WHEN DO STATES NEGOTIATE WITH TERRORISTS: A COMPARATIVE CASE STUDY OF DETERMINANTS OF STATE-TERRORISTS NEGOTIATIONS

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DECLARATION

I, Berry Ochieng’, hereby declare that this thesis is my original work and has not been submitted to any other college, institution or university other than the United States International University-Africa, for academic credit. All materials herein from other sources have been duly acknowledged.

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TABLE OF CONTENT

DECLARATION .............................................................................................................................................. ii

ACKNOWLEDGMENT ..................................................................................................................................... iii

LIST OF FIGURES ........................................................................................................................................ vii

ABSTRACT .................................................................................................................................................... viii

LIST OF ABBREVIATIONS ............................................................................................................................ ix

CHAPTER 1: FACTORS THAT LEAD STATES TO NEGOTIATE WITH TERRORISTS: A COMPARATIVE CASE ANALYSIS ............................................................................................................................ 1

1.1 Background of the Study ......................................................................................................................... 1
1.2 Statement of the Problem .......................................................................................................................... 2
1.3 Objectives of the Study ............................................................................................................................. 3
1.4 Research Question ................................................................................................................................... 3
1.5 Hypotheses ............................................................................................................................................... 4
1.6 Significance of the Study ......................................................................................................................... 4
1.7 Scope of the Study ................................................................................................................................... 4
1.8 Definition of Terms ................................................................................................................................. 4
    1.8.1 Terrorism ........................................................................................................................................... 5
    1.8.2 Asymmetry ....................................................................................................................................... 7
    1.8.3 Credibility ....................................................................................................................................... 8
1.9 Structure of the Research ....................................................................................................................... 9

CHAPTER 2: LITERATURE REVIEW ............................................................................................................. 11

2.1 Introduction ............................................................................................................................................ 11
2.2 When do, States Negotiate with Terrorists ........................................................................................... 12
2.3 State-Terrorist Negotiations: Asymmetry and Credibility Link ............................................................ 13
2.4 Theoretical Framework ........................................................................................................16
   2.4.1 Situating rational choice in conflict negotiations .........................................................19
   2.4.2 Rational approaches to conflict and negotiations .........................................................20
   2.4.3 Illustrating rational choice moves ..............................................................................22

2.5 Asymmetry/Credibility Model of Efficiency ........................................................................25

CHAPTER 3: METHODOLOGY ........................................................................................................27
   3.1 Introduction ......................................................................................................................27
   3.2 Research Design .............................................................................................................27
   3.3 Data collection ...............................................................................................................29
   3.4 Data Analysis ................................................................................................................31

CHAPTER 4: RESULTS AND FINDINGS .....................................................................................32
   4.1 Introduction ......................................................................................................................32
   4.2 Level Of Terrorism Threat ..............................................................................................33
   4.3 The True Position Whether States Negotiate with Terrorists or Not ...............................33
   4.4 The Role Asymmetry and Credibility as Key Variables in States Decision to Enter into
       Negotiations .....................................................................................................................34
       4.4.1 Credibility .............................................................................................................34
       4.4.2 Asymmetry ............................................................................................................36
   4.5 The Notion of ‘Success’ Between the State and Terrorist Dependent on The Elements
       of Asymmetry and Credibility .........................................................................................39
   4.6 Quantitative Analysis .....................................................................................................42
       4.6.1 Duration of Existence of a Terror Group .................................................................42
       4.6.2 The Average Number Casualty and Loss of Lives .................................................43
CHAPTER 5: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS........44

5.1 Introduction........................................................................................................44
5.2 Discussions ........................................................................................................44
5.3 Conclusions..........................................................................................................49
5.4 Recommendations..............................................................................................50

5.4.1 Recommendation for Further Studies ..........................................................50

REFERENCES.........................................................................................................51

APPENDICES: APPENDIX I: RESEARCH DATA .....................................................53
LIST OF FIGURES

Figure 1: Asymmetry/Credibility Model of Efficiency................................................................. 25

Figure 2: Duration of Existence of a Terror Group................................................................. 42

Figure 3: The Average Number Casualty and Loss of Lives ................................................. 43
States have a standard policy when it comes to engaging terrorist groups, and that is they do not negotiate. From the literature, we find this policy or conventional perceptions about this policy to be ahistorical. Indeed, states do negotiate with terrorists from time to time. Munyi (2016) argued that the notion of asymmetry and credibility in negotiations is not necessarily a “bad” thing. That, sometimes asymmetry can create a conducive environment for negotiation success. Asymmetry is the sum of the disproportionate military and economic might. Credibility is the ability to give impression as able to consistently fulfill commitments. This research drew on this finding and sought to test asymmetry and credibility elements in a state-terrorist negotiation scenario. Does the configuration of asymmetry between a government, and a terrorist group determines the propensity to negotiate? And does such balance of asymmetry have an impact on success? The research took a comparative case approach. Ten carefully selected state-terrorist negotiated cases that were analyzed to determine the role of asymmetry and credibility in the decision to negotiate and in negotiation success. Element of asymmetry and credibility determined strength and power of terrorist groups; and thus, where it was expected to be defeated, implode, or fade away, and the other conflicting party considered employing negotiations. The study concluded that states recurrently negotiate with terrorist groups; asymmetry and credibility as key variables in state’s decision to enter into negotiations and determines negotiation success. The study recommended negotiations in terrorist conflicts as they are not only possible, they are potentially less destructive than most other responses to terrorism envisioned by academics and policymakers today.

**Key Terms:** Asymmetry, Credibility, Negotiation Success
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>ARMM</td>
<td>Autonomous Region in Muslim Mindanao</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
</tr>
<tr>
<td>COIN</td>
<td>Counter Insurgency Forces</td>
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<tr>
<td>FNL</td>
<td>National Liberation Front</td>
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<tr>
<td>FRELIMO</td>
<td>Mozambique Liberation Front</td>
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<tr>
<td>GAM</td>
<td>Gerakan Aceh Merdeka (Free Aceh Movement)</td>
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<tr>
<td>IRA</td>
<td>Ireland Republican Army</td>
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<td>MNLF</td>
<td>Moro National Liberation Front</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>PIRA</td>
<td>Provisional Irish Republican Army</td>
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<td>RENAMO</td>
<td>Mozambican National Resistance</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UTO</td>
<td>United Tajik Opposition</td>
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CHAPTER 1: FACTORS THAT LEAD STATES TO NEGOTIATE WITH TERRORISTS: A COMPARATIVE CASE ANALYSIS

1.1 Background of the Study

In May 2014, a rigorous negotiation process between the United States government and the Taliban (an organization classified as terrorist by the United States) led to the release of Sergeant Bowe Bergdahl. In exchange five Taliban captives from Guantanamo were released according to Powel (2015). He further observes that this move led to criticism by the Republican lawmakers, who asserted that the Obama administration had violated the United States default policy notably “we don’t negotiate with terrorist.”

While this is the official United States public position on engaging with terrorists, it is nevertheless ahistorical. Evidence show that in fact, previous presidents had negotiated with terrorists these include Nixon, Reagan, and George W. Bush (all Republicans) (Goerzig, 2010; see also Powel, 2015).

This debate is not unique to the United States. Goerzig (2010) asserts that all governments share the position that they don’t negotiate with terrorists, in reality, most have engaged with terrorists in the past. Crouch (2010) brings to our attention that the British government negotiated peace with Sinn Fein, the political arm of the Ireland Republican Army (IRA), during the reign of violence in Northern Ireland. The French in Algeria, Francoise Mitterrand, the interior minister at the time, asserted that France would never negotiate with terrorists, finally albeit secretly President Charles de Gaulle was negotiating with the National Liberation Front (FNL) in Switzerland. This is a clear precedence of the practice.

Critiques of the alternative that states should negotiate with terrorist, commonly cite legitimacy concerns, that the terrorists may be presumed to be a state equal, also that states
may give the impression that they have caved into terrorists’ demands. That this has the effect of modeling that violence has payoffs (Crouch, 2010).

According to Munyi (2016) Asymmetry and Credibility are central variables that determine efficiency in the negotiation process. He argues that how these variables interplay creates perceptions that may lead to Compliance, Internalization/identification, time deadline options and no agreement. Adding to this argument, in essence negotiations has its benefits the aforementioned variables at play, can be managed to craft potential mutually acceptable outcomes.

This research sought to test these proposed variables and establish if indeed they have been present or absent in the past state-terrorist negotiation cases. And whether these had any significant effect on the outcome. The research viewed state-terrorist engagement from a state standpoint. Both parties to the negotiations are however important. The focus of this study was to narrow down to the decision-making process that informs the state to enter into negotiations with terrorists.

The research considered 10 cases out of the 71 cases collated by the RAND databases of state-terrorist negotiated cases between 1944 and 2003. The RAND institute is a nonprofit research organization. From the data sets the study purposefully selected relevant cases, that were analyzed and conclusions drawn in response to this research’s puzzle. That asymmetry and credibility played an important role in entering negotiations and possibly negotiation success as per Munyi (2016) findings.

1.2 Statement of the Problem

Research shows that coercive counterterrorism mechanisms are seldom effective; the counter effect is usually the result, increased radicalization (Clarke & Paul, 2014; Goerzig, 2010; Stepanova, 2008). Yet states automatically gravitate towards military intervention in
response to the terrorism threat. States are quick to cite “no negotiation with terrorists” policy, yet states have negotiated in the past, and in some cases, successfully.

