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Negating Negotiation

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Abstract

There is a general discussion about the applicability of negotiation as a means of conflict resolution in conflicts involving terrorism. This debate could be argued to have hindered further research regarding the relationship between negotiation and terrorism.

As a way of moving away from this general debate this thesis draws upon the fairly recent categorisation of old and new terrorism and studies the applicability of bargaining theory, the most commonly used theory of negotiation in international relations in practical use, to the different categories.

The thesis presents a case study on old and new terrorism using the Free Aceh Movement (Gerakan Aceh Merdeka or GAM) and Jemaah Islamyiah (JI) respectively and together with a more theoretical discussion reach the following conclusions:

1. that bargaining theory is suitable in dealing with conflicts of old terrorism; but
2. that bargaining theory is *not* equipped in dealing with conflicts of new terrorism

The thesis stresses the need for a further discussion on the implications of these findings for the utility of negotiation with regard to new terrorism. Furthermore, it hints at the possible benefits of replacing bargaining theory with one that better accommodates the characteristics of new terrorism and argue that problem-solving theory might be one of such.

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Introduction

Although an old phenomena the subject of terrorism is today an issue that receives much attention from academics, the media and the general public. Much has been written about the nature of terrorism, its physical and psychological impact and the means of countering this threat. In discussions of how to counteract, diminish or eliminate the threat, the focus has often been on so called anti-terrorist measures that concern areas such as aviation security, intelligence gathering agencies, damage control procedures and military operations. In comparison to these fields the area of peaceful conflict resolution has had a relative limited part in terrorism studies, and it is in that area this thesis places its focus.

This thesis will explore the relationship between negotiation and terrorism. Negotiation has generally been a contested way of resolving conflicts involving terrorism. In the opinion of the author this is largely due to the focus placed on the characteristics of terrorism as a specific form of political violence. For example, the criminal element of terrorism due to the actions carried out, its illegitimacy as a non-state actor using violence and the risk of encouraging further terrorist deeds by giving in to demands in a negotiations process all contribute to lessen the possibility of conflict resolution through negotiations. These arguments apply to terrorism in general yet become even more relevant in the discussion revolving around 'new terrorism' due to additional specific characteristics given to this form of terrorism. Hence the characteristics of terrorism in general and new terrorism in particular are conventionally deemed to be incompatible with negotiations as a means of peaceful conflict resolution. However, this conclusion is based on an analysis focusing on the preconditions. The characteristics inherent in terrorism and new terrorism are regarded as preconditions that excludes the possibility of negotiations. In order to test the orthodox view of the incompatibility of terrorism and negotiation this thesis will use the bargaining theory of negotiation and compare its applicability with what recently has been labeled old terrorism and new terrorism. The conclusions draw from the analysis will be used in order to provide a discussion on further theoretical development regarding the issue of negotiation and terrorism.

1.1 Outline

This thesis is organised as follows: Chapter two presents the research design of the thesis. It includes the aim for the thesis, the methodology used and limitations that apply. It also discusses definitions and the selection of the cases. In chapter three contains a brief presentation of the general arguments for and against negotiation in conflicts involving terrorism. Chapter four is concerned with bargaining theory, its characteristics and strengths and weaknesses. Chapter five introduces the distinction between old and new terrorism and chapter six presents representative cases of the two forms of terrorism. Chapter seven analysis the applicability of bargaining theory to the two cases of terrorism. From the findings in chapter seven a discussion is presented in chapter eight arguing for the replacement of bargaining theory as the foundation of negotiation practice in cases involving new terrorism and presents the theory of problem-solving as a viable alternative. Chapter nine concludes the thesis and present the findings in a concise form. Appendix A gives a selection of definitions of terrorism.

Research Design

Below follows sections that will account for the methodology applied and contents of the thesis in terms of what case studies will be included and what scope the thesis encompasses. It will also present the aim for the thesis as such and the motivation behind the selection of the particular cases. This chapter will also provide a brief discussion on the definition of terrorism and the problematics surrounding the concept.

2.1 Aim and Purpose

This paper attempts to examine the applicability of bargaining theory to cases of old terrorism and new terrorism in a negotiating situation. Two cases that are representative of old and new forms of terrorism will be analysed with the theoretical foundations of bargaining theory to determine their respective compatibility. This will then determine the usefulness of bargaining theory in relation to the two forms of terrorism.

2.2 Scope

This thesis deals with the relationship of negotiation and terrorism in a non-crisis situation. Hence it represents a different analytical perspective than that used in for example hostage negotiations, since these fall under the category of crisis negotiations. If this is the category of negotiation in connection to terrorism of interest to the reader, the author recommends searching for information within the discipline of criminology as well as the specific negotiation approach of crisis negotiation for further readings.

Also, due to the limited amount of case studies in this paper, it is not clear if the findings can be applied to a more general context. Although the paper hints at certain overarching conclusions, these are meant to suggest a perhaps different way of combining negotiation and terrorism.

Moreover there is a discrepancy in the amount of information presented in sections 6.2 concerning the case of Aceh and 6.3 addressing the case of

Jemaah Islamyiah. This is due to the uneven amount of information available about the two cases. Due to the nature of the organisation of Jemaah Islamyiah the amount of information in general and credible information in particular is limited.

The author's unfamiliarity with the Indonesian language have also prevented the use of certain materials for this thesis.

Finally the termination date for the research information utilised in this paper is 31/12 2002 (with one exception). Thus recent events that has taken place during May 2003 which has led to an interruption of the peace process between Aceh and the Indonesian government will not be included in the case study nor figure as part of the analysis.

2.3 Definitions, Concepts and Terminology

There exists several definitions of terrorism and no universal one has been accepted.¹ For a selection of definitions see Appendix A. Below follows a brief outline of issues regarding the concept of terrorism that is worth to bear in mind when approaching the subject.

A main part of the problem of reaching a universal definition on terrorism is due to the constantly changing nature of what is regarded to constitute terrorism. Originating as a popular concept to describe the regime of terror during the French Revolution, it referred to a government using repressive methods against its population. Although the concept of state-terrorism remains today, the more general understanding of terrorism is those activities undertaken by revolutionary or anti-government sub-state or non-state entities.² Recently, further specialisation within the concept of terrorism has come to include narco-terrorism, illustrating the connection between terrorism and narcotics.

