

succeed.

# 1. Defining terrorism

In order to discuss the complexities of negotiating with terrorists, it is first necessary to provide a cursory definition of terrorism. A study conducted by Alex Smith and Albert Jongman in 1988, demonstrates the prolonged confusion over the concept of terrorism. Out of the 109 definitions that were analyzed, violence was cited in 83.5% of the definitions, political goals in 65%, the element of terror in 51% and the quality of indiscrimination in 21%[7]. While there is no unanimous consensus, three core elements appear in most definitions[8], namely that terrorism is: (1) a violent means, (2) aimed at triggering political change, (3) by affecting a larger audience than its immediate target[9].

## 1.1 The never-negotiate argument

The standard doctrine in counterterrorism literature is to never negotiate with terrorist groups[10]. The argument behind this doctrine is composed of two core tenets: that negotiation is strategically defective [11], and that governments must not indulge in talks as this destabilizes the democratic underpinnings of their system of government[12]. Proponents of this argument assert that if groups believe that they can achieve their goals through violence, terrorists will continue to take up arms in the future[13]. On the other hand, they contend, if governments offer no concessions, terrorists will have no incentive to engage in further acts of terrorism[14]. Thus, this argument suggests the best and only method is to defeat terrorists by force[15]: coercing sponsors to cease their support (where present) and to eradicate the organization militarily.

The second part of this argument is that negotiation undermines democracy. It contends that by allowing the group a seat at the table, the state acknowledges the group's existence, thereby legitimizing them and their actions, [16] undermining those groups who have pursued political protest through non-violent means. Further, by negotiating in one instance, an administration is said to set a dangerous precedent not only in its own territory but internationally, destabilizing the foundations of the democratic system of government and denigrating international efforts to eradicate terrorism. The following sections contest each of these arguments behind the never-negotiate doctrine.

### 1.2 Negotiation is strategically viable

In practice a never-negotiate stance has been shown to be difficult and implausible to maintain, and, as Poe highlights, even the most ostensibly strict administrations tend to engage in talks at some point [17]. This choice can be attributed to the pragmatic reality that a growing number of studies demonstrate that negotiation works[18]. It has also been found that military force is rarely the reason for a terrorist group's demise[19]. Negotiation usually succeeds by transforming a group pursuing a political objective through violent means, into one preferring non-violent methods, by according them participation in the political process[20]. Commencing in 1968, a study of 648 terrorist groups found that the main reason terrorist groups ceased to operate was inclusion in the political process [21]. The same study found that only 7% of the time military force was the determining factor in a group's defeat [22]. Negotiations between governments and terrorists have succeeded in many instances, including those between the Irish Republic Army (IRA), the United Kingdom (UK), and the Republic of Ireland, which ended with the "Good Friday" Agreement in 1998[23]; those between the Farabundo Martí National Liberation Front (FMNL) and El Salvador, which resulted in the FMNL agreeing to disarm as part of the January 1992 Chapultepec Peace Accords[24]; those between the government of Mozambique and the Resistencia Nacional Mozambicana (RENAMO) ending in October 1992[25]; and those between the Colombian government and the April 19 Movement in 1989[26]. Though it is possible that the use or threat of force may have played some role in getting both sides to the table, these findings make it clear that negotiation is an effective and pragmatic counterterrorism tool

### 1.3 Negotiation strengthens the norm of non-violence

Many argue that in order to negotiate, a government must acknowledge the group it seeks to negotiate with, thus legitimizing their methods and therefore weakening the norm of nonviolence. Harmonie Toros argues, however, that, one of the principles of contemporary democracies is nonviolent political contestation[27]. Recognizing an organization gives it the option of legitimacy: to obtain their aims non-violently by participation in the political process. Through inclusion in the democratic process, former terrorists can find an effective avenue through which to pursue nonviolent political protest, thereby strengthening the principle on which democracy is founded[28]. Therefore, negotiation is not only pragmatic but normatively sound.

