14 Ripeness revisited

The push and pull of conflict management[43]

Ripeness theory is intended to explain why, and therefore when, parties to a conflict are susceptible to their own or others' efforts to turn the conflict toward resolution through negotiation. The concept of a ripe moment centers on the parties' perception of a Mutually Hurting Stalemate (MHS) and a Way Out. The MHS provides the push to begin negotiations; the Way Out provides the pull into a negotiated solution. Once negotiations have begun, the pressure of the MHS needs to be maintained and the Way Out transformed by the parties into a resolving formula that provides a Mutually Enticing Opportunity (MEO) for agreement.

The push and pull of ripeness

The MHS is optimally associated with an impending or recently avoided catastrophe as the necessary but insufficient condition for negotiation to begin (Zartman and Berman 1982, pp. 66–78; Touval 1982; Zartman 1983, 1989, 2000; Touval and Zartman 1989; Hopmann 1996). When the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degree or for the same reasons), they tend to seek a Way Out. A recent or impending catastrophe can provide a deadline or sharply increased pain. In different images, the stalemate has been termed the Plateau, a flat and unending terrain without relief, and the catastrophe the Precipice, the point where things suddenly and predictably get worse. If the notion of mutual blockage is too static, the concept may be stated dynamically as a moment when the upper hand slips and the lower hand rises, both parties moving toward equality, with both movements resulting in pain for the parties.

The basic reasoning underlying the mutually hurting stalemate lies in cost-benefit analysis, based on the assumption that when parties find themselves on a pain-producing path, they prepare to look for an alternative that is more advantageous. This calculation is fully consistent with public choice notions of rationality (Arrow 1963, Olson 1965, Sen 1970) and public choice studies of negotiation (Brams 1990, 1994, Brams and

Taylor 1996) which assume that a party will pick the alternative which it prefers and that a decision to change is induced by making less preferential the present (conflictual) course. In game theoretical terms, it marks the transformation of the situation in the parties' perception from a Prisoners' Dilemma Game (PDG) into a Chicken Dilemma Game (CDG) (Brams 1985; Goldstein 2007). It is also consistent with prospect theory, currently in focus in international relations, which indicates that people tend to be more risk averse concerning gains than losses of equal magnitude and therefore that sunk costs or investments in conflict escalation tend to push parties into costly deadlocks or mutually hurting stalemates (Kahneman and Tversky 1979; Bazerman *et al.* 1985; Stein and Pauly 1993; Mitchell 1995; Farnham 1994; McDermott 2007).

The other element necessary for a ripe moment is the perception of a Way Out. Parties have to sense that a negotiated solution, but not necessarily a specific outcome, is possible for the searching and that the other party shares that sense and the willingness to search too. Without a sense of a Way Out, the push associated with the MHS would leave the parties with nowhere to go. Leaders often indicate whether they do or do not feel that a deal can be made with the other side, particularly when there is a change in that judgment. The sense that the other party is ready and willing to repay concessions with concessions is termed requitement (Zartman and Aurik 1991). This element is also necessary (but, alone, insufficient), since without a sense of the possibility of a negotiated exit from the MHS, fruitful negotiations cannot take off.

These components of the ripe moment contain both objective and subjective elements. The MHS and WO are both necessarily perceptual events, not ones that stand alone in objective reality; they can be created if outside parties can cultivate the perceptions of a painful present and a preferable alternative, and therefore can be resisted so long as the party in question refuses or is otherwise able to block out those perceptions. Natural resistant reactions, as well as cultural barriers, can inhibit autonomous subjective recognitions. As with any other subjective perception, there are likely to be objective referents or bases to be perceived. These too can be highlighted or created by a mediator or an opposing party when they do not yet exist or are not immediately recognized by the parties themselves. But it is the perception of the objective condition, not the condition itself, that makes for a MHS and a Way Out. If the parties do not recognize "clear evidence" (in someone else's view) that they are in an impasse, a MHS has not (yet) occurred, and if they do perceive themselves to be in such a situation, no matter how flimsy the "evidence," the MHS is present.

Like the MHS, the WO – and the MEO that it can turn into – is a figment of perception, a subjective appreciation of objective elements, but unlike the MHS, it is an invention of the parties (and their mediator) internal to the negotiation process, not a result of an objective external

situation. It must be produced by the parties, using their analysis of the conflict and its causes, their appreciation of their interests and needs, and their creativity in crafting a mutually attractive solution. It resolves the conflict, but among the several formulas for agreement that may do so, it is perceived to contain elements that continue to carry the resolution process into the future. A negotiated end to a conflict contains forward-looking provisions to deal with the basic dispute, with unresolved leftovers of the conflict and its possible reemergence, and with new relations of interdependence between the conflicting parties.

Since the MHS and Way Out are subjective matters, they can be perceived at any point in the conflict, early or late. Nothing in their definition requires them to take place at the height of the conflict or at a high level of violence. The internal (and unmediated) negotiations in South Africa between 1990 and 1994 stand out as a striking case of negotiations opened (and pursued) on the basis of an MHS perceived by both sides on the basis of impending catastrophe, not of present casualties (Ohlson and Stedman 1994; Sisk 1995; Zartman 1995b; Lieberfeld 1999a, 1999b). Nonetheless, the greater the objective evidence, the greater the subjective perception of the stalemate and its pain is likely to be, and this evidence is more likely to come late, when all other courses of action and possibilities of escalation have been exhausted. In notable cases, a long period of conflict is required before the MHS sinks in, whereas few if any studies have been made of early settlements and the role of long-range calculations. However, given the infinite number of potential conflicts which have not reached "the heights," evidence would suggest that perception of an MHS occurs either at a low level of conflict, where it is relatively easy to begin problem-solving in most cases, or, in salient cases, at rather high levels of conflict, a distinction that could be the subject of broad research (Zartman 2005). In any case, as suggested, conflicts not treated "early" appear to require a high level of intensity for an MHS perception to kick in and negotiations toward a solution to begin.

As the notion of ripeness implies, ripeness can be a very fleeting opportunity, a moment to be seized lest it pass, or it can be of a long duration, waiting to be noticed and acted upon by mediators. In fact, failure to seize the moment often hastens its passing, as parties lose faith in the possibility of a negotiated resolving formula or regain hope in the possibility of unilateral escalation. By the same token, the possibility of long duration often dulls the urgency of rapid seizure. Behind the duration of the ripe moment itself is the process of producing it through escalation and decision. The impact of incremental compared with massive escalation (Zartman and Aurik 1991; Mitchell 1995; Zartman and Faure 2005), and the internal process of converting members impervious to pain (hawks) into "pain perceivers" (doves) (Mitchell 1995; Stedman 2000) are further examples of research questions opened by the concept of ripeness.