This research sought to establish whether Munyi’s (2016) model can accurately be extrapolated to predict whether a state would enter into negotiation with terrorists or not\(^1\). And to show that either asymmetry, credibility or both were either present or absent in past negotiations, and outcome. This research sought to fill in the gap in the application, of the Munyian model of conflict resolution by testing it with Terrorist-State conflicts.

There is no shortage of literature on the subject of terrorism, including conflict resolution, however not so much has been written on when states negotiate with terrorist, that generate models for application and that can help analyze potential negotiations outcomes. The trends in terrorism are escalating there is a need to research and refine alternative conflict resolution models, for the application.

1.3 Objectives of the Study

The general objective of the study was to establish factors that lead states to negotiate with terrorists. Specifically, this study sought to achieve the following objectives:

- To establish the role asymmetry and credibility as key variables in states decision to enter into negotiations.
- To establish if the notion of ‘success’ as defined by mutually acceptable agreement depends on asymmetry and credibility or are there other more compelling factors.

1.4 Research Question

- Does asymmetry and credibility influence states propensity to negotiate?
- Is the notion of ‘success’ between the state and terrorist dependent on the elements of asymmetry and credibility?

\(^1\)The Munian Asymmetry/Credibility Model was made with economic decisions in mind. Therefore, this would be an application of the model to security negotiations.
1.5 Hypotheses

The interweave between asymmetry and credibility is central to states entering into negotiations with terrorists.

**H1.** Where the state-terrorist asymmetry is high, and credibility is high negotiation success is viable, and the state then is likely to enter a negotiation with terrorists.

**H2.** Where state-terrorist asymmetry is high, and credibility is low then negotiation success is not viable, and the state then may not enter a negotiation with terrorists.

**H3.** Where state-terrorist asymmetry is low and credibility low then negotiations success is not viable, and the state then may not enter a negotiation with terrorists.

**H4.** Where state-terrorist asymmetry is low, and credibility is high then negotiation success is viable, and the state is likely to enter into a negotiation with terrorist.

1.6 Significance of the Study

This research aims to contribute to literature and enlarge current debate in conflict resolution scholarship. Particularly regarding the preconditions for effective negotiation with terrorists, based on either the asymmetry/credibility matrix or on the ideational motivations for accepting to negotiate.

1.7 Scope of the Study

This research focused on a selected 10 cases of state-terrorist negotiations processes from across the world.

1.8 Definition of Terms

The key terms and concepts to be used in this research tend to have an obscure, loaded and relative quality. The purpose of a definition is basically to elect what a term is meant to mean (Schmid, 2004). This section defined key terms essential to this research. The definitions arrived at were operationalized throughout this research as part of this empirical research process. These terms include terrorism, asymmetry, credibility, and negotiations.
1.8.1 Terrorism

President Emile Lahoud of Lebanon in 2004, observed that declaring war on what one perceives as terrorism is not adequate unless a precise and concise definition is given (Routledge, 2011). Boaz Ganor, Director of the International Policy Institute for Counter-Terrorism comments in Routledge (2011), notes that an impartial definition of terrorism is not only conceivable but also indispensable if terrorism is to be combatted effectively.

The Routledge handbook of terrorism research has cataloged over 250 definitions of the term terrorism, from various scholars, state security agencies, and international organizations. Indeed, consensus on a working definition has been the Bermuda triangle of security studies. Next, a sample of three pivotal definitions, from the United States of America’s Department of State, The United Nations draft definition and the Academic Consensus of the 1980s.

The United States of America’s Department of State (2006) defines terrorism, in Routledge (2011) as deliberate, politically inspired violence committed against civilian targets by non-state actors or covert agents. The goal usually is to sway an audience.

Critics argue that this definition has been revised seven times since 1982 and approximately 20 definitions of terrorism are maintained by the US government. Making the term, even more, obscure.

The United Nations draft of 1994 did not exactly define Terrorism per se but arrived at some consensus on its nature. The text of the draft verbatim reads:

The Member states of the United Nations reaffirm their condemnation of all acts, methods, and practices of terrorism, as criminal and unjustifiable, wherever and whomever committed, including those which jeopardize the friendly relations among States and people and threaten the territorial integrity and security of States.

The aforementioned acts were further expounded in autumn of 2010; an offence is committed by any person that intentionally causes: Death of grievous injury to any one or deliberate damage to private, public property or State infrastructure with the intentions of
threatening a population or to coerce the government, or an international organization to act or abstain in their favor.

Key controversy as concerns this definition; should the term “terrorism” just as well apply to states whose actions, proactively or reacting, to terror attack have in essence committed similar violence as described in the draft?

The academic consensus definition is based on 50 responses from top scholars on the subject of terrorism. From the synthesis of their responses, it emerged that terrorism is a tactic characterized by fear and recurring violent action, by non-state actors for the ideological, political or criminal purpose. The victims are randomly selected and only targets of convenience, with the surviving greater public as the audience.

Academics, legal and state organs may never arrive at a consensus on this, however, drawing from Schmid (2004) this research finds a compelling way forward. From his research of 109 definitions of terrorism, he found a similarity in the following elements: Violence or use of force appeared 83.5% frequently, the word political appeared 65% frequently, Fear emphasized 51% of the time, victim-target differentiation was made 37.5% of the time.

Three elements are pronounced: Target of attack (the victims), the target of demand (the state) and target audience (bystanders and media viewers).

This study then operationalizes the definition of terrorism according to the book Essentials of Terrorism by Guy Martin (2008), he defines terrorism as the use of violent force or threat (against the civilian population or property) or state installations, by a non-state actor in order to get the attention of the state. The aim is to advance a political, religious or ideological cause.
1.8.2 Asymmetry

This research interrogates asymmetry according to the Munyian Model, that proposes that asymmetry is not a negative variable in negotiations, in fact, it is essential in negotiating effectiveness (Munyi, 2016). Earlier in defining terrorism, its asymmetrical nature was alluded to, this quality of asymmetry is the choice weapon of the terrorists that they do not have to ascribe to conventional rules of warfare.

Some key elements that are mostly pronounced in this definitional puzzle include extensive disproportion between parties in conflict principally in economic and military power. A structural view that is, for the most part, does not capture current realities on state-terrorism engagement (Stepanova, 2008).

An illustration that supports the military and resource variables in asymmetrical definitions: While one may consider regional conflict like 1980 to 1988, war between Iraq and Iran whose military and economic capability were comparatively similar, the 1991 to 2003 war in Iraq led by the United States, were asymmetrical given the relative Military and financial might of the U.S to Iraq (Stepanova, 2008).

While this militarized and resource-based view of asymmetry is ubiquitous, it does not explain why in some instance, non-state actors seem to have an upper hand in spite of their disadvantage militarily or financially comparatively to their target of demand (for instance the U.S). This extra element will help to comprehensively get to understand Asymmetry in state-terrorism negotiations in contemporary times. To this end, we examine briefly the military failure of the U.S in Viet Nam between 1965-1973 (Stepanova, 2008).

The failure of this as reflected not asymmetry against the U.S (that were obviously more powerful militarily and in resources), but rather the kind of warfare the U.S found itself engaged in. This was not the regular interstate conflict, medium intense with states keen to
preserve treaties and conventions that govern laws of war, especially regarding to civilian casualty.

This experience yielded the doctrine for engaging in sub-conventional warfare. At the center of this doctrine is the state’s capacity, for instance, to politically and psychologically accept civilian casualty. It is noted that in conventional warfare the ‘enemy’s’ moral superiority (in this sense Viet Nam) was comparatively low, they readily accepted and expected human loses. This was an initial attempt at incorporating the element of information and political tools in redefining asymmetry (Stepanova, 2008).

The concept of asymmetry thus evolved from the traditional sense (based on military and economic might) to thinking and strategizing differently from the enemy; to include disproportions in organizations, values, and perspectives. Then, this research moves away from using the term asymmetric warfare (which has a militarized connotation) to asymmetric conflict or confrontation, which then allows for a much broader view of the term.

This research having considered the above-mentioned operationalizes the term asymmetric configuration as the sum of the disproportionate military and economic might and the degree of flexibility in values and perspectives of actors that allow them to take and implement extreme positions.

1.8.3 Credibility

Munyi (2016) keenly observes that in a negotiation process, the chief aim of either party is to influence or induce the other to change their position. The element of ‘buy in’ is integral and thus the concept of credibility. Since credibility is a trait defined by an individual’s judgment it is seldom equivalent to the real quality of information.

For this research, credibility is subjective. It is contingent on availability of resources, the perception of unity or disunity and of coherence or incoherence. When a party to a conflict does not perceive promises, threats and other types of commitments as supported by
corresponding viable resources, credibility is lost (Kydd & Walter, 2006). The resources referred to include, military supplies availability to terrorists to make good their threats. While in the case of the state, the policy may pose a credibility problem if terrorist considers that for some reason they state would not go against the “no negotiations with terrorist policy”.

Finally, credibility for our purpose is also to be understood as incoherence over a period. If a party to a conflict realizes the bargaining partner keep shifting positions, this will affect credibility over time. For instance, a state that makes threats but does not follow through is less credible than a terror group that follows through every time. Credibility is therefore defined as the ability to give the impression as able to consistently fulfill commitments.

1.9 Structure of the Research

This research is organized into five chapters. Each chapter will open with an introduction briefly giving a background to the chapter, and the chapter structure. The relevant content that will be organized in sections will then follow. Finally, the chapter closes with a summary section.