Another factors which further complicates definition attempts of terrorism is the fact that it is a pejorative term, that is a term with inherent negative connotations. It follows from this that the labeling of an individual, organisation or state as terrorist is used to describe enemies or opponents. The term is also subjective and although the phrase 'one person's freedomfighter is another person's terrorist' is of unknown origin³ it captures the malleability and the highly subjective use of the term. As Brian Jenkins states, "What is called terrorism thus seems to depend on one's point of view. Use of the term implies a moral judgment; and if one party can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint."⁴

¹ Martha Crenshaw, "Current Research on Terrorism: The Academic Perspective in *Studies in Conflict and Terrorism*, vol.15, 1992 p.2

² Bruce Hoffman *Inside Terrorism*, Victor Gollancz, London, 1998 p.15

³ <http://faculty.ncwc.edu/toconnor/415/415lect01.htm>

⁴ Bruce Hoffman *Inside Terrorism*, Victor Gollancz, London, 1998 p.31

Thus the term terrorism is a malleable term that is not easily identified due to its changing nature and also as terrorism itself is a form of political violence to achieve political objectives the use of the label also has a political dimension. Subsequently sometimes organisations, states and individuals labeled as terrorists are done so for another party to receive the moral high-ground in a conflict, yet also adversaries can refrain from applying the term to a conflict in order to avoid the connotations it brings.

2.4 Cases

The study conducted in this thesis is based on two cases of terrorism, both originating from Indonesia. The two terroristic organisations that will be used are the Free Aceh Movement (GAM) and Jemaah Islamyiah (JI). The following section provides a brief background entailing the motivation for the choice of the region of Southeast Asia and Indonesia as well as the motivation for the selection of the particular cases.

2.4.1 Southeast Asia and Indonesia

The region of Southeast Asia in general and Indonesia in particular has been largely ignored by the international community in the 1990s, being robbed of attention due to the numerous ethnic wars erupting in the Balkans, Transcaucasia and Rwanda at that time. The lack of attention was also due to the relative ease by which Indonesia transcended into a post-colonial existence. The general economic growth coupled with relative political stability removed Indonesia and parts of the region from the investigative focus on trouble spots compared to global events that were unfolding⁵. Furthermore, the regional arrangement in the form of the Association of Southeast Asian Nations or ASEAN operated according to a strict non-interference policy and was confined to manage disruptive conflicts rather than thoroughly addressing and resolving them. The belief in the “Asian Way” of addressing issues by means of diplomacy based on largely informal, close personal relationships contributed to several potential threats being ignored for the sake of maintaining good inter-state relations.^{6 7}

However, already in the early 1990s it became clear that ethnic separatism as well as the manifestation of Islamic radicalism was increasing in the region. Yet not until the events of September 11th 2001 and its aftermath was the existence of extensive networks of Islamic organisations in the region as

⁵ David Martin Jones and Mike Lawrance Smith, “From Konfontasi to Disintegrasi: ASEAN and the Rise of Islamism in Southeast Asia.” in *Studies in Conflict and Terrorism* vol.25, no.6 2002 pp.343-344

⁶ David Martin Jones and Michael L R Smith, “Islamists Defeat Asian Way” in *The World Today*, vol.58 no.6 June 2002 p.12

⁷ This role of an “Asian Way” of diplomacy, although important is not the focus of this thesis.

a whole and Indonesia specifically fully recognised.⁸ Some of these organisations, like Jemaah Islamyiah, have been classified as terrorist organisations of late. There has now been indications that Southeast Asia and Indonesia, as the largest state in the region and the state with the largest number of Muslims in the world, has become a focus of attention for many Islamic terrorist groups, particularly after the instigation of the ‘war on terror’. The prevailing situation in Indonesia makes both a suitable state from which to select cases as well as an interesting one due to the general lack of attention it has received in relation to these issues in the past.

From a different perspective Indonesia is also suitable as a case since it has refused any foreign assistance in dealing with its conflicts and threats as opposed to for example the Philippines. This facilitates an analysis of the conflict resolution process and decision making since it limits the extent to which these are influenced by external parties.

2.4.2 Aceh – GAM

Aceh provides a case of a separatist struggle with elements of terroristic activity. The main organisation in Aceh fighting for independence is the Free Aceh Movement (Gerakan Aceh Merdeka or GAM). GAM does not figure on any, by the author found, international or national lists of terrorist organisations. However, the labeling itself, of who and what constitutes a terrorist or terrorism, is political and subjective in nature. Hence if GAM appears or does not appear on a list of terrorist organisations is of little relevance in deciding what defines the organisation. However, two other factors are more suitable in determining the terroristic nature of GAM. Firstly, if the focus is placed solely on the actions of the organisation, they correspond to actions identified by the United Nations and many national agencies as terrorism. These actions to which GAM are responsible are the kidnapping and killing of civilians in an attempt to coerce and affect government policy, the destruction of government property and arson. Secondly, who is a terrorist, in addition from being a political statement is also a question of perception. Thus, GAM is labelled a terrorist organisation by the counterparty with which it has a relation to, namely the Indonesian government in Jakarta. The perception of someone as a terrorist, just or unjust, will influence the actions and attitudes of both parties in the action-reaction pattern of a relationship.

Moreover, Aceh has also been a part of the Indonesian Republic since independence and therefore cannot technically be viewed as part of a colonisation structure, such as the cases of East Timor and Irian Jaya can. This is favourable for the analysis since the dynamics of colonisation can be excluded.

Furthermore, the case of Aceh is appropriate since there have been negotiations conducted between the Free Aceh Movement and the Indonesian gov-

⁸ David Martin Jones and Michael L. R Smith, “Islamists Defeat Asian Way” in *The World Today*, vol.58 no.6 June 2002 p.12

ernment, which have had some partial success.⁹ Lastly and most importantly GAM exhibits the characteristics responding to the category of old terrorism used in this thesis.

2.4.3 Jemaah Islamyiah

Jemaah Islamyiah (JI) is one of the approximately sixty Islamic terrorist organisations presently operating in Indonesia.¹⁰ Jemaah Islamyiah is one of the more significant of these organisations figuring prominently in conjuncture with the Bali bombing in December 2002 of which they are the suspected perpetrators. In addition the group has been connected to several other terrorist incidents as well as plans of future terrorist deeds. In the wake of the Bali bombing JI was placed on the U.S. State Department's list of foreign terrorist organisations.

The group is striving for the creation of an Islamic region in parts of Southeast Asia, including Indonesia, to be governed by the Shari'a. A numerous network of sleeper cells are in place all over the region ready to carry out terrorist acts against national and international targets, such as American, British, Australian and Israeli buildings, nationals and symbols.

Since the early 1990s, JI has had an ever increasing presence in Southeast Asia and it draws additional attention to itself due to the fact that it has been linked to the al-Qaeda network; JI is regarded as one of its most important operative groups in Southeast Asia.