Karzai Human rights Ibrahim Warde Identity Indonesia International Humanitarian Law Iran Iraq Islam Islamic banking Islamism Israel Khomeini Kurdistan Kurds Labor Lebanon Libya Mahmoud Ahmadinejad Military Mohamed Morsi Muslim Brotherhood Nationalism Nawaz Sharif Nonviolence Nuclear OIC Pakistan Palestine Sanctions Saudi Arabia Sunni/Shi'a Syria Taliban Transitional Justice Tunisia Turkey UAE United Kingdom United States Uzbekistan West Bank Women's rights World Bank

# 2. Searching for a framework

While governments should and do negotiate with terrorists, literature on negotiation with terrorist groups has tended to focus on the moral dilemmas associated with the endeavor, rather than ascertaining under what circumstances negotiations work[29]. This next section of the paper shall establish the two main factors which determine whether negotiations are viable: 1) whether the organization is inclined to engage meaningfully in negotiations, and 2) whether it has the ability to implement the terms of the agreement.

## 2.1 Political will and flexibility

The aim of negotiation is to ascertain whether both parties are willing to compromise and to exercise the flexibility and moderation necessary to resolve the conflict. It is widely acknowledged that positive political will and maneuverability is an important aspect for almost any form of negotiation or mediation to succeed. The question remains, how do you determine whether a terrorist organization, understood to be a particularly problematic actor, is sincere and open to negotiation?[30] Some scholars have suggested that this can be discerned from the organization's ideology and stated aims[31]. Hayes, et al. have proposed a distinction between contingent/instrumental terrorists and absolute/extreme terrorists: the former have moderate goals, usually social or political, while the latter tend to have extreme religious or ideological goals[32]. Those in the former group are understood to commit terrorist acts only as a means to further their goals, while for those in the latter category terrorism is a self-fulfilling and self-contained act, where the goal is the infliction of terror itself[33]. The first group is said to have goals that are attainable and rational, making them amenable to negotiation; all negotiation attempts with absolutist terrorists, on the other hand, are said to be doomed to failure[34]. In practice, however, this typology may pigeonhole groups based on their stated aims rather than an accurate approximation of their real-time inclinations[35].

As Pruitt stresses, like most negotiators, terrorists and governments start with extreme demands that cannot easily be met by the other side[36]. However, through the negotiation process and due to other external factors (for example, a loss of funding, public support or allies) an organization's position may become considerably more flexible[37]. Rather than examining the group's ideology, it may be more indicative to survey whether they alter the frequency of attacks in response to the actions of their target [38]. To illustrate, though Hamas and Hezbollah are often reduced to their religious aims, they have demonstrated that they are able to adjust their use of violence against Israel to obtain goals in the political sphere [39]. An organization's demonstrated ability to behave as a rational actor, as demonstrated by their previous choice to reduce or increase violence in response to events, is a reliable sign that they may be willing to do so again under the right circumstances. The IRA, for instance, never abandoned what some would have called its absolutist ambitions for a united Ireland; at some point, however, the group decided that its aims were better served by non-violent means, and hence was amenable to an agreement seeking to "remove the gun from Irish politics". Flexibility and moderation are vital to ensuring the outcome of a negotiation process, and ascertaining whether an organization is capable of these qualities can be determined by examining the ways in which they utilize violence.

#### 2.2 Internal cohesion

Negotiations are more likely to succeed when a terrorist organization has strong internal cohesion and is able to abide by conditions conducive to negotiations, such as a ceasefire, and to implement any agreement arising from them[40]. Though terrorist organizations tend to portray themselves as being tight-knit groups, the secrecy under which they operate makes it difficult to maintain a seamless chain of command[41]. Some organizations have traditional, military, hierarchical structures and the leadership is involved in the group's day-to-day operations, while others, such as al Qaeda, have a network style structure where the leadership plays little (if any) operational role[42]. Reaching a common understanding between the negotiating government and the terrorist organizations' leadership is a difficult task, but these efforts are futile if the organization is not able to control its members and deliver per the terms of the agreement[43]. Many have cited the Palestinian movement's lack of cohesion as one of the issues impeding negotiations and a political solution; conflict between and within the various factions was one of the factors responsible for the failure of Oslo Accords[44]. Though the leaders may be committed to a negotiation process or a peace agreement, this is irrelevant unless the group has sufficient control over its internal dynamics to implement the terms of a settlement.