It is useful to spell out the negotiation process before further develop-

ing the conceptual components. It is generally accepted that after their pre-negotiation or diagnosis phase, negotiations proceed to elaborate a formula and its details – a common understanding of the conflict/problem and its solution, a common sense of justice, and/or a set of terms of trade (Zartman 1978; Zartman and Berman 1982; Hopmann 1998). The formula can take one of two forms: a minimal agreeing formula to end or lessen conflict violence, or a resolving formula to address the conflict itself (with much grey area in the real world between the two types). An agreeing formula is a conflict management measure, the minimum on which the parties can agree, a ceasefire to end or suspend the violence, but not a resolution of the conflict. A resolving formula is a conflict resolution agreement, dealing with the issues of the conflict, an enticing opportunity that the parties perceive as a way out of their problem. There can be several potentially resolving formulas (just as negotiation is made up of a number of competing formulas in general), each objectively identifiable as a fair solution; only one of them, at any moment, constitutes an MEO attractive enough to the parties interests to pull them into an on-going process of eliminating the causes and resurgence of the conflict. Although MEO might be considered "just another name" for an adopted resolving formula, the name emphasizes the pull factor and its components so necessary to completing negotiations, in contrast to the push effect necessary to starting them.

The enticement and attraction of resolution

Given its nature, there are intriguing problems raised by ripeness theory. One, among many, is its dependence on conflict. Odd and banal as that may sound, its implications are sobering. It means, on one hand, that pre-emptive conflict resolution and preventive diplomacy are unpromising, since ripeness is hard to achieve so far ahead. On the other hand, it means that to ripen a conflict one must raise the level of conflict until the stalemate is reached and then further until it begins to hurt – and even then, work toward a perception of an impending catastrophe as well. The ripe moment becomes the godchild of brinkmanship.

Another limitation to the theory – seemingly unrelated to the above – is that it only addresses the opening of negotiations, as noted at the outset and often missed by the critics. Now that the theory of ripeness is available to explain the initiation of negotiation, people would like to see a theory that explains the successful conclusion of negotiations once opened. Can ripeness be extended in some way to cover the entire process, or does successful conclusion of negotiations require a different explanatory logic?

Practitioners and students of conflict management would like to think that there could be a more positive prelude to negotiation, without the push of a mutually Hurting Stalemate but through the pull of an attractive outcome; or, in other words, the replacement of a Hurting Stalemate by

the Enticing Opportunity and hence the distinction between two types of ripeness, one "negative" and one "positive." But the positive mechanisms are still unclear, in part because the cases are so few. At best, positive occasions might provide an opportunity for improvement, but from a tiring rather than a painful deadlock (Mitchell 1995; Zartman 1995c). In some views, the attraction lies in a newly discovered possibility either of sharing power or of winning (paradoxically, a sahred perception) more cheaply than through conflict (Bueno de Mesquita and Lalman 1992; Mitchell 1995; Mason *et al.* 1999). In other views, enticement comes in the form of a new ingredient provided by a persistent mediator, and that new ingredient is the chance for improved relations with the mediating third party itself (Touval and Zartman 1989). Such openings might be seen as an expansion of the other component of ripeness, the Way Out, but the fact is that they do not seem to pay a major or frequent role in the ripening of conflict and initiation of negotiations.

But MEO is important in the broader negotiation process and has its place in extending ripeness theory into the agreement and post-agreement phases. As indicated, ripeness theory refers to the decision to negotiate; it is not self-implementing and does not guarantee results. At most it can be extended into the negotiations themselves by recognizing that the perception of ripeness has to continue during the process if the parties are not to reevaluate their positions and drop out, in the revived hopes of being able to find a unilateral solution through escalation. But negotiations completed under the shadow – or the pressure – of an MHS alone are likely to be unstable and unlikely to lead to a more enduring settlement; they will represent only an attempt to cut the costs of conflict, get the bug off the back of the parties, arrive at an agreeing formula for a ceasefire, and then stop, unmotivated to move on to a search for resolution, to get the bear off the parties' backs. The agreement is likely to break down as soon as one or both parties think they can break the stalemate, as the 1973–5 evolution of the situation in Vietnam or the 1984 Lusaka agreement in southern Africa, among others, illustrate (Zartman 1978, 1995d). A negative shadow can begin the process, but not provide for the change of calculations and mentalities to reconciliation. As Ohlson (1998) and Pruitt and Olczak (1995) have pointed out, that is the function of the MEO.

An MEO is a resolving formula that is seen by the parties as meeting their needs and interests better than the status quo. While MHS is the necessary if insufficient condition for negotiations to begin, during the process the negotiators must provide the prospects for a more attractive future to pull themselves out of their negotiations into an agreement to end the conflict. The push factor has to be accompanied by a pull factor, in the form of a formula for resolution and a prospect of transformation that the negotiating parties design during negotiations. Here the substantive aspect of the negotiation pulls ahead of the procedural element: the

Way Out or Enticing Opportunity takes over from the Hurting Stalemate in producing movement. The seeds of the pull factor begin with the Way Out that the parties vaguely perceive as part of the initial ripeness, but this general sense of possibility needs to be developed and fleshed out to be the vehicle for an agreement. Thus, the perception of an MEO is a necessary, but not sufficient, condition for the continuation of negotiations beyond simple agreement to a successful conclusion of the conflict.

Characterizing the MEO in terms of resolution, needs, interests and status quo provides an unavoidably soft, judgmental and conclusionary definition. In this, it is much like many definitions in social science; the standard behavioral definition of power – the ability to move another party in an intended direction (Tawney 1931; Simon 1952; Thibaut and Kelley 1959) – is also conclusionary, and tautological to boot. Its value lies, not in its predictability, but in the fact that it identifies the necessary elements that explain the adoption of an MEO and lead the negotiator and mediator to the necessary elements to achieve in negotiation.

In establishing the terms of trade that constitute a resolving formula, the rebels make *demands*, procedural and substantive, and they *supply* armed conflict, the insertion of violence into the country's politics; in their negotiations, they trade off the abstention from violence against the obtention of satisfactions to their two types of demands. Violence is the only money of exchange that they have, and its cessation is the major demand of the government side. The government may have additional lesser demands, ranging from the rebels' recognition of government primacy to simple disappearance of the rebels, but these are generally ancillary to the demand for the end of violence.

The demand side of the rebellion has its procedural and substantive aspects, procedural because the rebels no longer trust the procedures of government and substantive because they are moved to rebellion by substantive grievances. Parties demand procedural solutions when they have lost faith in someone else's ability to make the necessary substantive corrections; that is, they demand a share – possibly even a total "share" – in governing power when they no longer trust others to use power to deal with their particular needs. Negotiations themselves are the first step in this power-sharing, for they grant recognition to the rebel party and give it voice and legitimacy.

On the substantive side to the rebels' demands are the grievances that began the conflict. While it is too late for the resolution of grievances alone to end it, there must be attention to them in the resolving formula for it to constitute an MEO. It is not enough to leave the resolution of issue to the procedural mechanisms of power-sharing; the problems need to be addressed in their substance. It is impossible to make generalizations about the ways of handling such problems, since they are idiosyncratic to the individual conflicts. Often, however, they too relate back to equal or compensatory treatment of identity groups in society that the rebels

represent, whether these groups be ethnic, religious, national, or class. This need in turn reinforces the need for continued recognition of the rebels after the conflict is over and their involvement in the procedures of power.