No negotiations have been attempted in the face of the threat originating from the group, nor has there been a discussion of whether this should be a future course of action. Furthermore the actions that have been taken with the law enforcement agencies in the foreground suggests that regular crack-downs and legal procedures is the chosen approach in dealing with Jemaah Islamyiah.

In addition to the traits implied above Jemaah Islamyiah displays characteristics subscribed to groups of new terrorism and is as such a representative case of this category.

2.5 Literature Review

The literature review is limited to references on terrorism and negotiation since these are both theoretical and subjected to critic on their theoretical ground. The literature concerning the case studies are not included due to the factual nature of the content. There is an abundant literature on terrorism and several works exist that provide a good general overview. When selecting references for this thesis, authors have been chosen for their recognition

⁹ Within the time limit set for this thesis there can be argued to have been some partial success although the peace process was not over and relations tense.

¹⁰ Rohan Gunaratna *Inside Al Qaeda: Global Network of Terror*, Hurst and Company, London, 2002 p.201

within the field. This may have led to that useful information have been lost through the neglect of published work by less authoritative scholars in the field; however, due to the nature of the subject, this cautious approach was made in order to avoid too unorthodox sources which could be questioned on the basis of their validity.

Within the discipline of negotiation research there is also a vast literature available. Roger Fisher and Wiliam Ury are used extensively as providing the reference material for problem-solving theory since they have made significant contributions to its theoretical development. Terrence Hopmann has mainly been used to give the theoretical background for bargaining theory.

The small number of scholars presenting a general approach to the negotiating theories was intended to minimize the various variations of the theoretical approaches that exist. It can of course be argued that this makes the presentation unsatisfactory.

As a final note: To the best of the author's knowledge there is no published work on the relationship between negotiation and terrorism as presented in this thesis. Thus, there is no discussion on closely related work, nor any comparison with other studies on the same subject.

2.6 Method

The results in this thesis are based on literature studies. The literature that has been used consists of books, articles and internet sites. All references are secondary sources. Due to the unavailability of interviewees to give a unbiased and balanced approached to certain issues, there are no first-hand sources. Literature studies is a form of qualitative method, that has been criticised for being unrepresentative and atypical.¹¹ Furthermore, it has been argued that qualitative methods produce unreplicable results and thus no generalisations can be made from the findings.¹² Naturally the interpretations drawn from the literature studies are subjective and another person confronted with the same material may not draw the same conclusions. However, a main usage of qualitative studies is to provide a foundation for future studies using a quantitative method of research from which generalisations can be made and any findings validated. In the absence of quantitative research to support the findings in this thesis, case studies are used in a comparative manner.

The comparative method is used in this thesis for a dual reason; firstly as a means to validate the interpretation of the secondary literature and secondly for the reason associated with the comparative method — to test a theory and make suggestions for theoretical development. The cases are intranational, which can be seen as a valid basis for comparative studies, although interna-

¹¹ David Marsh and Gerry Stoker, *Theory and Methods in Political Science*, Palgrave, Houndmills, Basingstoke, Hampshire, 1995 p.141

¹² David Marsh and Gerry Stoker, *Theory and Methods in Political Science*, Palgrave, Houndmills, Basingstoke, Hampshire, 1995 p.141

tional comparative cases are more common.¹³ The usage of only two cases, those of old and new terrorism, limits the generalisation possibilities of the findings. However due to the inability to conduct controlled experiments on political phenomena, the comparative method offers the most readily available alternative.¹⁴

¹³ David Marsh and Gerry Stoker, *Theory and Methods in Political Science*, Palgrave, Houndmills, Basingstoke, Hampshire, 1995 p.173

¹⁴ David Marsh and Gerry Stoker, *Theory and Methods in Political Science*, Palgrave, Houndmills, Basingstoke, Hampshire, 1995 p.187

Negotiating With Terrorists: a general attitude

In a global context, links have been made between the prospect of negotiation with terrorists and the relationship of the United States and the Soviet Union during the Cold War.

In general, a viewpoint of U.S. foreign policy and a part of the policy of containment specifically, was that it was unwise to negotiate with the USSR since the leaders of the state could not be trusted. This policy was however criticised and a commitment to negotiations was begun with the Nixon presidency.¹ However, it has been argued although somewhat falsely that the period of détente that emerged in the late 1960s coincided with the rise in international terrorism and that the lax policies against the USSR was one of the reasons for this upsurge in terrorism as a instrument of extracting further concessions from the West.² It followed that although the hard line policy of no negotiation had lost its influence over East-West relations the policy was transferred onto the phenomenon of terrorism and negotiation within this area became anathematised.

3.1 Arguments opposed negotiation

The main argument behind a no-negotiation policy is rather straight-forward, claiming that if no concessions are made, terrorism will prove unrewarding and hence not be attempted in the future. Walter Laqueur, a renowned terrorologist, argues that if governments would not concede to terrorist demands, terrorism would cease to exist or at least that acts of terrorism would be greatly reduced.³ Thus, giving in to terrorist demands runs the risk of encouraging other terrorist deeds in the future, because terrorism as a method is deemed successful. Furthermore the claim that firmness in policy is most important when confronting terrorists refutes any exceptions to the rule of

¹ Adrian Guelke, *The Age of Terrorism and the International Political System*, Tauris Academic Studies, London, 1995 pp.184-185

² Adrian Guelke, *The Age of Terrorism and the International Political System*, Tauris Academic Studies, London, 1995 p.183

³ ed.Michael Sthol, *The Politics of Terrorism*, Marcel Dekker, IN, New York, 1979 p.6

the no-negotiation policy. Also, giving in to terrorist demands would be perceived as a weakness on the behalf of the government, thus making it a more likely target for future attacks. Also the criminality stigma attached to terrorism makes terrorists an unaccepted partner in negotiation and rather puts the matter under a judicial rather than political jurisdiction – negotiating with terrorists would thus be perceived as rewarding criminal behavior. The advocates for a no-negotiation policy are usually viewing the solution to the problem of terrorism as a form of conflict management, focusing on the symptoms of the threat and proposing increased security measures to avert the physical damage of terror acts. Or as a way of conflict “resolution” by eradicating the terrorists.

3.2 Arguments in favor of negotiation

The arguments in favor of negotiation focus mainly both on the negative consequences of not negotiating as well as benefits following a process of negotiation. The ideological foundations of this view is problem solving with regard to causes and conflict resolution.