# 3. The PKK and the Turkish government

The current negotiations between the PKK and the Turkish government are a window of opportunity to

resolve the age-old conflict. Despite the short time that has elapsed since the failure of the last set of negotiations (the Oslo accords), and the consequent peak in violence in 2012, the signs are encouraging [45]. In early 2013, Prime Minister Recep Tayyip Erdogan announced that he was negotiating with the jailed head of the PKK Abdullah Ocalan as part of a new initiative to address the Kurdish question. Not only is this the first time that the Turkish government recognized Ocalan, who is seen to symbolize the Kurdish movement, but Erdogan did so publicly[46]. This is a significant break from the secrecy and ambiguity of past talks[47]. Of further consequence is that the two parties appear to have reached a preliminary agreement with regards to general objectives such as the cessation of violence, withdrawal of troops and the need for political reforms[48]. On the PKK's side it is particularly positive that despite setbacks in the progress of the talks, in a recent statement Ocalan reiterated that the organization's "will for peace remains as determined as it was on the very first day"[49].

### 3.1. The PKK's use of violence: politically responsive

Political developments strongly affect the temporal pattern of the PKK's fighting[50]. Most recently, the group initiated a new and fiercer onslaught following the breakdown of the Oslo process in 2012[51], which was the bloodiest year in the conflict since 1999. Similarly, the group is capable of halting its armed struggle when developments in the institutional or political sphere align with its goals[52]. Of the past five years, 2009 was the least violent for Turkey. This resulted from a ceasefire which was implemented after the AK Party (Adaleve Kalkinma Partisi), led by Erdogan, announced its Kurdish initiative[53]. This pattern and the group's recent set of withdrawals despite little action from the Turkish government, indicate that the PKK is willing to be flexible and committed to the peace process.

### 3.2. The PKK's internal dynamics

The PKK has a strong internal structure and has demonstrated its ability to implement its commitments on a number of occasions; there is no reason to believe that it will not be able to fulfill its side of the deal this time. Though the PKK may have began as a ragtag group, composed of several hundred poorly-armed and inexperienced fighters, it has since developed into a significant force in much of Turkey's Kurdish areas and has at times presented a serious military challenge to the state[54]. The group now operates out of a central command center, has successfully professionalized its fighting, and typically avoids attacks that may harm civilians[55]. This structure and level of organization and planning has made the group effective at both conducting armed attacks and modulating its use of violence in accordance with the political environment[56].

Despite being incarcerated since 1999, Ocalan has remained the unchallenged leader of the PKK[57]. He is seen as the symbol for the Kurdish resistance and retains control over the groups' aims and operations [58]. Ocalan's continued authority over the group, which gives the PKK competency as a negotiating partner, is demonstrated by recent events: in late November 2012, hundreds of prisoners, Kurdish activists and politicians all heeded Ocalan's call to end hunger strikes that had prevailed for several months[59]; in a series of interviews in February 2013, PKK commanders expressed their loyalty to Ocalan[60]; and finally, the group has heeded Ocalan's most recent instruction to withdraw[61]. Though there has been widespread speculation about shadowy groups acting autonomously, little evidence of spoilers or fragmentation exists[62]. Therefore, there is evidence to support the claim that the PKK's leadership is not only committed to the negotiations, but also retains sufficient control over the internal dynamics to implement the terms of the process.