Thus, a resolving formula involves a trade-off between the rebels' violence and the government's concessions to their procedural and substantive demands. The details of the agreement, that is, how much violence is needed to buy how many concessions, are obviously as idiosyncratic and manipulable an equation as any bargain about prices. It is however unlikely that the rebels renounce their supply of violence, laying down their arms, without gaining any concessions in return. Equally variable is the balance between procedural and substantive demands. At one extreme is total government accession to procedural demands, making substantive concessions unnecessary and leaving grievances to be handled by the new rulers, to the elimination of the current government; at the other extreme would be concentration on grievances but leaving no share in power for the rebels. Both are unlikely to constitute a resolving formula in negotiations to end internal violent conflict.

Whether a particular resolving formula is enticing to the parties or not is for them to perceive and decide; the best an external analyst or practitioner can say is whether the formula fits the past and future extensions of the conflict, that is, whether the parties "should" see their interest in taking it, but not whether they will. A resolving formula is the objectively necessary, if insufficient, condition for durable agreements; subjectively, the parties need to see it as such for it to constitute an opportunity that will pull them out of the conflict and into new, positive relations. While external parties can do much to create a resolving formula and bring the parties to accept it, the durability of the outcome is ultimately in the hands of the parties themselves, as it should be.

But there are some guidelines for evaluating how much any particular resolving formula will be seen as an enticing opportunity. In judging the attractiveness of any posited formula, or in proposing one, conflicting parties compare the value of the proposed solution to two other images: their own needs and interests, and the value of the status quo (their security point or reservation price) (Raiffa *et al.* 2002). The first relates to the way the parties define their conflict, their goals and interests in it, and their expectations of an attainable solution, now or later. These elements form a composite package, rigid on the outside but malleable in its components. The core elements are the parties' needs and interests, less manipulable than their definition of the conflict and their estimations of attainable solution. When parties can tailor their goals and estimations to fit attainable objectives, while maintaining their sense of their needs and interests, an MEO can be possible.

The second is the payoff from continued conflict, either as active violence, as a hurting stalemate, or simply as a non-solution, often in the form

of a soft, stable, self-serving stalemate ("S^5 Situation"). Unless a non-solution is actually painful, it may constitute a viable situation that leaves the future open, creates no pressure for a search for a solution, and requires no risky decision. The decision to seize a negotiating opportunity and turn it into a search for a solution depends not merely on a judgment of how well that or any solution meets the parties' needs and interests or objectively resolves the conflict, but how its uncertainty compares with the better known value of the status quo. Thus, the value of the status quo can serve as an effective pressure point for mediators. Spoilers, on the other hand, are those for whom nothing except winning is better than the status quo, and whose only demand is power, with no program for handling substantive grievances. These calculations will be determinant in deciding whether any resolving formula will or can constitute an MEO.

The process and outcome of negotiation

The analytical question then becomes: how are MEOs achieved? How is the search for a resolving formula conducted, where do their ingredients come from, when do they appear in the negotiating process? What is the relation between an agreeing formula for a ceasefire and a resolving formula for a solution to the conflict? How are the parties kept on track to a solution, how is the perception of an MHS itself maintained throughout the negotiations? What turns conflicting positions into joint formulas for agreement? How does a particular resolving formula become an enticing opportunity for the parties? To answer these questions, one must get inside the negotiation processes.

To constitute a resolving formula that in turn becomes an MEO, the agreement must meet both procedural and substantive demands, in exchange for an end to violence. The reason why violence is so high is that it has a lot to buy. Violence is not only a money of exchange, however; it is also a measure of strength of the parties, in the absence of other measures. This is why the initiating MHS is so important, for it establishes the equality of the parties that is so helpful to negotiations.

The most frequent feature in resolving formulas concerns future procedural political mechanisms for determining parties' strength, as a replacement for combat as a test of strength. Three such mechanisms are prominent: elections, power-sharing and power-dividing (autonomy, federalism, etc). Elections carry the higher risk and delay, and demand a high degree of confidence in the mechanism and trust in the fairness of the outcome. Executive power-sharing gives immediate payoffs, to be verified later with elections, and is the most prevalent procedural mechanism in MEOs). Legislative power-sharing (constitutional provisions for reserved seats, weighted majorities, vetoes, etc) are longer term and less risky, but may have finite limits. Both mechanisms are conflict management solutions, not resolving the conflict but turning it from violent to

political means of pursuit. As a result, there is a built-in impediment to the cooperation that full resolution would require: power-sharing means back-stabbing and governmental paralysis; power-division carry the hidden threat of the outright secession that it was supposed to prevent; and elections mean wariness, if not distrust, of the mechanism and a tendency to confuse results with procedures as a test of freeness and failures. The power-sharing institutions of Lebanon produced a collapsed state; different forms of autonomy in Macedonia and Sudan are not trusted by the government; and Savimbi, among others, did not consider the elections free and fair unless he won.

All three methods provide continuing existence for the rebels. Plenty of literature has underscored the rebels' need for standing (as well as the government's difficulty in according it), to the point where it might be thought that standing is enough (Zartman 1995c, pp. 10, 339). Rebels need the recognition that negotiation brings, but they also need iron-clad assurances of continuing existence and recognition once the combat is terminated. Formulas that dissolve the rebels into the current political and military structures deny the basic need of the rebels and are non-starters. Before the conflict, the grievances were disembodied issues; afterward, they are incarnate in a rebel organization that has fought hard for recognition.

The vulnerability gap between ceasefire and full integration into the power structures of the state, when rebel disarmament leaves them open to attacks from the government forces, has been identified as a crucial moment in peace agreement implementation requiring external guarantors to fill the gap (Walter 2001). Resolving formulas can also help fill this gap by incorporating immediate power-sharing and power-dividing in their provisions, so that the rebels are already placed in positions of authority, particularly over the newly integrated armed forces. Obviously it is difficult to distinguish between guarantees of future involvement and return to past combat, since both are assured by continuing existence of rebel forces. But it is, after all, the possibility of revived combat that keeps the implementation process on track, just as it was the presence of armed rebellion that brought the conflict to negotiation in the first place. It is the potential for renewed hostilities that keeps the MHS current and the peace process honest.

Power-sharing, however, means sharing power, not monopolizing it. Parties, government or rebellion, that demand total power are most likely playing a spoiler role and are not open to compromise (Stedman 2000; Zahar 2003). Total victory is a matter for war, not negotiation, and a spoiler is a party who confuses the two. Procedural aspects of the rebels' demands, however, are not all the rebellion is about; if they are, the rebels (or rebel leader) is also headed for a spoiler role, looking for Time at the Trough rather than a reform of the political system. Time at the Trough and loot-seeking are greed-based rebellions and need different strategies

for handling than need- or creed-based rebellion (Berdal and Malone 2000; Ballentine and Sherman 2003; Arnson and Zartman 2005).