Among the many causes given in order to explain the occurrence of terrorism are marginalization and alienation. Refusing to negotiate with these dissident groups or leave them out of a peace process may have the effect of excluding a large and representative part of the population⁴, leading to further marginalization on their part, in addition to excluding a vital factor for solving the problem in a sustainable manner. Subsequently, exclusion from negotiations may provide an incentive for a terrorist organization to escalate the violence and increase its ferocity as a way of demanding attention and forcing the government to grant it access to the table.⁵

By recognizing that certain groups practicing political violence in the form of terrorism have legitimate grievances and interests, addressing those can lead to that causes of terrorism may be rendered less strong or even eradicated.⁶ The result of such policies is argued to be that the recruitment pool of terrorist groups will shrink and potential terrorists will see no need to join a terrorist organization. This would then serve a dual purpose; for one it provides the terrorist groups with less manpower and secondly it shows that grievances can be satisfactorily addressed through legitimate political channels. It can then be argued that the best way of gaining information of those underlying interests and grievances are through negotiation. The process provides a channel of communication and information that is not made available by a no-negotiation policy. Not only are information that could be vital for the resolution of the conflict obscured but also by refusing to negotiate with the

⁴ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C., 2001 p.142

⁵ ed.Michael Sthol, *The Politics of Terrorism*, Marcel Dakker, IN, New York, 1979 p.7

⁶ Simon Reeve, *The New Jackals*, André Deutsch Ltd, London, 1999, pp.264-265

adversary, in addition one loses an opportunity to exert influence in a benign manner, which can lead to a change in the behavior of the other party.⁷ Also, if violence is directed at a particular state and an underlying reason behind the animosity is the real or perceived image of that state, this image can be altered or manipulated by showing a more benign side to the other party by initiating negotiations.⁸ This may also have the positive side-effect of decreasing popular support for the terrorist organization. Moreover those arguing for negotiation mean that the label of “terrorism” should not be seen as an impassible obstacle to negotiation. One of the reasons being the malleability of the term and its subjection to constant change and also that the applicability of the term to organisations is governed by the holders of the status quo.⁹ The next chapter will abandon the unspecified nature of negotiation dealt with above, in favour of the more specific bargaining theory.

⁷ Roger Fisher and William Ury, *Getting to Yes*, Houghton Mifflin Company, New York, 1991 p.161

⁸ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C, 2001 p.73

⁹ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C, 2001 p.224

Bargaining Theory

Bargaining theory became the dominant approach of international negotiations in the 1960 and 1970s and is still one of the major paradigms in negotiation theory and the most predominantly used in international relations.¹ Terrence Hopmann “Two Paradigms of Negotiation: Bargaining and Problem Solving“ in *Annals of AAPSS*, vol.542, no.1, 1995 pp.27 and 42 Early in the evolution of negotiation theories in the 1960s the emerging bargaining theory was characterised by the focus it placed on the competitive element of the negotiation process.² Bargaining theory thus emphasises the effort made by the parties to act in their self-interest and to fulfill more of their interests in relation to the other party. This relates to a second term used for the paradigm coined by Richard Walton and Robert McKersie in 1965, namely distributive bargaining³. This terminology highlights the competitive focus of the approach where the interests of the two parties are in basic conflict and that they strive to gain the greater relative gain from whatever value is being distributed.⁴

The negotiation process characterised by bargaining can be divided into six steps:

1. initial offers are made by both parties,
2. commitments are made to certain positions in an effort to hold firm,
3. promises of rewards and threats of sanctions are issued to induce other parties to make concessions,
4. concessions are made as one party moves closer to another,
5. retractions of previous offers and concessions are issued as parties draw apart, and

¹ ,

² Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542, no.1, 1995 p.26

³ Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542, no.1, 1995 p.27

⁴ <http://www.colorado.edu/conflict/peace/treatment/distbarg.htm>

6. when the dynamics of concession making overcomes the pressure to diverge, the parties tend to converge upon agreement somewhere between their opening offers.⁵

This model of the negotiation process illustrates some of the characteristics apparent in bargaining theory. The bargaining technique of bargaining from the “outside and in” (concession-convergence bargaining) drives parties to start with high opening demands onto which concessions can be made in order to reach a midway agreement and minimize losses in the distribution of value.⁶ Furthermore, threats and coercion tactics are readily available in order to force further concessions from the negotiating party without having to reciprocate. Also this bargaining model implies that a stretching of the actual facts may be beneficial to the own party in order to exaggerate the need or interests of one’s own position.⁷ Another feature of the bargaining approach is the firmness/flexibility dichotomy. Within the bargaining paradigm flexibility is usually defined as “a willingness to make new offers and concessions.”⁸ In contrast then firmness indicates a tactic of sticking to ones position, issuing threats and retractions of already made offers. Yet the right balance has to be found between “soft” versus the “hard” tactic respectively since the risk associated with too much flexibility would be losing relative gain to the other side through exploitation of the soft approach by the other party.⁹

Even though hard bargaining runs the risk of a stalemated situation in the negotiation where no or only a suboptimal agreement can be reached the belief in relative gains of the bargaining approach favours the hard, firm negotiation tactic over the more flexible alternative. Since a mutually beneficial agreement in terms of absolute gains may have the effect of shifting parties structural positions in international relations such an agreement may harm the overall status of one of the parties.¹⁰ Consequently a settlement producing a suboptimal agreement may be preferable.¹¹ This reasoning is illustrated by Michael Mastanduno with reference to trade negotiations between

⁵ Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542, no.1, 1995 p.26

⁶ Jeffrey Z. Rubin “Some Wise and Mistaken Assumptions About Conflict and Negotiation” in J. William Breslin and Jeffrey Z. Rubin, *Negotiation Theory and Practice*, The Program on Negotiation at Harvard Law School, Cambridge, Massachusetts, 1999 pp.8-9

⁷ <http://mediate.com/articles/negotiation.cfm>

⁸ Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542, no.1, 1995 p.40

⁹ Dean G. Pruitt, “Strategic Choice in Negotiation” in J. William Breslin and Jeffrey Z. Rubin, *Negotiation Theory and Practice*, The Program on Negotiation at Harvard Law School, Cambridge, Massachusetts, 1999 p.30

¹⁰ Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542, no.1, 1995 p.33

¹¹ The use of the term suboptimal in this context is meant to illustrate the rejection of an optimal utility of the possible gains available in an agreement. Of course if one reasons in the terms of relative agreement a ‘suboptimal agreement’ in terms of value divided can be optimal because the structural relationship between parties remains unaltered or in your favour.

the United States of America and Japan. Mastanduno argues that “certain patterns of economic interactions with Japan, even though mutually beneficial in absolute terms, would bring relatively greater economic benefits to Japan and over time work to the detriment of America’s competitive position...[...]”.¹² This kind of reasoning has fostered the belief in hard bargaining despite the negative drawbacks that it might bring. Joseph Grieco, a neorealist, argued for what he terms “defensive positionalist”. The aim of such a strategy is to be victorious in negotiations by remaining firm while the other party is flexible and makes concessions.¹³

4.1 Characteristics of Bargaining Theory

The characteristics of bargaining theory outlined below are general in nature, however they are sufficient in illustrating the framework created in negotiations by the application of bargaining theory to a negotiation process. The characteristics and subsequent tactics taken up below are only a selection of the most commonly used with regard to certain elements in the negotiation process.