The present chapter describes the research design. Herein the study presents the background of the study, statement of the problem, the hypothesis, a literature review of key sources to the study, the methodology and a briefly the case selection. A comprehensive study of the aforementioned topics will be undertaken in the succeeding chapters.

Chapter 2 presents the literature review on the subject. Firstly, the study seeks to understand the background to this puzzle. Next and central to this study following literature will look at the role of asymmetry and credibility in state-terrorist negotiations. Given that the study seeks to test the validity of this finding by Munyi (2016), this section will seek to illustrate how asymmetry/credibility presents its self and when would states perceive this as
conducive, that they seek to negotiate. The final section will examine Rational choice theory to help explain state-terrorist negotiations, a conceptual framework will also be presented to further illustrate rational choice at play in this thesis.

Chapter 3 presents the methodology and describes the research design, case selection, data collection and analysis, population and sampling design.

Chapter 4 presents the results and findings based on the methodology as outlined in chapter 3.

Chapter 5 presents the discussions and comparative analysis of the selected case studies; from this exercise the study will draw conclusions and make recommendations.
CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter extensively reviews the literature and associated research to the problem under investigation. The chapter touched on areas that addressed the following research questions: when do, states negotiate with terrorists? Does asymmetry and credibility influence states propensity to negotiate with terrorists? And is the notion of negotiation success pegged on the asymmetry and credibility factors?

Negotiations have been used as an alternative conflict resolution mechanism, even with the most bitter of rivals, be it in trade disputes or in the political arena. The World trade organization for instance has a negotiation arm that helps states resolve dispute amicably, without allowing such disputes to escalate. The United States for instance still engage North Korea and Iran with regards to nuclear agendas.

While under the earlier mentioned circumstances negotiations approach seems not only strategic but also pragmatic, the subject of terrorism doesn’t elicit similar proactive inclinations. States will not proactively consider negotiations with terrorists as a first resort and they will also deny ever negotiating if it has indeed happened in the past.

This study operationalizes the definition of terrorism according to the book Essentials of Terrorism by Guy Martin (2008), he defines terrorism as the use of violent force or threat (against the civilian population or property) or state installations, by a non-state actor in order to get the attention of the state. These non-state actors would then be identified as terrorists.

Terrorist have over history pursued the following five main goals: territorial change, regime change, social control, policy change, maintenance of status quo. Various strategies have been pursued to accomplish the goals. These are: intimidation, provocation, spoiling, outbidding, attrition and suicide missions (Goerzig, 2010).
Terrorism acts challenge the monopoly of the state on use of force, as such their acts are perceived as counter rule of law and therefore illegal. And if illegal then terrorists are criminals, and the state can’t negotiate with criminals. Given that mechanisms, including the judicial system have been put in place to address grievances have led to policies such as “we do not negotiate with terrorists” reiterated in the past. Such policies reiterated, create difficulty for states to not consider concessionary counterterrorism approaches. Further it is argued, there are no norms that can be applied to monitor that terrorists met their end of the bargain making them bad bargaining partners.

The trend on acts of terror according to the RAND indicate that acts of terror are on the rise, indicating that the current counterterrorism measures are not quite effective, and alternatives need to be explored.

Researchers argue that empirical data on this study indicate to the contrary that states do negotiate at some point. Between 1968 and 2006 almost 13% of state-terrorist conflict were subjected to negotiations at some point. If negotiating with terrorist is such a bad idea why would some states enter it?

To explore literature on this subject, firstly, this chapter examined when states enter negotiations with terrorists as a strategic move. Secondly the literature reviewed asymmetry and credibility; does this influence the states’ propensity to enter negotiations with terrorists? The chapter also explored the impact of asymmetry and credibility on the notion of negotiation success. Ultimately this chapter looked at rational choice theory and how it can be applied to explain when states are likely to enter negotiations with terrorists.

2.2 When do, States Negotiate with Terrorists

As earlier alluded to negotiations is a concessionary approach that has been employed in many spheres of interaction, to settle disputes peacefully including trade, bilaterally among states and even armed conflict. Firstly, this section explores how negotiations with terrorists
can be considered a credible counterterrorism measure. Especially a distinction is made between negotiations as concessionary among legal members of the international community and negotiations as tactic or strategy that the state employs a counterterrorism measure. A negotiation is mutual process that aims to communicate the intentions to settle a dispute, between bargaining partners (Bapat, 2006).

Tactical negotiations are usually ad hoc and usually arising as hostilities are ongoing. For instance, during a hostage taking in hijacking cases, state officials negotiate release of hostages (Gaibabulloev & Sandler, 2009). This however doesn’t prevent the terror campaign to stop.

2.3 State-Terrorist Negotiations: Asymmetry and Credibility Link

Drawing from Newmann (2007) democracies must not consider concessions with terrorists and other groups that use violent means to achieve their goals. The author argues that doing so would send a message that acts of terror have positive gains, legitimize terror groups, set back counter terrorism efforts and established a dangerous precedence. This argument is significant, it reveals a clear disconnect between the no negotiation policy, and the fact that states have in the past entered negotiations with terrorists.

Wilkinson (1981) makes a case in support of states not negotiating with terrorists. The author argues that this increases terrorist credibility and thus their capacity to further terrorize. Also, by negotiating states sends a message the terror groups are above the law and by negotiating the state is willing to solve perceived conflict outside the standard judicial systems. Further the paper notes this creates precedence, that will encourage other potential terrorists to follow. This article is significant herein we see some key reasons why states do not negotiate (or give the impression that they do not) with terrorists.

A comment in reaction to Newmann (2007) and Wilkinson (1981) arguments, this study observes that it is in the interest of States to negotiate, however, states should find ways
to engage in ways that will keep dangerous precedents to a minimum and without doing harm to its political image.

Bapat (2006) adds to the argument that states don’t negotiate with terrorists because terror groups are unable to make credible commitments to peace processes. The article further observes, governments unwillingness to offer incentives to “talk” magnifies the credibility problem and as such the author notes states and terrorists don’t usually make compatible bargaining partners. The paper argues that the state’s ability to regulate incentives and costs on terrorist organizations can determine the outcome. These arguments offer this research an insight into the role played by states to actively engage or not engage terrorist in negotiations as an alternative to coercive counter terrorist measures.

Kydd and Wallter (2006) find credibility is also contextual, that it is not necessarily a normative ideal, but rather they ability to keep commitments of any kind. The author argues that terrorism works because strategies used by terrorists tend to demonstrate this. To achieve their political demands, terrorists must provide credible information to its audience, the government (that is targeted to grant concessions) and sympathizers that fund terrorist groups and follow its edits. This is achieved by “costly signal” which is a public show of violence so costly that the state would not be willing to “call their bluff” the next time.

Kroenig and Pavel (2012) argue that states credibility could drastically improve if they were committed to their threats. Terrorist should be less interested in states that are reputedly steadfast in refusing to negotiate with terrorists. The author finds for instance that the United States currently has a low credibility rating as perceived by terrorists. While on one hand, they profess a no negotiation policy, in reality, they do negotiate, and they have done so in the past. Also, 1983 Beirut attacks on the American marine’s barracks saw the United States pull out of Lebanon, this was perceived as lacking in commitment.
Gaibabulloev and Sandler (2009) discuss the concept of logistical success to evaluate how asymmetry and credibility play out to either the advantage of the State or terror group. Success in logistics would indicate, either party to the conflict is to achieve their goals with ease, it also means the asymmetry leads to their advantage. For instance, success in negotiations indicates that the terrorists have been able to secure most of their initial demands, this could also mean the perception of credibility is high, thus a bargaining advantage. The article argues this scenario plays out differently depending on the following: single Kidnappings or group hostage taking, demand considerations whether single agenda or multiple, political or religious. The author notes also, financial demands easily lead to bargain success. This article was significant in analyzing the terrorist end game and the corresponding behavior, even as a state would try to initiate negotiation.

An understanding on why parties to a conflict endure is important. The study notes that parties engage in conflict to serve a self-interest. This makes the state as well as terror groups rational actors.

Caplan (2006) argue that a clear definition of rational choice is important in understanding why both terrorists and states do what they do. For most scholars and states an act of terror is irrational, therefore negotiating with terrorist is irrational. The author argues, that rational choice is about cost beneficial decision making, the end justifying the means scenario. The concept of rational choice will build up to our theoretical framework as a suitable theory that explains why state-terrorist negotiation may take place.

Both State and terrorist operate on a utility function, and when this can be served with the least exertion, they will take the option even negotiation (Powel, 2015). We realize then the issue is not if states negotiate, but when. So, what are the essential elements that need to come together for states to enter a negotiation process with terrorists?
Various counterterrorism measures have been applied in the past, mostly coercive. This research examined the factors that lead states to enter into negotiations with terrorists as a strategic alternative of peaceful conflict resolution. From the current literature, this research realized there was a focus on why states do not negotiate or should not negotiate, however the literature does not explain when states enter into negotiations with terrorists. As earlier mentioned, states have in the past recurrently negotiated with terrorist groups. To explain this phenomenon this research employed rational choice theory. Other related theories, and why this research elected to explore rational choice were elaborated in the theoretical framework section. This research argued that asymmetry and credibility are key factors that inform states to enter negotiations and ultimately determine negotiations success.

2.4 Theoretical Framework

The objective of a theory is to explain a phenomenon. When would states enter negotiations with terrorists? This section explores rational choice literature to respond to this query. This will give this research a sound foundation for exploring the fundamental problem that is when do states negotiate. While the rational choice theory has traditionally been related in diverse ways to economic theories (Nicholson, 1992; Parson, 2005), this research draws on its application to explaining a political phenomenon.