Resolving formulas have to provide ways of dealing with substantive problems as well, as the other part of the problem-solving side of the formula. Despite the fact that grievances vary from case to case, several features are suggested by the cases. One is that grievances accumulate as the conflict goes on, quite the opposite of the frequent claim that the conflict simplifies and clarifies the options. As the parties escalate their combat, they compound grievances and add new layers of problems to be resolved, making resolution more and more difficult and complex. The shari'a issue in Sudan, Turkish army occupation and settler implantation in Cyprus, and language enclaves in Macedonia and Sri Lanka all appeared and became salient as the conflict worsened without resolution. The methods of violence themselves make atrocities, reprisals and resentment a further grievance to add to those that require and resist reconciliation and resolution from the beginning, as the longstanding conflicts in Sri Lanka, Liberia, Sierra Leone, Sudan, Angola and Mozambique show.

Full structural solutions tend to be necessitated by a long conflict, whereas more manageable and specific grievances would have sufficed earlier. Economic restructuring, state rebuilding, aid packages, and complex DDRRR programs became necessary parts of an MEO in long-running conflict cases. While specific grievances lie at the root of the conflict, they are no longer sufficient basis for resolution once the conflict has turned violent. Not only are procedural remedies required; so also are broad structural substantive measures.

The other side of the terms of trade that compose a resolving formula is constituted by the violence of the rebellion itself. Resolving formulas without exception involve the cession of hostilities in exchange for a role in power and resolution of grievances. Hostilities are the only money rebellions have, and they are not going to give it up until they have bought the concessions they need. Temporary and unilateral truces may be offered in the process, to show the other side how pleasant peace can be, but it is usually necessary to return to combat a few times to keep the process moving, to show how compelling war can be. Ceasefires will not be granted on mere faith, and will be part of the concluding elements of the bargain. In this lies a significant difference between interstate and intrastate conflicts. Violence is the life of the rebellion, whereas states in conflict have an existence – and a legitimate existence – independent of the conflict. States can makes truces without endangering their existence; rebellions are more vulnerable. But so are the governments they fight; for a state to make a ceasefire with its internal rebellion would be to grant it recognition and legitimacy without receiving anything in exchange, since the ceasefire is only a temporary suspension of its term of trade.

Thus, arrival at an enticing and resolving formula depends on keeping alive the supply side of the rebels' terms of trade – the conflict violence –

until the demand side is firmly in place. The rebels' supply side is already limited by the characteristic MHS; if they were not stalemated they would simply continue the war, ultimately to the point of eliminating the government side, as they threatened to do in Costa Rica in 1948 and as they have done in Angola, Liberia, Sudan, Sierra Leone, Sri Lanka and Lebanon. The current literature on uncertainty in decisions to use violence thus fits directly into ripeness theory. The rebels' challenge is to keep the element of violence alive throughout the negotiations in sufficient quantity to buy the required concessions on the demand side. As in any bargaining problem, the agreement is determined by the intersection of supply and demand, so the supply of at least potential violence must be raised to cover the demands, or the demands must be lowered to correspond to the available threats of violence. It is therefore most likely that the rebels brandish a little violence from time to time, to keep their "supply side" credible. For the most part, however, the supply of violence is latent and contingent (as is the other side's supply of concessions, as in any negotiation, until the deal is closed), as a threat to be used if negotiations break down (Schelling 1960).

Therefore negotiations, and especially mediation, work on both sides of the equation, keeping the supply of violence under control and seeking to tailor demands to meet the amount of concessions acceptable to the other side. As in any negotiation, there is no telling where the lines will cross; parties and mediators alike make their estimates of the firmness and softness of demands and supplies on either side (Bueno de Mesquita and Lalman 1992; Mason *et al.* 1999 (note 15); Raiffa *et al.* 2002). If the mediators can show how continued or renewed violence would lose a party international respect and support, the violence can be kept at the threat level in case of failure rather than at the actual level during negotiations. If parties start out with already less than total demands as initial positions – total replacement of the government, total disbanding of the rebels, secession and independence, total state unity and integration – it is easier to effectuate further softening than if demands are absolute, as the Macedonian and South African cases illustrate (Stedman 2000).

This challenge is generally beyond the grasp of mere bargaining or concession-convergence behavior, zero-sum reductions of demands on a single item until a mid-point agreement is reached. Of the three types of negotiation – *concession, compensation, construction*, it takes at least compensation, the introduction of additional items of trade, and the construction and reframing of issues meet both sides' needs to produce the positive-sum outcome that constitutes an MEO. As usual, in line with prospect theory (Farnham 1994), threats of losses work better than inducements, as the cases unfortunately show. Where development was part of the original formula, even though unattained, it may be used as an enticing prospect since dropping it would mean a loss, but in general aid packages and other inducements come into the negotiations only in adjunct with negat-

ive pressures and are not as widely used or effective as sanctions (including their threat). The tension between the effectiveness of implied losses and the need for positive compensations and constructions to produce an MEO underscores the narrow field of play open to those who would prepare an attractive resolving formula, and deserves further investigation.

If the ingredients of a resolving formula and an MEO and the process by which they are obtained are identified, why were they not achieved in cases of failure? A quick review of cases show both internal and external reasons that are evident only when the process itself is examined.

1   Inside the failed process, the rebels (and sometimes the governments) were spoilers, interested only in winning but unable to escalate to victory. But the government could not escalate to victory either, until the end when it eliminated the spoiler leader and made a negotiated settlement possible. The classic illustrations are Savimbi in Angola and Foday Sankoh and his lieutenants in Sierra Leone.

2   Spoilers or not, in failed negotiations, parties preferred the status quo to any resolving formula, even when an objectively good and fair one was offered. For them, the status quo of conflict was always preferable to the terms offered or conceivable, and the stalemate in which they found themselves was an S^5 situation, without any pain that they could not absorb. No MHS was present to bring the parties to negotiations or, once in negotiations, to give a full consideration to the formulas offered. In Angola, Mozambique, Sudan, El Salvador, Lebanon, Macedonia and Costa Rica, comfort in the status quo led one or both parties to reject the formula that they eventually accepted to end the conflict; in most – perhaps all – cases this perception was not one of eventual victory but simply the ability to endure continuing conflict in preference to the terms offered. Even before they could get to the delicate details, objectively good and fair formulas for resolution, such as federation/autonomy in Cyprus (offered in 2004), Karabagh (mooted on occasion), Sudan (tried in 1973–83) and Sri Lanka (negotiated in 2003), and institutional reforms in Lebanon (discussed since 1975), were rejected by the parties in favor of continued conflict that did not hurt the leadership too badly (although it hurt the population mightily). In addition, in many of these cases, external support kept the status quo alive, enabling the hold-outs to continue the conflict and not feel the pain in doing so.