4.1.1 Opening bids

Since the distributive element of a negotiation is central to the bargaining approach it can be beneficial to make an extreme initial offer. This serves two purposes: Firstly, if the initial offer is rejected it enables the making of many concessions to the other party which then can be presented and interpreted as a genuine will to negotiate as well as forcing the other party to reciprocate by making equal concessions of their own, unless they want to be considered uncooperative. Secondly, if the extreme bid is the initial offer it may manipulate the perception the other party has to its resistance point, distorting their view on the value of the venture.¹⁴ For example if a seller opens with a price for used car at \$9000, the buyer may believe that the value of the car is higher than he or she expected and will feel compelled to raise their resistance point. Thus enabling the seller to get a greater distribution value from the deal.

¹² Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542 1995 p.33

¹³ Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542 1995 p.33

¹⁴ Howard Raiffa, *The Art and Science of Negotiation*, The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 1982 p.128

4.1.2 Flexibility and firmness

In bargaining theory flexibility refers to the rate at which concessions are given.¹⁵ It also entails the avoidance of commitments and retractions.¹⁶ Within this paradigm the dichotomy of flexibility versus firmness is illustrated by two bargaining tactics internal to the approach, namely soft or hard bargaining respectively.¹⁷ Since the fear of exploitation is central to the bargaining approach in addition to maximize the distributive gain for ones own interests the balance that has to be struck between flexibility and firmness speaks in favour of firmness. In other words due to the ideological foundations of bargaining theory and its aims, the possibility of stalemate from hard bargaining is a risk that has to be taken in order to avoid exploitation and expand benefits.¹⁸ Since too much flexibility leaves the party open for exploitation it may thus decrease that party's share of the distributive gain. Conversely if a party uses hard bargaining and does not reciprocate the other party's concessions, it may force the other party to make several concessions before inducing flexibility, thus increasing the chances of gaining more value at the other party's expense.

4.1.3 Use of Commitments

A definition of commitment is proposed by Hopmann as "a firm statement or action intended to signal one's minimum position beyond which one may not concede."¹⁹ It can be used by the negotiator to misinform the other party of ones resistance point thus squeezing "the range of indeterminacy down to the point most favourable to him".²⁰ By committing to a position, any compromise on that position is ruled out, and by this method it is hoped that the other party will make concessions that will enable the committed party to receive most of the gain in the distributive phase of the negotiations. In some cases this tactic is coupled with the threat of walking out of negotiations.

4.1.4 Threats and Promises

A forth tactic used within the bargaining approach to manipulate the other party's position is that of threats and promises, used practically by issuing punishments or rewards. Logically, punishments and rewards operate in an

¹⁵ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 p.61

¹⁶ Terrence Hopmann, "Two Paradigms of Negotiation: Bargaining and Problem Solving" in *Annals of AAPSS*, vol.542 1995 p.40

¹⁷ Roger Fisher and Wiliam Ury, *Getting to Yes*, Houghton Mifflin Company, Boston/New York, 1991 pp.8 and 13

¹⁸ Terrence Hopmann, "Two Paradigms of Negotiation: Bargaining and Problem Solving" in *Annals of AAPSS*, vol.542 1995 p.33

¹⁹ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 p.63

²⁰ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 p.63

identical manner. Both are designed to alter the total value available to the other party from an agreement. In the case of a threat of punishment it seeks to remove value from the other party in a situation of non-compliance. The use of threats serves a main purpose in that it increases the cost of non-agreement for the other party. Under these circumstances an agreement on the terms presented by the threatening party will seem more attractive than non-agreement with the adherent punishment. However, the absolute benefits from agreement does not increase but in *comparison* with non-compliance and non-agreement it is more beneficial.²¹

Similarly promises of rewards also serve to manipulate the other party's preference curve. Unlike threats of punishments however, rewards are implemented in the case of compliance. Yet they serve to increase the benefits from agreement rather than an increase in the cost of non-agreement. However, as in the case with the threat the rewarding party benefits from the shift in the preference curve of the other party.²²

Due to the ideological foundations and the position taken on the importance of certain elements in the negotiation process, such as flexibility and firmness, as well as the different tactics employed in traditional bargaining provides information on the kind of situations where its application is useful.

In the event that a stalemate is avoided, positional bargaining may result in the gaining of a large amount of distributive value from the agreement, which is considered to be a positive outcome. However, this kind of bargaining approach is most likely to reach an effective agreement under certain preconditions and in specific situations. Due to the focusing on positions in the approach it is more adapted to situations where there are only two parties present in the conflict, where positions are more readily determined upon with a minimum of consultation with other parties.²³ Furthermore, traditional bargaining works well in situations where the bargaining space is known and relates to a relatively linear issue. In such an instance the process of concession-convergence bargaining may serve the reaching of an agreement somewhere along the bargaining space.²⁴ Also the bargaining approach can be useful in 'crisis' situations where pressure and uncertainty characterises the situations. In such an instance positional bargaining reveals clearly the positions of both sides and provides a starting point for negotiations, which may then lead to an agreement.²⁵

However the bargaining approach has drawbacks originating from its world-

²¹ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 pp.67-70

²² Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 pp.67-70

²³ Roger Fisher and William Ury, *Getting to Yes*, Houghton Mifflin Company, Boston/New York, 1991 p.7

²⁴ Terrence Hopmann, "Two Paradigms of Negotiation: Bargaining and Problem Solving" in *Annals of AAPSS*, vol.542 1995 pp.43-44

²⁵ Roger Fisher and William Ury, *Getting to Yes*, Houghton Mifflin Company, Boston/New York, 1991p.4

view and entrenched in its tactics. The focus on distributive value and a relative gain in relation to the other party presents problems with the approach and limits its uses as an effective negotiation approach to reach an agreement under certain circumstances.