Literature that mentions when the state is likely to negotiate with terrorists exist, albeit a few, there is not, however, a proper theory in the field of Security studies or Terrorism studies, that explains when states negotiate with terrorists. Given the mainstream argument against negotiating with terrorists, scholars have in the past focused on, explanations why states do not negotiate. This study draws on rational choice theory from the field of economics, to explain why the state would enter negotiations with terrorists. In the recent past, the theory has been applied in other disciplines, including political science, sociology, and anthropology (Caplan, 2006).
Rational choice accounts posit that preferences are selected based on cost benefit options, and this is central to the subject of negotiating (or not) with terrorists. According to this theory, the state is most likely to abandon the “no negotiating with terrorist” policy in favor of negotiating where the opportunity for negotiation success presents itself and conditions are right (Caplan, 2006). That is if the state perceives the asymmetry and credibility variable status as in their favor and that they have no control over other factors, like timelines then they may enter into a negotiation agreement.

Caplan (2006) notes that it is important not to discuss rationality from a normative standpoint, that is good or back, communally acceptable or not. Instead, the author argues that all actions are rational if they deliver intended objectives. Negotiating with terrorist may be considered irrational from a normative standpoint. However, if the state finds cost benefits in pursuing this route and possibility of negotiations success, then it would be rational to take the opportunity. But then negotiations are not usually straightforward, options tend to appeal or lose appeal and decision-making process may seem like a moving target.

According to Nicholson (1992), a rational actor is always on the look out for the many options available for his benefit. The rational actor then proceeds to select the most preferred, based on a utility function. The net outcome of this selection process should yield success or close as possible to success as defined by their political or ideological goals.

The quality of options selected will determine chances of success. In rational choice, options, therefore, become strategic to the actual decision-making process. This argument favors the position that since terrorists behave rationally (consider value options) then this gives context to behavior and state actors can therefore confidently consider negotiating with terrorists (Nalbandov, 2013).

Critiques of rational choice models argue that while this position may be true for individual agents (a terrorist) it may not follow to argue the same where an organization (a
(terrorist group) is concerned. Individuals easily make a cost-benefit analysis, however, the group thought processes are much more complex. The typical terrorist group is undisciplined and disorganized, personal gratification (ego based choices) may get in the way of rational choices (value based choices) (Nicholson, 1992; Parson, 2005).

Drawing from Nalbandov (2013) in response to the aforementioned critique, states have in the past engaged terrorist groups that exhibited order and hierarchy. Such groups are lead from a central command, whose voice is the voice of the collective. In such situations, the state can be sure that a successful outcome will be acceptable to all members and not just the individuals present during negotiations. These may include terrorist insurgents.

In order for individuals and groups to make rational choices, information that concerns all the possible options must be available to them. This is an assumption, in other words, it's a choice cannot be considered rational where an agent acted on misinformation, partial or no information guiding them in the decision-making process (Parson, 2005).

Following this line of argument, two issues appear according to Nicholson (1992). Firstly, this model would be ideal for an impersonal engagement than to conflict between strategic individuals. This model assumes that the options available are usually specific and that the state or terror groups would easily recognize options that are value laden and simply select those.

Secondly, and more critical to conflict scenarios is the element of problematic goals, for instance, peace negotiations between the state and terror groups. Maintaining rational choices become complex as engaging deeper and exposes would be rational actors to other variables like emotions and ego. Pressure events such as negotiations between the state and terrorists tend to affect the choice behavior (Bapat, 2006).

For illustration, this research was looking at state entering into negotiations with terrorists. The aim of the state would be negotiation success, that is to achieve all or most of
its demands. But then the study is looked at asymmetry and credibility as key factors that may lead a state to negotiate with terrorist. That is if these variables are missing the state will not see a chance at negotiation success and so will not enter negotiations. But then since these opportunities won’t always present themselves perfectly aligned; the state must choose what’s important. Regarding preference the following four scenarios may be at play:

a) Both asymmetry and credibility preference are aligned perfectly as the state expects and so enters negotiations.

b) The state has a first-choice preference, that would inform entering negotiations, that is a pair of alternatives either asymmetry or credibility. If the state view priority to entering negotiations at high asymmetry then credibility will not matter, the choice is considered complete. This applies the other way around as well.

c) Where other sets of choices present themselves other than asymmetry and credibility, then depending on the situation the state may consider what is priority on the list. The state may look at the asymmetry variable first if this does not align then move to credibility, likewise if both are not perfectly appealing then consider the third option. This is called a transitive approach at rational decision making (Caplan, 2006).

d) The fourth option is when the state is indifferent, however, for our purpose, we are arguing that Asymmetry and credibility are key. But then another variable may be a factor, and the state may be indifferent to these.

2.4.1 Situating rational choice in conflict negotiations

Everyone negotiates in one way or the other. Negotiation is a diplomatic mechanism for resolving conflict and apportioning resources. While rational choice scenarios have traditionally used “buyer and seller” scenarios, in fact, negotiations process do take place with various exchange opponents like colleagues, corporations, nations, and state to non-state
actors. Negotiation is a process of decision-making involving opponents with different preferences. Through negotiations, the actors decide what each party will give and take from the process (Fearon, 1995).

Fearon (1995) adds, that rational perspectives to negotiating political conflicts are hinged on some basic tenet. The parties to the conflict have goals and negotiations should be considered one of the options available to realize these goals. Given that negotiators are rational, they will choose utility maximizing options. This means their choices will provide good prospects to achieving their goals. Negotiating parties believe that either side is as rational as they are and will be on the lookout for best possible alternatives. There is always competition for the best alternatives available as perceived by the negotiating parties.

2.4.2 Rational approaches to conflict and negotiations

According to Fearon (1995) asymmetries and commitment (credibility) are two key elements that determine war or negotiations options. The author begins by asserting that the notion that wars are always unwanted is naïve, wars take place when no negotiated options are available. Both sides may take their chances with violent conflict.

The main purpose of either war or negotiation action is efficiency to achieving goals (beneficial outcomes) as perceived by either party to a conflict. The inefficiency of war option lies in its outcome, if both sides suffer casualties then the war option wasn’t efficient therefore it wasn’t rational. From the onset both sides are aware of the cost of war and offsetting benefits are usually not commensurate to the cost incurred especially in human lives (Fearon, 1995). Why then do states have policies that prevents them from solving conflict and avoiding these costs?

Firstly, it is an international relations assumption that the state is a rational actor operating in an anarchic world. This tends to put the state in a self-help mode, recognizing that other states and non-state actors are just as rational. With no real super ordinate, there is
no controlled way to moderate interests, conflicts may occur with states naturally gravitating towards settlement by force (Fearon, 1995). In such conflict’s asymmetry in military, economic and information capacity is usually considered key to a speedy resolution.

It has been observed for instance, that when a rising non-state actor (terrorist insurgents for instance) is suspected to pose a credible threat, typically the state may engage to subdue by use of force, this is rational action. But then having earlier considered the *ex post* inefficacies of war in costs (financial and loss of lives), a more rational approach would to consider a bargain construct that would maximize benefits for both sides without the added cost of lives. Such a deal is probable, and incentives surely exists. For the most part the ball is usually in the court of the stronger power, balance of power is an important ingredient to make conflict situations rational (Goerzig, 2010).

Other accounts of what constitutes “rationalness” isn’t completely evading the cost but rather considering the net out comes. So, in this instance the state would consider going to war and maybe loose lives if in the long run a win will eliminate the threat without legitimizing them (Wilkinson, 1981). That is Rational choice can be equated to benefits expected and fewer costs incurred in the process. So, under what conditions do states enter negotiations?

In choosing the war option the state is to a large extent confident that there is a big opportunity for a win, how strongly a state feels about this determine whether they will consider a bargain option *ex ante*. Having said this, it is important to note that a rational state will recognize that in fact there exist a set of options both sides prefer to war. The state may consider these options and negotiate if for sure the terror group for instance has an upper hand, and it would make much sense to concede or even capitulate.
2.4.3 Illustrating rational choice moves

The states’ no negotiations policy on moral ground is simplistic. The nature of state-terrorist relations is complex in the sense the state is compelled to engage in one form or the other. This is especially so if the power asymmetry seems to be at an equilibrium or to the states disadvantage. Indifference if never an option.

According to Keohane and Nye (1989), states decide their own interest. Also referred to as national interests, these can be categorized as Economic, Ideological, Judicial and moral, also military policies. These are not always on same scale of choice. The state’s rationality is found in the consistency of its priorities and cost benefit calculations of its alternatives to maximize value to the state. The following is a case that will further illustrate rational choice moves. The case is drawn from a hostage incident that occurred on Balcombe Street England, in 1975 (Chedid, 2014).

The background

On 6th December 1975, Martin O’Connell, Harry Duggan, Hugh Doherty and Edward Butler, members of the “Balcombe Street Gang” and part of the IRA’s Active Service Unit (ASU), while on the run broke into an apartment building and took two people hostages. A six-day negotiation engagement lead to the release of both hostages.

Prior to the Balcombe siege the IRA had conducted a fourteen-month terror campaign, marked by a series of bombings in London central, attacks on a hotel in London and an Army public house. The goal was to force the British troops out of Northern Ireland and have the six counties of Ulster integrate with Northern Ireland.