3   An entirely different element that prevented perception of a resolving formula, let alone an MEO, was the absence of a coherent organization with a sense of goals and an ability to achieve consensus and make decisions about them within the parties. This problem took several related forms. In some cases, a party was merely a congeries of bandits and marauders with no clear idea of their political goals and

no central organization to pursue them. Mozambique and Macedonia present good cases: ReNaMo's party congress, not possible before 1990, and the FLN's 4 Points and Privzen Declaration (actually mediated by the US) were crucial to their ability actually to negotiate at all. In Liberia, Lebanon, Sudan and Sierra Leone, the closer negotiations got to an agreement, the more they posed a challenge to individual leaders to break away from the main group, form their own organizations, and sprint to capture a piece of the goal on their own. Similarly, the governments in Costa Rica, Sri Lanka and Lebanon were often so weak and fractioned that they could not perceive and seize an enticing opportunity.

4   Finally, external to the parties, the mediation efforts were often insufficient. Mediators lacked persistence, were satisfied (and exhausted) with superficial agreements and merely agreeing formulas, neglected substantive demands and failed to pursue procedural details, and were loath to provide incentives and sanctions to keep the parties on track, make the status quo uncomfortable and the temptation to return to violence unattractive. Cyprus, Lebanon, Liberia and Sudan until 2001 were examples of flabby mediation, compared with the firm efforts expended in Angola, Macedonia, Mozambique and El Salvador.

MEOs make for durable agreements because they resolve problems and start parties on the road of cooperation. The elements of resolving formulas and enticing opportunities are generally present at the beginning of negotiations, although they need tinkering and tailoring, and persistence and pressure, to constitute a final agreement. They provide substantive as well as procedural elements to meet the parties' needs, interests and demands, but they also need to be supported by external incentives to stay on track, and external constraints not to stray off track, in comparison with the status quo of the conflict. These are process elements that are visible only through an examination of the course of interaction between the parties and among the parties and mediators. How to achieve desired results is the crucial element in an explanation of success and durability, both for analysts and for practitioners.

15 Negotiating with terrorists
When, how and why?[44]

Officially, the subject does not exist: we do not negotiate with terrorists. Practically, however, there are negotiations and negotiations, and terrorists and terrorists. The subject is currently topical, but also analytically challenging, occurring more frequently than it is studied. What, then, does the fact of dealing with terrorists have to do with the negotiation process? When (and when not) can negotiations take place with terrorists? How does one negotiate with terrorists if one does (must, can)?

Terrorism is defined by the UN Security Council (UNSCr 1373) as "violent or criminal acts designed to create a state of terror in the general public," and by the US Government (US Department of State 2004) as "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience." In either version, this is an acceptable approximate characterizations of the subject. One may argue a bit with the second definition around the edges (as with any other), perhaps because the definition is made by a government agency; in that it specifically excludes and therefore implicitly supports state terrorism.

Terror is a weapon of the weak, designed to redress the asymmetry of both justice and power in which they see themselves. Either personally or more broadly, they feel oppressed and devprived in their current situation, and powerless to change it by conventional means. Often terror is designed merely to get attention, using demonstrative violence so that the world will notice their plight. Other times it is more directly instrumental, in the service of a goal that can be so broad as to be millennial or so specific as to be tradeable. In their structurally weak position, they seize a part of the opponent as their weapon, imposing pain to make the powerful adversary give up. Thus they equalize suffering and power at the same time; terror injures and empowers. To be able to do so, terrorists must believe in their own right, whether that sense of justice that counterbalances their asymmetrical power position comes from God (as in the case of fundamentalists), from ideology (as in the case of social revolutionaries), or from their belief that the world owes them this right as a result of its own basic discrimination or corruption (nationalists and criminals, respectively).

All terrorists are hostage-takers and all are their own hostages. The standard hostage-taking terrorist takes identifiable hostages. The suicidal terrorist holds the people around them hostage, compounding the mental terror by the fact that they never know when they have chosen physical victims; the terrorist uses fear to hold the whole population hostage, among whom some are the specific victims at any specific time. But all terrorists are also their own victims. The suicider kills themself along with their victims, just as the hostage-taker has taken themself hostage along with their prisoners; they cannot escape from the barricade, kidnap hideout or hijacked planes anymore than can their captives.

Making distinctions

Finding the negotiability of this situation depends on an analysis (etymology: "taking apart") that draws distinctions within the broad concept. A basic difference separates absolute from contingent or instrumental terrorists. Absolute terrorists' action is non-instrumentalist and self-contained, an act that is completed when it has occurred and is not a means to obtain some other goal (not to be confused of course with a broader cause), whereas contingents use the victims' lives as exchange currency for other goals (Faure 2003; Hayes *et al.* 2003). Terrorist suiciders are absolute terrorists, and so are beyond negotiation, and probably even beyond dissuasion, unlike non-terrorist suicides, whose end is without broader purpose and is not intended to influence behavior beyond their own. Of course, a distinction need be made between the terrorists themselves (the suiciders) and their bosses or organizers. The organizers do not blow themselves up. They are not mad but highly rational and strategic calculators (Crenshaw 1981; Horgan and Taylor 2003; Altran 2003). But their purpose is so broad that it is unlikely to lend itself to negotiation, and indeed negotiation and the compromises involved are likely to be seen as damaging to the galvanizing purpose of the terrorist organizer in a desperate, asymmetrical situation.

A further distinction among absolutes can be made between conditionals and totals (or revolutionaries). It is not just the suicidal tactics but the unlimited cause that makes for totally absolute terrorism. Whether the cause is world social and political revolution or immediate access to a heavenly reward, it becomes an terrestrially unattainable millennial dream used to justify total indiscriminate tactics – "unlimited ends lead to unlimited means" (Crenshaw 2000).[45] Although social revolutionaries are often considered to be of a previous era and religious militants are the current brand of terrorists, it would be wrong to ignore their more important similarities. Whether their inspiration comes from revolution or revelation, both types of total absolutes want to overthrow the given social system and build a new world in the image of their dreams, and as terrorists are willing both to kill others and to die themselves to achieve their

goal. Camus' *Les Justes* gives as important insights into religious as into ideological motivations. Conditional absolutes, on the other hand, use the same suicidal tactics for goals that are finite, dividable, exchangeable – aspects that will be relevant to later parts of this discussion – even though their act itself is as self-contained and absolute as any other suiciders'.

Instrumental or contingent (or demonstrative) terrorism covers much of the literature of the past century on negotiating with terrorists, referring mainly to hostage-taking. "Contingent" or even "instrumental" is preferable as a term to "demonstrative" terrorism (used by Pape 2003, p. 345), both because of the usual distinction between demonstrative/expressive violence (to get it off your chest) and instrumental violence (to accomplish something) and because "non-absolute" terrorism seeks much more than demonstration. Its whole purpose is to exchange its victims for something – publicity, ransom, release of friends. Indeed, it is absolute terrorism, if anything, that is demonstrative, in the sense that it expresses the frustration of the suicider with the situation and their inability to change it by any other means. Contingent terror's violence is not definitive or absolute; only part of it is accomplished in the act of hostage taking, and the rest is threatened or contingent, in the fate promised for the hostages if the demands are not met.