4.2 Limitations of bargaining theory

4.2.1 Opening bids

Opening negotiations with an extreme bid may instead of influencing the other party's resistance point in favour of the bidder, move it in the opposite direction resulting in the parties being further away from each other than they need to be. This also leads to that the process of concession and concession becomes time-consuming and longer time will pass until it can be conceived of whether agreement is possible or not.²⁶ In a worst case scenario the other party may question the seriousness of the negotiation altogether in the case of an extreme opening bid, or perceive there to be no bargaining space within which an agreement could be reached.

4.2.2 Flexibility and Firmness

The propensity for adherents of bargaining theory to favour the firmness stance over that of flexibility can produce favourable gain in a negotiation situation yet it can also easily lead to a stalemate situation. In trying to avoid being exploited both parties can stand firm and refuse to make concessions before the other party do, in which case a stalemate occurs. An example from international relations, in the case of the stalemate between Israelis and Palestinian provides an illustration of such an occurrence. Prior to 1993 Israel stood firm on the fact that no negotiations would occur with the Palestinians over the issue of a Palestinian state unless the security and integrity of Israel as a state was assured. Likewise, the Palestinians did not want to address the issue of the Israeli state until the creation of a Palestinian state was guaranteed.²⁷

4.2.3 Use of Commitments

The use of commitments to gain a large proportion of the value in the distributive element of negotiation can seriously threaten the prospect of reaching an agreement at the present time and also in future. In addition to producing an unequal agreement that may be perceived as unfair by one party, which may affect the stability of the agreement, the use of commitments may invoke the perception that agreement is not possible. In such a case commitment works

²⁶ Roger Fisher and William Ury, *Getting to Yes*, Houghton Mifflin Company, Boston/New York, 1991p.6

²⁷ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 pp.62-63

to deceive the parties to believe that an agreement is not possible and thus refrain them from pursuing negotiation as a mean of resolving the conflict.²⁸

The use of commitments can also lead to a no-win situation in which the over-committed party only has two choices. Either the party hold fast by its commitment thus causing a stalemate and possible breakdown of negotiations and the loosing out of a potentially beneficial agreement. Or alternatively the party backs down on its commitment thus enabling agreement, but revealing its own commitment as a fraud. This may have the consequence of decreasing that party's credibility in the present negotiation and influence the reputation of that party negatively in future negotiations.²⁹

4.2.4 Threats and Promises

Even though threats and promises are similar in their effect on the preference curve of the other party the psychological effects differ. Studies have shown that issuing a threat generally generate hostile feelings in the other party whereas promises leads to a more positive response.³⁰ However promises of rewards in the case of compliance may be taken as an attempt of bribery or a trick by the other party, in which case promises will also lead to feelings of mistrust and hostility. If these tactics should be used it is important that the specific threat or promise made are relevant within the framework of the conflict or else they may easily backfire. For example, President Johnson tried in 1965 to persuade North Vietnam to engage in negotiations with the U.S to settle the conflict in South Vietnam. He promised North Vietnam one billion dollars in the case they complied and threaten to continue bomb raids in the case that they did not. Both the promise and the threat failed to generate compliance. Firstly the threat was perceived as simply coercion and secondly the promise was seen as evidence of the corruption of a capitalist state trying to buy the North Vietnamese off. The approach of President Johnson was not aligned with the moral framework of the adversary and thus failed to be influential on events.³¹

²⁸ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 p.65

²⁹ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 p.66

³⁰ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 p.71

³¹ Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, University of South Carolina Press, Columbia, 1998 pp.70-71

Distinctions Between Old and New Terrorism

During the 1990s a trend developed within terrorism studies that was exacerbated after the events of September 11th 2001. This approach within the discipline of terrorism was to distinguish between “old” and “new” forms of terrorism. Even though what is entailed within the concept of terrorism has been subject to constant changes over time and it could be argued that “new” forms have and are continuously developing, there exists some divergent features that are worth noting. What is of interest for this paper is the apparent consensus within the field of terrorism studies to regard this “new” form of terrorism incompatible with negotiation as a means of conflict resolution. Statements like that of Bruce Hoffman represents this view; “Traditional counter-terrorism approaches and policies may not be relevant, much less effective...[...]...Political concessions, financial rewards, amnesties and other personal inducements that have often been successfully applied against secular terrorists would not only be irrelevant but impractical, given both the religious terrorists’ fundamentally alienated world-views and often extreme, resolutely uncompromising demands.”¹ A more direct policy towards this group of terrorists is advocated by Paul Pillar in that he states that the “primary goal should be to eliminate the group or, failing that, to eliminate as much of its capability as possible”²

What can be pointed out in this context is the interesting shift that has occurred in the relationship between negotiation and terrorism since the advent of ‘new terrorism’. The arguments presented in chapter three all refer to the no-negotiation policy in general and across the board, regardless of what form of terrorism is involved. However, with the separation of old from new terrorism, the arguments within the literature are shifting to the reluctant acceptance of negotiation with groups representing old forms of terrorism, but to keep a no-negotiation policy toward groups displaying new terrorism characteristics.

¹ Bruce Hoffman, *Inside Terrorism* Victor Gollancz, London, 1998 p.128

² Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C, 2001 p.132

5.1 Old Terrorism

The categorization of “old” or traditional forms of terrorism refers to the terrorism predominant during the period from 1880s to 1990s. The terrorist groups operating during this time varied greatly in composition and features; they were anarchists, separatist, nationalist, ethnic and ideological.³ Despite the great variations within this category they share defining characteristic which sets them apart from the “new” form of terrorism which became the predominant form in the 1990s.

5.1.1 Characteristics of Old Terrorism

Restraint

Representative of the early modern terrorist groups is *Narodnaya Volya* (People’s Will) that was active in Russia. Founded in 1878, it consisted of a group of constitutionalists that opposed tsarist rule. Albeit a terrorist organization mainly using bombs as their weapon against targets of symbolic value for their cause, the People’s Will had established in their code of conduct that “not one drop of superfluous blood” should be spent in the accomplishment of their goals⁴. An example of the obedience to this self-established moral code was the 1905 assassination attempt on the Grand Duke Serge Alexandrovich. When the appointed assassin realised that the Grand Duke was accompanied by his children the mission was aborted. However, this exclusive form of restraint was compromised by the eve of international terrorism seen to commence with the *Palestinian Liberation Organization* (PLO) hijacking of an Israeli El Al commercial flight in 1968. Due to this operation, which forced the otherwise hard line state of Israel to communicate with the terrorists, organizations discovered the enormous attention they received by attacking innocent civilians and especially foreign civilians that had nothing to do with the conflict.⁵ Even so, despite the possession of capabilities creating mass casualties, traditional terrorists tend as a rule to refrain from using it.⁶