This was a second attack on Balcombe street, with the first occurrence only 2 months earlier, that resulted in one fatality and 15 serious injuries. The Balcombe Street Siege began when the gang fleeing a scene of attack, stole a blue Ford Cortina and the police were in pursuit.
The gang abandoned the car and started exchanging gunfire with the police. They then entered the first floor of a nearby building on Balcombe street taking two hostages. The Gang ordered the police initially to stay away, or they would kill the hostages. The area was cordoned and from that point negotiations were initiated by O’Connell through a phone call to the Incident management centre that was set up.

Demands and interests.

The terrorists shared their demand in exchange to release the hostages, with the main demand being safe facilitation to Ireland. This demand was declined by the police, who believed had an asymmetrical advantage. As days progressed the terrorists demanded for food, which was seen by the police as an opportunity to issue a counter demand.

The Bomb Squad’s motivation was to contain the situation and to have both the hostages and hostage takers alive. This was publicly stated. Possibly as a tactic to pacify the terrorists. This was however met with displeasure from a section of the law makers, as negotiating seemed to point to a legitimization of use of violence for gain.

Still, the police emphasized main interest is avoiding deaths and securing the hostages. The media played a critical role in pacifying the public during this time.

Leverage and Options

To avoid worsening the situation politically, the Wilson Government required a negotiated settlement. The strategic options available were as follows: If the police made no attempt to negotiate and instead launched an assault, this might lead to the death of the hostages and therefore a political backlash. Doing nothing was not an option given that the police had to demonstrate having control of the situation. The Government also was concerned about the precedent negotiations would set.

The IRA gang options were as following: From the initial call the gang had determined their safe passage was unlikely so negotiation was not really viable. If they could
prolong the siege and wait for assistance from the IRA, then use of force to escape would seem viable, but this would mean killing the police and hostages if they had to. They chose to wait and prolong the siege in hope of receiving assistance.

Both parties to the negotiation initially took hard lines, for the police while this had the effect of prolonging the siege, it provided much needed time to plot a rescue attempt. The police made non-significant concessions like food offering to show good faith and keep engaging.

The Balcombe street siege was not premeditated, it started out as expressive but later turned out to be instrumental, once the hostages was taken. Non-premeditated hostage taking is usually negotiated easily to resolution (Fearon, 1995). This case did not seem highly negotiable initially as the hostage takers did not counter with any secondary demands other than the meal request. The siege was successfully ended albeit after six days.

**Balcombe Street Siege Concluding Analysis**

The terms of negotiation were as follows: to firstly release a hostage, Mrs Mathews then afterward a meal would be sent to the hostages. After the hot meal Mr Mathews, the second hostage would be released. The hostages would then exit unarmed.

**Negotiation success**

The following factors contributed to the negotiation success: The hostage event was not premeditated, and the police did not resort to use of force as first resort. The police invested in skilled negotiator and psychologists who were instrumental during the siege.

The police used containment as leverage, barricaded in the building the police penetrated in listening devices. The disconnected utilities and used them as leverage. The building was also screened off so that the hostage takers would not have view of the outside and access would be part of the bargaining tool.
The initial offer of food for a hostage was turned down, this led to a prolonged standoff. During that period the hostage taker grew weaker and submitted. A type of “wait and see” approach (Chedid, 2014).

Dr. Peter Scott, a psychologist on staff advised on the use of concessions. This would give the hostage takers the impression that negotiation was the way if they wanted to achieve their goals. This loosened their hard stand at some point. The police summarized their success on a six-point framework: contain, control, collect information, communicate, concessions and conclude.

2.5 Asymmetry/Credibility Model of Efficiency

Figure 1: Asymmetry/Credibility Model of Efficiency
The figure above outlines the variances (low or high) in material and normative motivations in preference formation and the subsequent levels of efficiency produced by the different combinations of asymmetry and credibility motivations. Munyi (2016) identified three motivational sources of group behavioral change which are pertinent in explaining states’ propensity to accept and ratify a negotiated agreement. These he labeled compliance, identification, and internalization.

Efficiency of asymmetrical negotiations (speed in reaching agreement) can be explained in its relation to variances in negotiating states’ motivational source based on these typologies of persuasion. Only behavior change through internalization or identification can be regarded as normative as its motivations are based on a veritable convergence of the negotiator’s normative preferences.

Agreement through internalization is based on value congruence while agreement from identification is based on understandings of social or institutional appropriateness. Identification agreement has a lot to do with agreement which is not predicated on an intrinsic persuasion but based on what is considered behavior consistent with sustainability of a relationship.
CHAPTER 3: METHODOLOGY

3.1 Introduction

As mentioned earlier the general objective of the study is to establish factors that lead states to negotiate with terrorists. This study specifically sought to establish the true position whether states negotiate with terrorists or not, to establish the role asymmetry and credibility as key variables in states decision to enter negotiations and to establish if the notion of ‘success’ depends on asymmetry and credibility or are there other more compelling factors.

This thesis employed a mixed method approach. Predominantly this is a qualitative research with certain aspects that will be illustrated quantitatively. As concerns methodology this study this is predominantly a multiple case study, with a survey of the number of state-terrorist negotiations to illustrate frequency and trend. Datasets from the RAND data base of terrorism events.

The case study methodology is employed according to Schramm in Yin (2009) who argues that case studies try to illustrate a “decision” or a group of decisions, as a key focus: why these decisions were made, how they were made, when and the outcome. The author adds that one would employ a case study to help explain or understand a phenomenon in-depth. This makes this inquiry empirical. This thesis draws on the findings of Munyi (2016), the author argues that asymmetry in negotiations isn’t a “bad” thing, that asymmetry and credibility are key factors that determine negotiation success. This research seeks to test this finding, in relation to State-Terrorist negotiations and this informs engaging terrorists and success outcomes. The research entailed content analysis.

3.2 Research Design

This research was designed according to Yin (2009), the authors proposes five essential components to a case study research design: the research questions, its propositions,
if any, the units of analysis, how the data and the propositions are linked and the criteria for finding interpretation.

This inquiry sought to answer the outlined questions: do States ever negotiate with terrorists? Does asymmetry and credibility, influence states propensity to negotiate? Finally, Is the notion of ‘success’ dependent on the elements of asymmetry and credibility?

This research proposed that asymmetry and credibility are key independent variables that would significantly influence states deciding to enter terrorists and that these would also determine negotiation success. This proposition was further broken down to the following hypothetical components: **H1.** Where the state-terrorist asymmetry is high, and credibility is high negotiation success is viable, and the state then is likely to enter a negotiation with terrorists, **H2.** Where state-terrorist asymmetry is high, and credibility is low then negotiation success is not viable, and the state then may not enter a negotiation with terrorists, **H3.** Where state-terrorist asymmetry is low and credibility low then negotiations success is not viable, and the state then may not enter a negotiation with terrorists, **H4.** Where state-terrorist asymmetry is low, and credibility is high then negotiation success is viable, and the state is likely to enter a negotiation with terrorist. These were examined within the scope of this research.

In selection of a unit of analysis Yin (2009) proposes that a researcher should consider their dominant question, for our purpose this is “when should states enter negotiations with terrorists?” our primary unit of analysis was state-terrorist negotiations events.

Next an outline of how this research linked data to propositions earlier mentioned. To measure the level of terrorism threat, this research used database longitudinal analysis approach to draws data that illustrate whether there has been a decrease or increase in terrorist activity. Given the myriad counterterrorism measures put in place, the findings gave justification to discuss the alternative – negotiating with the terrorists.
Second, to test the validity of the asymmetry and credibility hypotheses, state-terrorist negotiations comparative case approach, to determine if these were strong factors that lead the state to enter negotiations. The study also sought to examine how the asymmetry and credibility affected the negotiation success.

The criteria for interpreting the study’s findings the study presented multiple cases context state-terrorism, conflict and in each case the study sought to find if the asymmetry or credibility plays a role in the negotiation successor state entering negotiations with terrorists.

3.3 Data Collection

The data for this research was collected in line with the methodology that this study applied. As earlier mentioned, databases, case comparison and expert interviews was instrumental in this research.
This Research drew its data from the RAND database of worldwide terrorism incidents. RAND has maintained and managed the database presenting incidents of terrorism dating back to 1968. The database has over 40,000 incidents these are coded and comprehensive. Data from this source was analyzed to establish the state of terrorism over the years to validate this discussion of the state entering negotiations.

Regarding case comparison, the research drew from Paul, C., Clarke, C., P., Grill, B., & Dunigan, M. (2013). *Paths to Victory: Lessons from Modern Insurgents*. Washington, DC: RAND Corporation. The research cataloged 71 insurgencies that were negotiated between 1944 and 2010, worldwide. These cases, however, include a subset that is an outlier. That is, they specifically took place historically for ending Colonialism and apartheid. By omitting these cases we remained with 59 cases. The study further sifted through the case options to retain 10 cases that were resolved through the negotiation process. Five of these cases registered negotiation success on behalf of the government at the time and the other five cases, either registered negotiation successful outcomes for the insurgents or significant concessions were made to favor the insurgents.


The cases involved conflict between state and non-state actors, with government or territorial control at the center. Violence is used to get government attention. To assess asymmetry and credibility the study will consider 1000 lives lost during the period of the conflict (as credibility), and the duration of existence of a terror group (as asymmetry).
Casualty on both sides was registered including civilian targets. The cases selected were not coups or insurrections. Since this study also sought to illustrate success or lack of and to whose advantage, the selected cases have since been resolved.

3.4 Data Analysis

The research drew on its objectives to test from the data collected the status of terrorism. Second and central to this study, comparative case analysis sought to test whether asymmetry and credibility were significantly inherent in the selected case to inform the state to enter into negotiation. We also sought to find out cases with negotiation successes among the cases analyzed. The interviews were used in the discussion, synthesis, and the study sought to find congruence with other findings or lack of.