Most hostage-takers are not suiciders, but those that are, such as airline suiciders, are absolute, not contingent, terrorists; their goal is their own sacrifice as well as the sacrifice of their hostages, and there is no way of negotiating a compromise. Among contingent terrorists, further distinctions between barricade and kidnapping terrorists and non-suicidal aerial hijackers highlights an important difference over the sustainability and vulnerability of the situation (Dolnik 2003; Faure 2003; Donahue 2003). Analysts also distinguish between motivational types, such as criminals, militants (nationalists or revolutionaries), fundamentalists, and mentally unstable cases, categories that can often overlap but make a difference in regard to negotiability. Barricaders are more frequently mentally imbalanced and kidnappers either extortionists (criminals) or militants (see Arnson and Zartman 2005 for distinctions between need, creed, and greed in conflict).

Conducting negotiations

These distinctions are of importance in addressing the issue: when, how and why negotiate with terrorists? Governments generally try to establish contact with contingent terrorists such as hostage takers, and even with absolutes – however discreetly or indirectly – to find out their real terms and motives and to see if there is something negotiable in them. It is obliged to in regard to contingents, in order to obtain release of the hostages, but also in regard o absolutes, to find out if there are any conditions among them. Despite disclaimers, such contacts usually do occur,

and indeed they must. Whether such contacts lead to actual negotiations – exchange of offers in order to find mutually acceptable terms of trade – or not depends on estimates of negotiability as a result of the communication.

Any attempt to negotiate with total absolute terrorists only encourages them; it achieves no other purpose (Pape 2003). They have nothing to negotiate about, they have nothing to negotiate with. Indeed, it is notoriously difficult even to contact them and to talk them out of their act, once they are up in the air or even on the street heading toward their target. Since contact and communication are basic conditions of negotiation, inaccessibility is another component of absolute terrorism.

On the other hand, contingent terrorists are seeking to negotiate. They want to get full price for their hostages, and for the most part live hostages are better bargaining material than dead ones. A hostage-taker who has killed their hostage(s) verges on the absolutist, for they have little left to negotiate about or with. Hostages are negotiation capital, as Faure (2003) puts it, or bargaining chips, that is, items of no intrinsic value to the bargainer but created for the purpose of bargaining away. Contingent terrorists try to overcome their essentially weak position by appropriating a part of the other side and trying to get the best deal out of the other side's efforts to get that part back, to make itself whole again. Absolute terrorists do not want society to be whole again; they want it wounded and bleeding.

In between the two types are the conditional absolute terrorists, who do have something to negotiate about – territory, independence, conditions – even if their suicidal tactics are absolute. Conditional absolutes are not contingents; they do not seek negotiation as part of their act and their tactics are not divisible into two parts, grasping hostage capital and spending it. But their demands are potentially negotiable, leaving that potentiality to be developed by the negotiating partner. Here the distinction between agent and organizer adds to the speciality of the conditional absolute case. The agent is still likely to be totally absolute, and partial absoluteness refers only to the organizer. But the distinction suggests appropriate negotiating – or pre-negotiating – tactics. It is important to divide the terrorists, pulling the contingents and conditional absolutes away from the absolutes, which means giving the prospect of something real and attainable, as was done in the case of the IRA in Ulster as Hayes *et al.* (2003) note.

The problem in the case of contingent terrorists is not that they are not interested in negotiating but that the world does not accept their deal. Conditional absolutes may be in the same situation, which needs to be clarified by contacts if not negotiations. But that is merely an extreme case of a typical negotiating situation. In that situation there are two appropriate negotiating strategies – lower their terms or change their terms. The two must be carried out in tandem, indicating that while one avenue or problem is closed to discussion, the other is open and personally more compelling. Terrorists tend to focus on their original terms of trade –

release of hostages in exchange for fulfillment of demands – and are little open to looking for reductions and alternatives, options that need to be developed in negotiations are to succeed.

The first strategy is a reduction in the terms of trade, lowering their demands as a price for the hostages' release. Bargaining will begin with communication, to clarify those demands, and then continue with a search by the negotiator to see if any of them can be met or if the initial persuasion has to start with demands lowered to zero. The alternative strategy is to change the terrorists' terms of trade from their demands to their fate. When they see that there is no chance of their demands being met but that their future personal situation is open to discussion, new details become available for negotiation.

These two strategies may or may not be in contradiction with each other. On one hand, one strategy helps the terrorists look for a lesser form of an outcome on the terms that interest them, whereas the other helps them look for other terms. The second option also reinforces the position of the authorities as holders of the upper hand – one-up negotiators, in Donohue's (Donohue and Taylor 2003) terms – rather than full equals. On the other hand, both strategies depend on removing obstacles to creative negotiating, indicating the legitimacy and interest of both parties in finding a solution, and developing a range of options.

As in any negotiations, when the parties become convinced that a search for a solution is legitimate and acceptable to both sides, they become joint searchers for a solution to a problem rather than adversaries. To entice the terrorists into this common pursuit, they need to be convinced that the other side is willing to consider their interests. "If state leaders have the political will to promote negotiation as a response to terrorism, they will need to attend to terrorists' interests, not only their actions, strategies and tactics … To overcome the no-negotiation impediment, state leaders will need to respond in a special way, seek to understand terrorist interests, translate those interests into politically acceptable terms, and respond to them appropriately," notes Spector (2003).

The structural asymmetry of the situation points to a frequently neglected link between status and outcomes. Low status leads to unproductive tactics, position politics, and hostile bargaining that is unproductive of integrative outcomes. They bring out the "need to achieve a gradual process of creating conditions which will enable the terrorists to securely conclude the crisis, … undermining the terrorists' psychological safe-zone, constructing legitimacy for the negotiated agreement and building the terrorists' independent decision making capabilities," in Crystal's (2003) words. Treatment as equals, development of the legitimacy of a solution, expansion of options are all ways of moving the hostage takers off position bargaining and opening the possibility of a fruitful search for mutually satisfactory solutions, only available when they can think in terms of lowered expectations and so of lowered demands.

There is room for a wide range of tactics by the official negotiator, who needs to lead the terrorist against their will into the give and take of negotiation. Invitations to further refinement and creative thinking are useful at some times whereas take-it-or-leave-it offers are appropriate at others, and at some points parties can explore alternatives and options whereas at others firmness is in order. Structurally, time is on the side of the negotiator, a situation that the terrorist may seek to reverse by either killing or releasing some of his hostages and by demanding food or transportation. Once relations with terrorists get into the bargaining mode, however, they are open to the same shifts and requirements of tactics as any other negotiation.

All this is not to suggest either that terrorists' demands are to be considered legitimate in principle and only require some tailoring around the edges, or that concessions do not encourage contingent as well as absolute terrorists. Although the answer to the question of whether negotiations can be conducted with terrorists is that contingent terrorists in fact are looking for negotiations and that even conditional absolute have something negotiable in mind, the answer to the next question of how much of their demands can be considered acceptable depends on their content and on the importance of freeing the hostages. Furthermore, it is as the payment for abandonment of violent terrorism that concessions to the demands of the conditional absolute terrorist can to be offered and not as concessions to the pressure of the terrorism itself. If the negotiator should make concessions to the terrorist as part of the negotiation process, so must the terrorist too, and the absolute terrorist organizer does have something to offer as payment – their choice of terrorist tactics.