Constituency

The traditional terrorists, although brutal, were generally cautious of being responsible for too many casualties. This was because being too ruthless had the potential of backfiring, repelling the constituency they were trying to influence and subsequently losing popular support for their cause. Traditional terrorists have or perceive themselves to have an actual constituency that is

³ Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction*, Oxford University Press, New York, 1999 ch.3

⁴ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.18

⁵ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.68

⁶ Simon Reeve, *The New Jackals*, André Deutsch Ltd, London, 1999, p.261

made up of real or potential supporters, whose attitudes they are attempting to influence.⁷ Terrorist organizations that in this way perceive themselves to represent something larger than themselves are hence more likely to use terrorism in a more limited, instrumental fashion.⁸

Legitimacy and clear objectives

Traditional terrorists tend to draw their legitimacy from an attempt to rectify unjust policy, such as the banning of a language that is part of the agenda for the *Kurdistan Workers Party* (PKK) and the *Liberation Tigers of Tami Eelam* (LTTE), or bringing to light issues that have been neglected like in the case with the PLO. Also most of these organizations aspired to become legitimate political parties.⁹ The old form of terrorists also have mostly clear and identifiable goals. Admittedly of varying character encompassing political, economical, social and cultural issues, but nonetheless framed in a comprehensive ideology and intentions.¹⁰

World-view

The traditional terrorists, although discontent with certain parts of the world system in which they are living, on the whole accepted that system as agreeable.¹¹ The appeal for help in the United Nations by both the *Ethniki Organosis Kyprion Agoniston* (EOKA) and the *Front de Libération Nationale* (FNL) can exemplify this point. Also the PLO chairman Yassir Arafat was invited and accepted to address the UN over the Palestinian cause. Subsequently the PLO was given observatory status and by the end of the 1970s the organisation had developed more diplomatic ties with other states (86) than the Israeli state had (72).¹²

Secular

The main characteristic that unifies the traditional terrorists is that even though religion plays a significant role in the organizations such as the Catholic Irish Republican Army and its Protestant counterparts like the *Ulster Freedom Fighters*, the predominantly Muslim PLO or the Jewish *Irgun*, it is not the main motive behind the organizations operations.¹³ The dominant feature of old forms of terrorism is the political motivation and this has contributed to the distinction between secular and religious terrorism. The absence of a

⁷ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.94

⁸ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C., 2001 p.132

⁹ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C., 2001 p.138

¹⁰ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.128 see also Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction*, Oxford University Press, New York, 1999 p.81

¹¹ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.95

¹² Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.75

¹³ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.87

dominant religious character in old terrorism or its presence in the new form has become a main distinguishing feature of the two categories. This is how it is presented in the literature and several authors tend to equate new terrorism with religious terrorism.¹⁴ However, it seems that as of yet there has been no thorough research conducted to determine if religion is the distinguishing feature and how much influence the religion has to have on the motivation of the group to be classified as new terrorism.

5.2 New Terrorism

In 1968 there were eleven active identifiable international terrorist groups and none of these could be categorised as religious, i.e., none had a dominant religious influence on its aims and motives.¹⁵ In 1980, the registered number of international terrorist organizations had increased to 64 out of which 32 were ethno national/separatist and only 2 could be classified as religious (these being the Iranian backed Shi'a organization *al-Dawa* and the *Committee for Safeguarding the Islamic Revolution*.) Twelve years later, in 1992, there were 11 religious terrorist groups representing major world religions as well as smaller sects and cults. During the decade the number increased further and by 1995 they accounted for almost half (26 or 46%) of the total 56 known international terrorist organizations.¹⁶ Of the religions represented in the group of new terrorism Islam is seen as the dominant one.¹⁷, both as the religion most closely identified with the characteristics of new terrorism¹⁸ and as the groups presenting the greatest threat in terms of the scale of terrorist acts possible for them to conduct due to their capabilities and the expected high lethality of committed terrorist acts.¹⁹ ²⁰

On a structural level the end of the Cold War provides an explanation for the upsurge of Islamic terrorism. The discrediting of left-wing ideologies and the lack of manifestation of the expectant benefits from capitalism provided a

¹⁴ For examples of this see Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998 and Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C, 2001 and Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction*, Oxford University Press, New York, 1999 and Simon Reeve, *The New Jackals*, André Deutsch Ltd, London, 1999

¹⁵ 8 of these were left-wing, revolutionary Marxist-Leninist ideological organizations and 3 were ethno-nationalist/separatist organizations.

¹⁶ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998 pp.90-91

¹⁷ Walter Laqueur, *The New Terrorism: Fanatics and the Arms of Mass Destruction*, Oxford University Press, New York, 1999 p.80

¹⁸ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998 p.95

¹⁹ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C, 2001 p.45

²⁰ In the category of new terrorism one finds all the major religions, Islam here is overrepresented due to the case studies chosen. In the works referenced in this thesis there are cases and discussions on other religions and their link to terrorism for the interested reader.

political and spiritual vacuum that needed to be filled.²¹ This ideological void has also to be seen in conjunction with the earlier decrease in regard for Nasserite Pan-Arabism throughout the Arab world²², which further explains why political Islam has become the main instrument for expression of dissent, sometimes of a violent nature. Two specific incidents indicated to Islamic terrorists that they were fighting a winning battle: first, the Iranian revolution in 1979 demonstrated that it was possible to create a genuine Islamic state based on the Shari'a; second, the retreat of the Soviet Union in 1989 after a decade of fighting in Afghanistan proved to Afghan-Arabs that militant Islam could defeat a superpower.²³

5.2.1 Characteristics of New Terrorism

Restraint

Terrorist acts perpetrated by religiously motivated terrorist groups are responsible for more severe acts of violence with a higher number of fatalities in comparison with the terrorist acts committed by secular terrorists. Despite the fact that only 25 per cent of the terrorist acts recorded in 1995 were attributed to religious terrorism they were responsible for 58 per cent of the fatalities. Subsequently, all the attacks claiming the greatest numbers of deaths (eight or more) were ascribed to religious terrorists.²⁴ The reason for this increase in lethality can be found in a value system, legitimization mechanism and world-view that is radically different from the old form of terrorism.²⁵

Constituency

Whereas the traditional terrorists had a real or self-proclaimed political constituency the new terrorists do not. The constituency and the followers of the religion is one and the same, they represent nothing larger than themselves. Thus no restraint needs to be felt on behalf of a political constituency that has to be answered to.²⁶ Their constituency are themselves and God. As expressed by Yigal Amir, the Jewish extremist responsible for the assassination of Prime Minister Yitzhak Rabin in 1995, "I have no regrets. I acted alone and on orders from God"²⁷. Moreover the potential group of victims is increased due to the exclusiveness of the terrorist organizations. All that are not members of the