The measures that the research employed in the test included:

**Asymmetry**: the study was searching for an overbearing advantage in military capability, financial might and what we called the level of “moral decision” characterized by the ability to do whatever it takes to win. The study was concerned with how long the conflict lasted.

**Credibility**: the study was looking for the ability to keep a commitment, be it threats, promises, or taking actions. The study sought to assess the casualty and loss of lives.

**Negotiation Success**: the study was looking at the cases where factors were favorable to the state entering negotiation. Were these successful?

How the variation mattered to this research was captured by the earlier listed hypotheses. These served as a guide for the comparative analysis.

Tables and graphs were generated and presented using tableau software. The tableau is a database analysis tool that was created by the University of Stanford between 1997 and 2002. The software is ideal for table-based visualization and relational databases.
CHAPTER 4: RESULTS AND FINDINGS

4.1 Introduction

This chapter presents the results and finding of this study. The presentation followed the sequence presented as the objectives of this study and this sought to answer the research questions. Earlier mentioned, the general objective of the study was to establish factors that lead states to negotiate with terrorists. Specifically, the objectives include:

- To establish the role asymmetry and credibility as key variables in states decision to enter into negotiations.
- To establish if the notion of ‘success’ as defined by mutually acceptable agreement depends on asymmetry and credibility or are there other more compelling factors.

Each section was sub headed was labeled finding 1, 2 as per the aforementioned objective sequence. Given that the study followed a mixed method tradition, both quantitative and qualitative methods was used to analyze and present findings.

Data from the RAND database was analyzed to generate figures on terrorism events and from the data demonstrate state-terrorist negotiations if any. These were visually presented to give a clear picture of the results. The findings allowed this study to deeper search specific cases, what factors pushed the state to enter negotiations in spite of the policy against. This ties in with findings 1 and 2.

Findings 1: sought to establish the role of asymmetry and credibility in as key variables that influence states to enter negotiations with terrorists. This section analyzed selected cases qualitatively. The study measured asymmetry by the longevity of the conflict and looked at support factors like outside assistance, sanctions, military and financial might. While credibility was measured by number of fatalities and casualties acceptable as collateral damage. This element was compounded whether the attacks at civilians are acceptable and urban warfare is inevitable.
Finding 2: sought to establish if the notion of success was dependent on asymmetry or credibility or other factors apply. From the cases, the study sought to find where the state succeeded what role did asymmetry and credibility place. Or were there any other underlying factors at play.

4.2 Level Of Terrorism Threat

The study sought to establish whether there has been a decrease or increase in terrorist activity. The study revealed that since 2002, eight of the nine regions in the world have experienced an increase in terrorism. North America was the only region to experience a reduced terrorist activity. Over the last 15 years, South Asia experienced the most terrorist activity while Central and South America were least affected. Globally, attacks against civilians increased and deaths from terrorism have risen in tandem with battle-related deaths (Global Terrorism Index, 2017). All this point to an increase in terrorist activity in the world despite the many counter terrorism measures put in place; this justifies the need for finding alternative solutions. This study has proposed negotiating with the terrorists as an effective counter terrorism measure.

4.3 The True Position Whether States Negotiate with Terrorists or Not

The study sought to establish the true position on whether states negotiate with terrorists or not. There have been widely accepted states policies that “we don’t negotiate with terrorist”. A key objection raised by states against engaging in negotiations with terrorists is that it legitimizes terrorist groups, their goals, and their means. But the historical reality is that state negotiates with terrorists/insurgencies openly or in secrecy. The empirical evidence suggests that states recurrently negotiate with terrorist groups. The conventional wisdom that states don’t or shouldn’t negotiate with terrorist groups fails to explain the recurring instances where states engage in negotiations with terrorists over the latter’s strategic aims. This was established in the case studies that were reviewed.

4.4 The Role Asymmetry and Credibility as Key Variables in States Decision to Enter into Negotiations

4.4.1 Credibility

Russian Federation invaded Chechnya to end the separatist movement and bring Chechnya back into the Federation. The need for Russia to prove to itself and the to the world that it continued to be a viable superpower went hand-in hand with the need to end the fragmentation of the Federation. In December of 1994, Russian forces moved into Chechnya and the capital city of Grozny was nearly completely leveled by air and ground artillery. But due to military strategic errors Russia lost the war. Russia displayed credibility by being consistent in fulfilling of it threats to countries that were breaking away from federation. Conflicting parties’ credibility is paramount towards negotiation.

The Provisional Irish Republican Army (PIRA) waged a three-decade long insurgency against the British Army and various Protestant paramilitaries. In the Northern Ireland conflict after years of bloodshed, the conflict persisted and the violent group at the helm of
the Republican movement – the PIRA - showed signs that it could continue fighting for years despite concerted efforts to defeat it. This was a sign of credibility. Furthermore, the group’s 1994 and 1997 ceasefires helped demonstrate the PIRA’s capacity to control its foot soldiers and even the members of other republican groups, enhancing its credibility. States negotiate with terrorist only when faced with a credible and capable adversary.

In Philippines conflict the Philippine military was unable to defeat the terrorist groups after decades of concerted efforts. The terrorists clearly demonstrated their credibility to endure and coerce as was evident by the hundreds of thousands killed, millions displaced, and billions of dollars in damages and lost investment. Their large size and broad support suggested that each insurgent group could continue their violent campaign for years, if not decades; a sign of credibility. This forced the government to the negotiating table.

The Burundi civil war (1993-2003) between ethnic Hutu rebels and the Tutsi-dominated army resulted in to more than 1.2 million Burundians been displaced and more than 300,000 killed. Tutsi soldiers assassinated the civilian Hutu president in October 1993; armed Hutu groups retaliated against Tutsi civilians. By the end of the year, Hutu rebels were engaged in full-scale battles with the Burundi army. In 1994, the newly appointed president, Cyprien Ntaryamira, was killed along with Rwandan president Habyarimana when their plane was shot down. These show the intensity, length, and size of conflict which is an indicator of element of conflicting parties’ credibility; which forced the conflicting parties to negotiation. The peace talks culminated in the Arusha Agreement, and the rebel groups agreed to join the government and integrate its forces into the national army.

Mozambique conflict (1976–1995) the Mozambican National Resistance (RENAMO) waged a protracted campaign of violence against the Mozambique Liberation Front (FRELIMO) in an insurgency that wracked the country. By 1983, the insurgents controlled most of the countryside and boasted a force of nearly 20,000 fighters. The conflict run for
over 17-years, insurgent and state-sponsored violence contributed to more than 1 million casualties, resulted in massive refugee flows and internal population displacement, and paralyzed the country’s economy. The, time the conflict run, the size, strength and fatality of the insurgent are indicators of credibility of conflicting parties. In this struggle between insurgents from RENAMO and the governing FRELIMO, neither side was able to marshal enough fire power to gain an advantage over the other. When there is conflict stalemate, negotiation becomes a necessary evil. The negotiations to end the war were brokered in part by the Community of Sant’ Egidio, an Italian Catholic charity organization that helped bring the opposing sides to the table.

In Indonesia (Aceh), (1976–2005) conflict the insurgent Free Aceh Movement (GAM) lacked credibility. The following reasons made the GAM organization lack credibility: GAM was small, underfinanced, with membership estimates ranging from 24 to 200; fighting resulted in fewer than 100 deaths; the GAM’s leadership was organizationally weak and unable to develop a strong popular base of support, and at no time did the group control any territory. Lack of credibility was the main reason why government didn’t negotiate with insurgent GAM till the occurrence of earthquake and tsunami which altered the course of the conflict and forced the government to negotiation with GAM to secure relief from the international community. A peace agreement was signed in 2005, provided for expanded political autonomy for Aceh but fell short of delivering full independence to the region.

4.4.2 Asymmetry

In Philippines (1971-1996) conflict the government had superior military power compared to MNLF; this made the government to initially respond to MNLF activity with the imposition of martial law and in large scale conventional battle. The Philippine army deployed approximately 35,000 Philippine troops while else MNLF had approximately 15,000. In addition, the government did not receive outside assistance, while else the MNLF
received support from Malaysia, with the countries of the Organization of the Islamic Conference, Arab countries, Pakistan, Malaysia, and most ASEAN (Association of Southeast Asian Nations) members. Furthermore, the Philippines government used counterproductive such as excess military power and population protection was not a priority for the COIN force. But the government changed its tactics to win hearts of the militia and wider community the government employed a variety of non-military tactics such as economic aid programs and political concessions, amnesty and land was given out. The government strategized differently from the enemy by using soft power. All this demonstrates the asymmetry between the government and MNLF which were key variables in states decision to enter negotiations.

The conflict of Bosnia, 1992–1995; the insurgents (Bosnian Croats and Bosnian Muslims) and (Bosnian Serbs) had a military power asymmetry. The Bosnian Croats and Bosnian Muslims had an upper hand in military power as North Atlantic Treaty Organization (NATO) supported their cause mainly through air strikes. NATO airpower forced the president Slobodan Milosevic to quit and helped the Bosnian Croats and Bosnian Muslims to push Bosnian Serbs to negotiations.