These considerations relate in turn to the danger of encouragement. It is not the matter of negotiation per se that encourages contingent terrorism but rather the degree of their demands that they are able to achieve by negotiation. If negotiating leads the terrorist to a purely symbolic result – a radio broadcast or a newspaper advert presenting their position, they are more likely to decide that the result is not worth the effort rather than to feel encouraged to do it again. Or if negotiating leads the terrorist to a bargain for their escape and totally neglect their original demands, they are not likely to feel encouraged to make another try.[46] Thus the answer of the negotiator, to their public's fears of appeasing and legitimizing terrorism, lies in the deal they are able to extract from the terrorist and in their need to focus on the fate of the victims. Any encouragement would come from the results but not from the act of negotiating itself. Basically, the official negotiator is faced with the task of giving a little in order to get the terrorist to give a lot, a return to the initial asymmetry and a particularly difficult imbalance to obtain given the highly committed and desperate nature of terrorists as they following rational but highly unconventional tactics.

Choosing negotiation

Thus far the discussion has focused on terrorists as individuals. But terrorists also come in groups, and governments frequently label all rebel groups as terrorists, then using the label as a justification for not negotiating with them. Behind the label stand rebel tactics that fit the definition, so that the justification may have some empirical support. Yet in most such cases, the government ends up negotiating.[47] So why do governments, mediators and others who brand their opponents as terrorists end up negotiating with them? Tentative answers can be drawn from a few select cases – Rwanda 1993, Israel 1993, Bosnia 1998, Macedonia 2001, Sierra Leone 1996–9[48] – to provide hypotheses with enough support to warrant further investigation.

The first answer is, because and when they have to, i.e. when they have to end violence and need the agreement of the terrorists to do so. When NATO had to negotiate with the Macedonian National Liberation Army (NLA) to reestablish a ceasefire or organize a disarmament, it overcame its objections and rose to the occasion; it did not, however, negotiate directly with the NLA to produce the Ohrid agreement. When the Kosovar Liberation Army (KLA) proved itself necessary to a final settlement, whether as a partner or as a bait for Serbian president Slobodan Milosovic' participation, the US began the difficult job of locating valid spokespeople for the rebels and talking to them. This reasoning also holds for negotiations with individual terrorists, where the only alternative to talking is a military rescue operation that is not always possible.

When a sufficient agreement could not be achieved with moderate rebels without the terrorist extremists, governments may have to turn to negotiation with extremist factions. Both the KLA and the NLA had to prove their indispensability to an agreement to be included; the Rwandan Patriotic Front (RPF) and the government of Rwanda thought the hardline Hutu Coalition for the Defense of the Republic (CDR) dispensable and excluded it, despite mediator pressure to the contrary. Israeli Prime Minister Itzhaq Rabin negotiated with the Palestine Liberation Organization (PLO), it was because he saw it as the only way to deliver on his electoral promise to bring peace within the year, Syria having proven obdurate and the Washington/Madrid talks without the PLO, sterile.

Sometimes it takes a change in the government to admit the necessity of negotiating with terrorists. When the government is too publicly committed to exclusion, it may need to change its incumbents in order to change its position, even if the previous government would have liked to end the conflict through negotiation. Rwanda shifted its position and began to negotiate with RPF rebels under the coalition government in the summer of 1992, not because a sea-change in thinking had occurred within the old guard concerning the proper tactical treatment of the RPF, but because once the coalition government came into being, ultimate

decision-making power passed out of Habyarimana's hands and out of the hands of the old guard. A change in the Israeli government leadership from Shamir to Rabin made possible the Oslo negotiations, as did changes in the French government leadership to Pierre Mendes France and to Charles de Gaulle in regard to Tunisia and Algeria, among others.

Government change may in turn be brought about when public support for a "hard" stance against the terrorist camp weakens. A perceptual shift concerning the nature of the conflict or a reframing of the conflict against competing concerns may allow negotiations to take place. The first *Intifada* convinced many Israeli citizens that Palestinian nationalism was in fact real. Shifting economic, geopolitical and regional security concerns brought about by the ending of the Cold War forced many Israelis to view the domestic conflict within a broader context. The severity of the government's crackdown also helped to feed a domestic peace movement in Israel. Battle fatigue among the Israeli public helped to bring Rabin to power in 1991 under a pledge to bring peace to the region within a year. Sometimes, however, it may take a back channel or a secret venue to make negotiation possible, when channels can be opened to explore talks away from public scrutiny, so that the government can claim detachment from the process if negotiations fail. The facilitators behind the Oslo process created a safe avenue for both parties to open discussions without having to modify their positions publicly, which would have made them open to charges of inconsistency or weakness ahead of a negotiated solution.

A second answer, behind the first, is, when there is a mutually hurting stalemate. Governments and mediators negotiate when they have to because both sides were stymied and suffering if they did not negotiate. As in any ripe situation, both parties have to be unable to escalate their way out of a painful deadlock, to be able to perceive the possibility of a way out, and to have valid spokesmen for their negotiations. In Sierra Leone, Macedonia, and Kosovo, the parties finally realized they were cornered, although it took a while in Kosovo; in Rwanda, they did not, with horrible results. In the Middle East, Israel and the PLO were painfully stalemated, not in Palestine but in the Madrid Talks in Washington, and needed a way to meet their own campaign pledges and to face the common external enemy, Hamas, the "real" terrorist (Pruitt 1997). Of course, the stalemate with individual contingent terrorists also creates a hurting stalemate for both parties.

The third answer is, when the mediators lead the way. The mediators' presence and activity was absolutely crucial in the cases examined, and is often helpful in dealing with individual terrorists as well. They help the parties see the necessity and opportunity born of stalemate, for productive negotiations. In the cases, the various mediators were always more ready to open negotiations – cautiously – with the accused terrorists and urged the governments to do so, often preparing the way with their own mediation, conditions, and actions. But the mediators were not simply soft on

terrorists: they worked on the extremists to fulfill the conditions helpful to the terrorists' being accepted as negotiation partners. When the mediators did not, the government held firm on a policy of exclusion. It was the mediators who produced unity in Macedonia and Kosovo, by helping to provide security to assuage the rebel groups' fears that their government opponents would not abide by a negotiated commitment; the US tried for Rwandan (Hutu) unity but was unable to achieve it.

Thus, governments may also turn to negotiation when the international pressure of the mediators builds to move toward an agreeing (though not necessarily resolving) formula, giving in to the pressures only in form. When the Cold War ended, Israel came under pressure from Washington as well as its regional neighbors to show that it was making progress toward a negotiated solution; Israel attended Madrid only to meet Washington's demand to be there, not to negotiate. Milsovic gave in to the Rambouillet terms after the mediators turned on their muscle and bombed. The Sierra Leonean government came to Lomé only under pressure from the neighboring states of the region. Indeed, Governments may even accept to negotiate not to resolve the conflict at all but rather in order to stall the process until a time when it will be able to press for its demands more unilaterally – as may have been the case with the 1998 Milosevic–Holbrooke agreement.