## 3.3 Critique

There remain those who are skeptical of the process, proposing that it will only result in continuation of the status quo. Tezcür predicts that the current situation, which he claims is characterized by low intensity violence interrupted by periods of negotiation and ceasefires, is the most probable outcome[63]. He bases this proposition on three main points: that both parties' positions are still poles apart, that Ocalan is not popular with large parts of Turkish society, and that Ocalan lacks control over the dynamics of the violence[64]. The argument is made that the "peace process" is only an elaborate ruse by the AK Party to regain its declining support prior to the upcoming elections[65]. It has been suggested that the incumbent government and the PKK's positions remain far apart[66] and that the lack of action in the institutional and political space is evidence that the AKP is insincere[67]. Critics argue that it is naïve to expect that the current withdrawal and proposed disarmament will continue without security guarantees and political progress for the PKK's. Tezcür asserts that, as these commitments are not likely forthcoming, the process will stall and fail.

Even if the parties' leadership should succeed in overcoming what some suggest are irreconcilable

critics suggest that Ocalan will not be able to hold up his side of the deal and deliver peace. They argue that after nearly 14 years of isolation and incarceration, Ocalan lacks control over the dynamics of violence, and that it is not clear whether previous periods of peace were actually ceasefires or whether the fighters went dormant or reintegrated into mainstream society for a time. These critics maintain that as long as there is recruitment capacity, safe havens, financial resources, and legitimacy for some Kurds, there are no good reasons for the PKK to say farewell to the fight[70].

Regardless of whether this round of talks in Turkey succeeds in producing a mutually agreeable settlement, it has demonstrated that the option to negotiate with a terrorist organization should not be dismissed outright. The PKK has shown that it can participate as a rational actor in negotiations and that its leadership has the capacity to change the organization's behavior in response to political developments.

# Conclusion

This paper has established two key points: 1) that negotiation should be acknowledged as an important element of counterterrorism strategy; and 2) that an organization's suitability as a negotiating partner can be discerned by its cohesion as an organization and by its inclination to adjust its use of violence due to developments in the political sphere. The PKK's actions during the recent peace process with the Turkish government dispel the myth that terrorist organizations are by nature irrational and incapable of fulfilling their promises; the PKK has been demonstrated to be a competent and flexible negotiating partner which is able to fulfill its commitments (implementing a ceasefire and the withdrawal of its troops). Though the talks are still underway, the PKK's performance as a negotiating partner does not seem to be a barrier to reaching an agreement.

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[66] For a list of the PKK's demands please see ANF. (2013a) Karayilan: Ne Pêwîst e Hevdîtin bi me re Bikin. ANF

[67] Tezcür GM. (2013) Prospects for Resolution of the Kurdish Question: A Realist Perspective. Insight Turkey 15: 69-84.

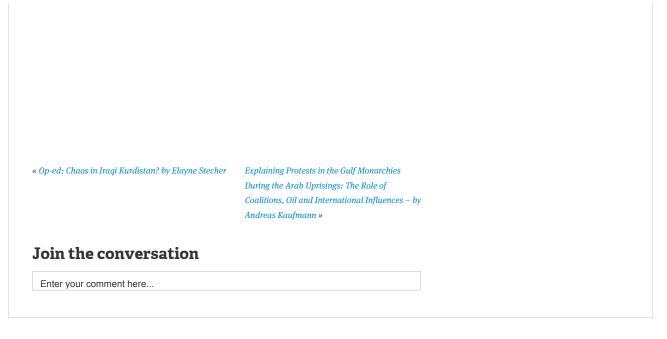
[68] Vatan. (2013) Her Iki Kisiden Biri. Vatan

[69] For a list of the PKK's demands please see ANF. (2013a) Karayilan: Ne Pêwîst e Hevdîtin bi me re Bikin. ANF

[70] This argument is based on Thomas Ohlson's work on the causes of war and peace. Please see Ohlson T. (2008) Understanding Causes of War and Peace. European Journal of International Relations 14.

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