The Chechnya I, 1994–1996 conflict there was economic and financial power asymmetry between Russia COIN forces and the Chechnya insurgents. Despite Russia COIN forces enjoying economic and financial power suffered heavy casualties, as Chechnya insurgents resulted into guerrilla war instead of the conventional war; furthermore, Russia reliance on out-of-date Soviet strategic thinking and weak urban fighting capability. Russian Federal forces enjoyed overwhelming superiority in all aspects of conventional war, and yet were forced into negotiation for cease-fire and suffered immense casualties. By utilizing unconventional and guerilla tactics, the Chechen insurgents adapted to the needs of urban and
hit-and-run combat much more quickly and efficiently than their adversaries. Russia reached out to Chechen insurgents for negotiation after defeat.

The conflict in Western Sahara had the insurgents had asymmetry in soft power & moral superiority with Morocco government. Polisario attracted significant popular support both locally and within the international community due to their rejection of terrorist tactics, observed human rights violations and only targeted Morocco COIN army and not the civilians. Contrary Morocco COIN force was accused of human rights violations, including the systematic torture of political prisoners and widespread disappearances of suspected Polisario insurgents, their associates, and their relatives.

The Lebanese Civil War the Israelis lacked the popular support of the population and was unable to gain the trust of southern Lebanon’s Shi’a population. The sub-state actor Hizballah filled the void left by the state paralysis of formal state-run agencies and government institutions limited the provision of public services by providing services in exchange for the support of Lebanese civilians—the Shi’a population. This resulted to Israel defeat and humiliation which is commonly referred as Israel Vietnam. This is a clear indication of existence of asymmetry between Israel and Hizballah which is a necessary factor for negation.

The Lebanese Civil War featured significant intervention on the part of external actors, ranging from, Israel, Syria, Egypt, Libya, Iraq, Iran, Saudi Arabia, and the Arab League, the United States, the Soviet Union, France, and the UN. All these actors fought at different points and switched sides; thus, both insurgents and government had asymmetry in outside assistance or diplomatic assistance at different points and times.

After Spain withdraws from Western Sahara in 1975, Morocco occupied Western Sahara claiming it was part of its territory. Morocco’s occupation was contested by Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario). Polisario
movement received external support from Algeria and Libya while the Morocco COIN force received external support from United States, France and Saudi Arabia. But Morocco sustained a military advantage while Polisario maintaining a diplomatic edge, as well as UN support for Western Sahara’s right to self-determination. But the international community lacked sufficient interest and attention to force the Moroccan government to agree to a political settlement, mainly due to Western Sahara not being of great strategic position mainly for the interest of big economic country such as USA, France and China, few resources among other factors.

Tajikistani civil war the government received support from Russia while the insurgents United Tajik Opposition (UTO) turned to rebels in Afghanistan for military aid. The government had an added advantage of being supported by the region strongest power, Russia. In large part due to the foreign support they received, the Tajikistani government was able to soundly defeat the insurgent forces. Thus, there was asymmetry in outside and diplomatic assistance. Russia main priority was to protect its near-abroad by restoring former power structures destroyed by the collapse of the Soviet Union, thus Russia was interested in containing the conflict. Russian pressure on Tajik government to accept the insurgents and to reach a negotiated settlement was a major driver towards Peace and National Reconciliation Accord.

4.5 The Notion of ‘Success’ Between the State and Terrorist Dependent on the Elements of Asymmetry and Credibility

Philippines president Corazon Aquino appointed a commission to draft a new Philippine constitution with provisions for autonomy in Muslim Mindanao. She successfully negotiated another cease-fire with the MNLF, and, in January 1987, the MNLF signed an agreement with the government in which it relinquished its goal of independence for the country’s Muslim regions and instead accepted the offer of autonomy. The president
mandating that the Philippine Congress create the Autonomous Region in Muslim Mindanao (ARMM). This did lead to an immediate conclusion of hostilities between the MNLF and the government. In 1996, the two parties signed a peace agreement that would establish a new regional autonomous government and finalize the ARMM’s political structure. As demonstrated earlier, Philippines conflicting parties had asymmetry and credibility aspects; thus, the notion of ‘success’ between the state and terrorist dependent on the elements of asymmetry and credibility.

In Indonesia, reconciliation was greatly accelerated by a devastating tsunami that hit the Aceh region on 2004. This disaster both sides more willing to seek an immediate and peaceful end to the insurgency, as peace agreement became a condition for receiving relief assistance from international donors. The Indonesian government and GAM leaders signed a peace agreement in 2005 that provided for Aceh’s expanded political autonomy, amnesty, 70 percent of the province’s natural resources and human rights court. As demonstrated earlier, Indonesia conflicting parties had asymmetry aspects; thus, the notion of ‘success’ between the state and terrorist dependent on the elements of asymmetry.

Western Sahara conflicts despite many years of negotiation, a cease-fire agreement which lead to end of active fighting and a call for a future referendum on independence; technically the conflict has never been unresolved. Morocco’s historical claim has been rejected by International Court of Justice, UN and Africa Union, and they have advocated for the sovereignty of Western Sahara. Polisario has also achieved diplomatic success by gaining recognition from more than 70 countries as a government-in-exile, designated the Sahrawi Arab Democratic Republic, and achieved full membership in the Organization of African Unity. Unfortunately, the United Nations, Africa Union or any other country or international organization has not given Moroccan government any international sanctions or diplomatic pressure to implement a political settlement to end the conflict because of the conflicts lacks
significant asymmetry and credibility aspects; thus, negotiation success between the state and terrorist dependent on the elements of asymmetry and credibility.

Bosnia conflict resulted in conflicting parties eventually accepting each other as legitimate negotiating partners, which culminated in the Dayton Peace Accords in 1995. A new central government was established, with power-sharing provisions and guarantees of Bosnian-Croat-Serb representation, coupled with a rotating presidency and bicameral legislature.

The Chechnya conflict the Russian government had little public support for an increasingly unpopular and embarrassing war. Russia was faced with a crippling hostage crisis, in one incident about a hundred Chechen terrorists seized some 1,500 civilians at gunpoint and barricaded themselves in a hospital. After failed attempts by Russian troops to rescue its people Russian president Yeltsin finally agreed to the terrorists’ demands and signed the ceasefire and later, he began negotiations, and signed the Khasavyurt Accord, ending the war. The element of asymmetry and credibility of conflicting parties played a key role towards success of negotiation.

Tajikistan civil war the UN-sponsored armistice finally ended the war in 1997. This was in part fostered by the negotiation in which the main players were brought together by international actors, namely the United States and Russia. The Peace and National Reconciliation Accord led to the outline of a power-sharing agreement. As demonstrated earlier element of asymmetry and credibility were high in Tajikistan civil war; thus, the notion of ‘success’ between the state and terrorist dependent on the elements of asymmetry and credibility.
4.6 Quantitative Analysis

4.6.1 Duration of Existence of a Terror Group

Figure 2: Duration of Existence of a Terror Group

The above graph shows the duration of existence of a terror group (years) for different conflict between state and insurgency before they were resolved through negotiation. The results indicate that most of the conflict 70% lasted for more than 10 years, while 30% of conflicts lasted for less than 10 years. In this study the duration of existence of terror group corresponds with level of asymmetry.
4.6.2 The Average Number Casualty and Loss of Lives

Figure 3: The Average Number Casualty and Loss of Lives

The above graph shows the average number casualty and loss of lives for different conflict between state and insurgency before they were resolved through negotiation. The results indicate that most of the conflict 60% lasted had casualty level of more than 100,000, while 40% of conflicts had casualty level of less than 100,000. In this study the average number casualty and loss of lives corresponds with level of credibility.
CHAPTER 5: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the discussions and comparative analysis of the selected case studies, from this exercise the study will draw conclusions and make recommendations.

5.2 Discussions

The argument against negotiating with terrorists is that states must never give in to violence, and terrorists must never be rewarded for using it. Negotiations give legitimacy to terrorists and their methods and undermine actors who have pursued political change through peaceful means. Yet in practice, states often negotiate with terrorists. For example, the British government maintained a secret back channel to the Irish Republican Army even after the IRA had launched a mortar attack on 10 Downing Street that nearly eliminated the entire British cabinet in 1991 (Powel, 2015).

The world super power America despite having a policy of not negotiating with terrorist has repeatedly contradicted this policy. Notable negotiation examples were for Bowe Bergdahl, the American soldier released in exchange for five Taliban fighters held at the Guantanamo Bay prison. American authorities also agreed to set free Qais al-Khazali, a terrorist in exchange of Peter Moore a British civilian held hostage and released by Iraqi militants (Powel, 2015). No one wants to give terrorists even a shred of legitimacy through negotiations, but even hardline counterterrorist countries like USA have at times recognized the need to cut a deal with their enemies. Thus, the study results deduce that states negotiate with terrorists as alternative solution to terrorism problem.

The study results support the rational choice theory which indicates that rational actor is always on the look out for the many options available for his benefit and success. This indicates that only conflicts that reach a mutually hurting stalemate; of mutual perception that the conflict as painful, costly, and unwinnable either militarily or at an acceptable price; will
be ripe for a negotiated resolution. As conflicting parties (state or terrorist) are rational actors, when there is hurting stalemate they will choose negotiation.

One prominent explanation for the counter insurgency force’s success in Philippines’s is its focus on negotiation as a strategy. Negotiations did not always succeed as in Tripoli Accord which stipulated that a plebiscite on the question of local autonomy which failed in referendum, thus resulting to a resumption of hostilities. But the second negotiation and agreement which resulted in creation of create the Autonomous Region in Muslim Mindanao (ARMM) was quite successful in conclusively ending the hostilities and integrating the MNLF back into civilian life in a peaceful manner. Philippines case is one of very few in which the insurgents were successfully co-opted into the government relatively soon after the conclusion of hostilities. This inclusion of former MNLF members in the government machinery has contributed to the enduring nature of the peace between the government and the MNLF.