A fourth answer is, when unity of goals is achieved among the various rebel groups, moderate and radical. Unity, almost by definition, pulls the terrorists away from their extreme stands, although governments tend to fear that it will radicalize the moderates instead and legitimize the goals of the terrorists, a logical possibility considered below. However, the cases, even though few, show that unity made negotiation possible, as in Macedonia and Kosovo, and that the absence of unity merely set up the extremists to conduct their terror, as in Rwanda. The key to the Macedonian Albanians' negotiations with the government was their unity, so that moderates could speak for all, after the Prizren Document was created. The mediators again worked for unity among the Kosovar, even if they switched the focus of their strategies to Milosovic on occasion; getting the latter on board at Rambouillet depended on Kosovar unity as a negotiating partner. The jury is still out in Palestine; Oslo was a tactic to steal victory from Hamas and was unsustained, but the tactic of the PLO under President Mahmoud Abbas is to seek unity with Hamas in order to curb terrorism and gain legitimacy for broader goals.

A major impediment to the mediators' strategy of unite-and-resolve is the mediators' own unclarity of an acceptable outcome, including their sense of the popular legitimacy locally, regionally or globally of the rebels' demands as opposed to the resistance capabilities on the government side. Whereas Macedonia was a case of a single salient solution, autonomy, Kosovo was a case of a two-solution problem, integration vs independence; objectively, there is no stable intermediate solution as in Macedonia.

Rwanda is a curious intermediate case: there was a single salient solution – a multiparty government, as provided at Arusha – but it was not stable, given the terrorists' unshakable option for another salient solution, ethnic cleansing and political takeover. For the mediator or opponent to press for the necessary factional coalescence, there must be a single salient acceptable solution about which the rebels can unite and on which both sides can agree.

Indeed, governments may even turn to negotiation with extremist factions when it is the extremists who can unite the factions and deliver an agreement, when the government feels that extremist leaders have the capacity to enforce a negotiated peace among their ranks, or, tactically, when the ensuing agreement will shift responsibility for future security failures onto extremist leaders without opening its own population to excessive security risks. The futility of the Washington Process in absence of the PLO demonstrated to everyone that a deal could not be made without them. The details of the Oslo accord made the PLO responsible for keeping the peace when an agreement was signed, even though it failed to provide it with the capacity to do so. The Sierra Leonean government and neighboring intermediaries negotiated with the Revolutionary United Front (RUF) in 1999, although with unsustainable results, but the ensuing agreement did obligate the RUF to run as a political party in the next election, where they were decisively defeated.

However, complex strategic calculations, such as divide-and-defeat or exclude-and-split, do not fare well. Sophisticated tactics such as testing a leader's control by exclusion do not hold up in most cases. Excluding the *akazu* (extreme faction) CDR proved to be the undoing of he Arusha agreement on Rwanda. Even Israel's test of Arafat's ability to control terrorism seems to be straightforward, and indeed Rabin sought to pull Arafat into a peace agreement as an ally against Hamas, a strategy that his successor, Benyamin Netanyahu, could not conceive of.[49] Instead, exclusion becomes a self-proving hypothesis: one cannot negotiate with a faction because they are terrorists, and so they become real terrorist because they are excluded. The CDR in Rwanda is a poignant case in point, although whether the *ukazu* faction coud have been committed to an Arusha agreement will never be known. The Kosovar KLA is another case in point. The mediator never sought to follow a tactic of split and isolate, but Milosovic did, with unrewarding results. In the process, the moderates are left unable to deliver on a deal because the excluded faction is able to upset the deal. While not all excluded factions are strong enough to be effective as spoilers, they will be cast as spoilers if excluded. This preliminary study based on five cases, however, can in no way answer the conundrum, were the terrorists radical enough to warrant exclusion, as posited in Rwanda, or were they radicalized – turned into terrorists – because of exclusion, as suggested in Kosovo?

Once a total absolute terrorist group is identified, tactical choices must

include plans for dealing with the eventuality that the spoiler spoils. Though the choice to exclude the CDR was logical from the perspective of the assessment that the CDR was not includable, exclusion as a tactic depends on a second assessment as to whether the party that is deemed to be beyond inclusion is also excludable without upsetting the agreement. Here the coalition partners either failed to make the necessary calculations as to what was needed to ensure the CDR *could* be excluded, or else calculated incorrectly. At the same time, governments should also be aware of the potential for spoilers within their own ranks. It was the *akazu* that was sidelined when the first coalition government was formed. Once Arusha began, ongoing extremist rhetoric by CDR spokesmen convinced the coalition and the RPF that the CDR could never accept a power sharing arrangement with the RPF. In other words the coalition concluded, somewhat ironically, that though the original terrorists, the RPF terrorists, *would* be capable of making a deal, the ex-government terrorists would not.

The final answer is the most tentative: when the terrorists revise their goals or their nature. It is tentative because it is not clear how much revision is necessary or whether inclusion or the possibility of inclusion triggers revision or revision triggers the decision to include. The PLO had already recognized Israel before Oslo and it revised its statutes and agreed to formal mutual recognition at the end of the negotiations; Hamas has not, a year after its elections. Macedonian Albanians at Prizren made plain their willingness to accept a democratic solution, dropping a geographic solution as a threatened goal; but Kosovar Albanians were quite imprecise about their softening of the demand for an immediate promise of independence. The *akazu* retained their opposition to ethnic or party power-sharing, justifying the exclusion to which they were subjected. The RUF changed its demands very little, and the ensuing agreement had to be pushed aside when they reverted to their original tactics.

But the conditions of negotiation (compromise, persuasion, positive-sum outcomes) and of democracy (legitimacy of all parties, need to appeal widely, acceptance of popular judgment) themselves impose limitations on terrorists that can mark the beginning of the socialization process toward inclusion. Moderation is a process, not a status; a party seeking a solution must be able to see indication of a change in goals or nature in the terrorists that it feels can be encouraged by engaging the terrorists in negotiations. To the extent that the terrorists engage, the very process of negotiation tends to teach and induce moderation. Ambassador Christopher Hill has indicated that negotiations with North Korea are designed to show that there incorporation into the norms and practices of the community is a surer way of achieving national security than hostile unilateralism. There must be some empirical indication of change to lead to negotiation and some analytical estimation that negotiation will intensify the change. Initially, the erstwhile terrorist is unlikely to change its ends,

only its means, and in dealing with individual terrorists that is what negotiation is all about. But engagement in negotiation and the new situation it produces can gradually produce deeper changes, as the PLO in Palestine, the NLA in Macedonia, and, complicatedly, the RUF in Sierra Leone show.[50] But how much moderation is a necessary precondition to negotiation and how much negotiation is a necessary precondition to moderation remains uncertain. It is still a chicken-and-egg process, until more research is done, and even then may ultimately be a matter of political or diplomatic "feel."