grants to British nobility and ensued in reconstructing the land, which displaced the Catholic peasants that were already living in Ireland. Having divided and distributed the land to British nobility, the rift between the Catholics and the Protestants began. Ireland gained its independence in 1922, except for the northern county of Ulster, what is now known as Northern Ireland. The area of Northern Ireland was largely Protestant at the time. This made the Catholics living in the parts of Northern Ireland the minority. (Curran, 2001)

As the conflict escalated, what is known as the “Troubles” began in 1968 and lasted till 1998, when the Good Friday Agreement was created. The “Troubles” was a period that began with the Catholics starting civil rights protests, which started out as a peaceful movement and then lead to violence. There was a constant tension between the Protestants and Catholics. The Catholics were following the Civil Rights Movement of African-Americans in the United States and began their own protests. It was at this time that the Provisional IRA, which was a radical group that was committed to create a united Ireland and to drive out the British government, came into being (Curran, 2001).

The terrorist acts committed by the IRA were in opposition to the unionist paramilitary groups. More than 3,000 people were killed over a period of 25 years. The economy was also poor at the time, a contributing factor that encouraged men to join the paramilitary groups in