When it comes to negotiating with terrorists, there is a clear disconnect between what governments profess and what they actually do. But the rigidity of the "no negotiations" stance has prevented any systematic exploration of how best to conduct such negotiations. Negotiations with terrorists can be a rational approach to such type of protracted conflicts and uncovered dynamics based on the composition and character of organized actors.

Negotiation is a powerful tool in the counter-terrorism arsenal, but when to use it remains highly divisive. Conflicting parties will likely only enter the negotiation process and abandon the use of violence when they feel that there is asymmetry in Military power, Economic power, outside assistance or diplomatic assistance (such as the Northern Ireland, (1969 –1999) ceasefire and entrance into the peace talks in 1997).

Furthermore, conflicting parties with significant community support (asymmetry in moral superiority) that threatens to evolve into an insurgency will not put down its weapons
unless offered major concessions. This was the case for Lebanese Civil War when Hizballah filled the void left by the state paralysis of formal state-run agencies and government institutions limited the provision of public services by providing services in exchange for the support of Lebanese civilians—the Shi’a population. When insurgents provide social services, they have more leverage negotiating the terms of a peace deal. The empiric review of the case studies suggests service-providing insurgent groups may, on average, have a wider base of support. This, in turn, makes governments more willing to enter negotiations. Thus, compared to non-providers, service-providing insurgents are more likely to engage in negotiations and these processes are likely to be more stable. Thus, asymmetry in moral superiority lead states to negotiate with terrorists.

Conflicting party credibility is an endgame consideration, as it is necessary to ensure the game lasts long enough that the opponent will come to consider negotiations. Conflicting party credibility is necessary for a conflict to reach a point where it is ripe for a negotiated resolution. Obviously, terrorist groups that lack credibility will be defeated, implode, or fade away, and the other conflicting party will not have to consider employing negotiations. The study results indicate that the role of state or terrorist credibility, or lack thereof, explain why states do, or don’t, negotiate with terrorist.

At the outset of terrorist campaigns, states are near universal in their refusal to negotiate with their terrorist challengers. This aversion to negotiating with terrorists stems from the power asymmetry between insurgents and the state’s values and biases: Especially at the beginning of a terrorist conflict, there is a clear asymmetry; the state is heavily favored. This asymmetry leads states to believe it is feasible and less costly to defeat terrorist challengers by force than through negotiations. These biases generate obstacles to a negotiations counterterrorism policy and lead policymakers to prefer combat over the other strategies. It is only after these offensive strategies, entailing significant resources, fail to
bring an end to the sustained terrorist campaign that the conflict will be ripe for resolution and the state will begin to consider a negotiations policy.

The state will likely continue to focus on crushing terrorist group militarily and negotiations will not be considered as a policy option when the terrorist group lacks credibility. A terrorist threat is not credible if a group does not have the capability to carry it out. Likewise, only capable terrorist groups are likely to generate the level of support that would suggest that they were indeed the legitimate representatives of a cause or population. Terrorist credibility is central to understanding when states will employ negotiations to end long-running terrorist conflicts. Credibility is important not only because it signals capacity, but also because it creates a ripe situation that is ready for resolution.

Regarding states decision to enter negotiations is determined by “ripeness” of conflict. The ripeness of a conflict heavily relies on the asymmetry and credibility of the conflicting parties which has direct relationship with the fatalities and length of conflict. A significant level of violence needs to be sustained over a long period for the state to shift its perception regarding the threat posed by the terrorist group and the potential policy options for ending the crisis. Terrorist groups that can maintain their violent campaigns for decades signal their resolve and capacity to continue their fight and highlight the ineffectiveness of the counterterrorism strategies employed by the state. The acknowledgement that the terrorist group is willing and able to continue the conflict and the recognition that counterterrorism approaches are not working are central to the state’s assessment that the conflict is unwinnable. Thus, it is conflicting parties’ asymmetry and credibility is central in determining which conflicts will reach a ripe stage and are likely to be subject to negotiations.
The study deduces that the role of asymmetry and credibility are key variables that influence states to enter negotiations with terrorists. Based on the findings the following evaluation of the studies’ hypothesis was made:

**H1.** Where the state-terrorist asymmetry is high, and credibility is high negotiation success is viable, and the state then is likely to enter a negotiation with terrorists.

The study accepts this alternative hypothesis that where the state-terrorist asymmetry is high, and credibility is high negotiation success is viable and the state then is likely to enter a negotiation with terrorists.

**H2.** Where state-terrorist asymmetry is high, and credibility is low then negotiation success is not viable, and the state then may not enter a negotiation with terrorists.

The study rejects this alternative hypothesis that where state-terrorist asymmetry is high, and credibility is low then negotiation success is not viable, and the state then may not enter a negotiation with terrorists.

**H3.** Where state-terrorist asymmetry is low and credibility low then negotiations success is not viable, and the state then may not enter a negotiation with terrorists.

The study accepts this null hypothesis that where state-terrorist asymmetry is low and credibility low then negotiations success is not viable, and the state then may not enter a negotiation with terrorists

**H4.** Where state-terrorist asymmetry is low, and credibility is high then negotiation success is viable, and the state is likely to enter a negotiation with terrorist.

The study rejects this alternative hypothesis that where state-terrorist asymmetry is low, and credibility is high then negotiation success is viable and the state is likely to enter into a negotiation with terrorist
5.3 Conclusions

The study concludes the true position whether states negotiate with terrorists or not, is that states do negotiate with terrorist. While the reasons for refusing to negotiate with terrorists are plain, this inflexible stance is not always feasible or necessarily desirable. The study also concludes that negotiating with terrorists may offer terrorists an alternative path, and the chance to transform into nonviolent actors. This of course does not mean that negotiations are always possible or will necessarily be fruitful. It simply implies that they should not be ruled out in conflicts marked by terrorist violence. It offers the possibility of an alternative route to the policy of violent counter-terrorism currently advocated and enforced the world. Negotiation with terrorist movement should not be seen as concessions to the enemy. They do not bestow legitimacy or show weakness; they merely acknowledge existence and exhibit a pragmatic will to end conflict.

The study further concludes that asymmetry and credibility are key variables in states decision to enter into negotiation. The study concludes that asymmetry between the conflicting parties with support factors like military capability, financial might, and moral/soft power and expressed in how long the conflict lasted is a key factor that leads states to negotiate with terrorists. Also, the study concludes that credibility between the conflicting parties with support factors like availability of resources, size of conflicting insurgent, and expressed in number of casualty and lost of lives is a key factor that leads states to negotiate with terrorists.

Finally, the study concludes that negotiation success between state and terrorist dependent on the elements of asymmetry and credibility. In cases where factors of asymmetry and credibility were favorable to the state entering negotiation; negotiation turned to be successful.
5.4 Recommendations

The study recommends negotiations in terrorist conflicts as they are not only possible, they are potentially less destructive than most other responses to terrorism envisioned by academics and policymakers today. There seems to be general agreement that there are no nonviolent channels of redress. A key aim, therefore, is to overcome this limitation through encouraging negotiation as alternative. The study also recommends that states should recognize terrorist groups or insurgents as legitimate interlocutors and their legitimacy claim as one that can be discussed. Finally, the study recommends that channels of communication can be opened at an early stage, to lay the foundations for negotiation at a later point when asymmetry and credibility circumstances are appropriate.

5.4.1 Recommendation for Further Studies

Finally, the 10 case studies that were reviewed showed that even successfully negotiated settlements are often brittle and frequently lead to a resumption of violence. According to statistics of the case studies reviewed, over 40 per cent of conflicts that were ended through negotiated settlements re-ignited within 10 years (Western Sahara, Chechnya, Burundi and Lebanese civil war). Therefore, future scholars should examine factors that lead to collapse of negotiated peace agreements between states and terrorist groups and possible solutions.
REFERENCES


## APPENDICES: APPENDIX I: RESEARCH DATA

<table>
<thead>
<tr>
<th>Name of Conflict</th>
<th>Duration of Existence of a Terror Group (Years)</th>
<th>Average Number Casualty &amp; Loss of Lives</th>
<th>Level of Negotiation Success</th>
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<tr>
<td>Northern Ireland (1962-1999)</td>
<td>37</td>
<td>50,000</td>
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<tr>
<td>Philippines (1971-1996)</td>
<td>25</td>
<td>120,000</td>
<td>High</td>
</tr>
<tr>
<td>Indonesia (1976-2005)</td>
<td>29</td>
<td>12,000</td>
<td>High</td>
</tr>
<tr>
<td>Western Sahara (1975-1990)</td>
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<td>21,000</td>
<td>Low</td>
</tr>
<tr>
<td>Mozambique (1976-1995)</td>
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<td>1,000,000</td>
<td>High</td>
</tr>
<tr>
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<td>100,000</td>
<td>High</td>
</tr>
<tr>
<td>Chechnya (1994-1996)</td>
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<td>Average</td>
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<td>Tajikistan (1992-1997)</td>
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<td>150,000</td>
<td>High</td>
</tr>
<tr>
<td>Lebanese civil war (1975-1990)</td>
<td>15</td>
<td>200,000</td>
<td>Average</td>
</tr>
<tr>
<td>Burundi (1993-2003)</td>
<td>10</td>
<td>300,000</td>
<td>Average</td>
</tr>
</tbody>
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