²¹ Eds. James F. Hoge and Gideon Rose, *How Did This Happen?*, Public Affairs Ltd, Oxford, 2001 p.76

²² Benjamin Netanyahu, *Fighting Terrorism: How Democracies Can Defeat Domestic and International Terrorism*, Farrar Straus Giroux, New York, 1995 pp.87-88

²³ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C., 2001 pp.45-46

²⁴ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, pp.93-94

²⁵ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C., 2001 p.94

²⁶ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C., 2001 pp.95

²⁷ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.87

specific form of religion practiced by the terrorists are considered legitimate targets. This is how Islamic fundamentalists can sanctify the killing of other Muslims since they are stigmatised as not righteous.²⁸

Legitimacy and clear objectives

Religion as a base provides the legitimization of the struggle for a cause, including a violent struggle through interpretations of religious texts. As one example from the Qur'an demonstrates; "Fight them and God will punish them at your hands, humiliate them and aid you against them and bring healing to the breasts of people who are believers."²⁹ The same message can be found in the Bible; "The LORD said to Moses, Take all the leaders of these people, kill them and expose them in broad daylight before the LORD, so that the LORD's fierce anger may turn away from Israel."³⁰ The gaining of legitimacy through religious sources also explains why it is important to receive a clerical blessing before the commitment of an act of terror.

It is advocated in the literature that as opposed to secular terrorist that have intelligible and clearly defined political, social or economic objectives, the religious terrorists lack these comprehensible goals.³¹ Rather than perceiving the target in the traditional sense, as an instrument or a mean employed to achieve the true goal, new terrorism seem to perceive the instrumental target not as a mean but as an end in itself.³² Thus no concession or demands are aspired to or outspoken, only the accomplishment of maximal destruction.

World-view

The world-view of the new terrorists is also remarkably different from that of old terrorists in that they do not subscribe to the basic goodness of society or the system that they are part of, but rather see themselves as outside a system that is not worth preserving. In the words of Ayatollah Baqer al-Sadr; "The world as it is today is how others have shaped it. We have two choices: either accept it with submission, which means letting Islam die, or to destroy it, so we can construct the world as Islam requires."³³ Thus placing the new terrorists on a path of fundamental systemic change rather than adjustments or reforms.³⁴

²⁸ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.95

²⁹ The Qur'an 9:14 cited in ed. Michael Sthol, *The Politics of Terrorism*, Marcel Dakker, IN, New York, 1979 p.110

³⁰ The Bible Numbers 25:4

³¹ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998, p.128

³² Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C, 2001 p.37

³³ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998 p.96

³⁴ Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998 p.95

Case: Indonesia

6.1 Setting and Conditions

Indonesia, together with the other South East Asian countries¹ gained independence in the immediate aftermath of the Second World War. After gaining independence most states in the region experienced swift economic growth.² Especially from the 1960s and onward particularly the states of Indonesia, Singapore, Malaysia and Thailand was in addition to economic growth, characterised by modernisation, effective governance and deepening political and economical regionalism. The phenomenon was referred to as “the East Asian Economic Miracle”³ by the World Bank. Furthermore, the economic growth was coupled with redistributive policies. According to the World Bank, the ‘four tigers’ have been “unusually successful in sharing the fruits of growth” achieving “rapid growth with equity.”⁴ In Indonesia the percentage of people living under conditions of absolute poverty declined from 58% in 1960 to 17% in 1990. These developments also had effects on the conflict pattern in Indonesia. Due to a distributive policy and a strengthened economy many of the existing real economic grievances were addressed. Moreover, Indonesia and the other tiger states developed moderately authoritarian political systems which incorporated political dissidents under accepted umbrella movements. After independence the origins of many of the internal conflicts in South East Asia were ideological in nature and drew upon leftist teachings such as Marxist-Leninism, which provided a ideological framework for political dissidents.⁵ In Indonesia however much of the potentially violent political

¹ In addition to Indonesia the South East Asian region encompasses the states of Malaysia, Singapore, the Philippines, Burma, Laos, Cambodia, Vietnam, Thailand (that was not colonised) and Brunei.

² I. William Zartman, *Elusive Peace*, Brookings Institution, Washington D.C., 1995, p.173

³ World Bank, “The East Asian Economic Miracle: Economic growth and political policy”, Oxford University Press for the World Bank, 1993 cited in Zartman *Elusive Peace* p.184

⁴ I. William Zartman, *Elusive Peace*, Brookings Institution, Washington D.C., 1995, p.185

⁵ I. William Zartman, *Elusive Peace*, Brookings Institution, Washington D.C., 1995, p.174

conflicts were subsumed within the Indonesian Communist Party, which was both legal and influential and had an accepted status in the country because of its direct part in the independence struggle against the Dutch. The current situation in Indonesia is that of a state recovering from the economic crisis that occurred in 1997.⁶ In addition the upsurge in ethnic separatism in the 1990s together with the presence of several terroristic networks, poses significant threats to the integrity of the state.

6.2 Aceh

6.2.1 Historical roots of resistance

The region of Aceh is located on the Northern peninsula of the island of Sumatra, surrounded by the Indian Ocean and the Straits of Malacca.⁷ It is a region that was ruled by a succession of Sultans since the 16th century up until the invasion of the Dutch in 1873. What followed was the Achenese war which lasted until 1903 and ended with the Dutch gaining control of the region.⁸ Yet even with Dutch control manifested, sporadic resistance still occurred. The war against the Dutch had an impact on Achenese society in that altered its make-up considerably. The two most prominent groups of the societal structure, the traditional nobility (uleebalang) and the religious leaders (ulama), was split in the course of the conflict. The nobility sided with the Dutch occupation forces, which had the direct effect on the success of the establishment of a Dutch power base. Whereas the ulama nurtured anti-colonial feelings within the Achenese community and formed the All-Aceh Ulama Association (Persatuan Ulama-ulama Seluruh Aceh or PUSA). This organisation grew strong and influential, especially during the time of Japanese occupation between 1942 and 1945.⁹

6.2.2 The history of the present conflict

The roots of the present day conflict stem from the time of Aceh's incorporation into the Republic of Indonesia. Aceh agreed to join the Republic at the time of independence much due to the promises of President Sukarno that Aceh would gain autonomy within the Republic which entailed the allowance of Islamic law (Shari'a) in the region. Yet this promises was subsequently broken and Aceh was instead incorporated into the North Sumatra province and

⁶ David Martin Jones and Michael L. Smith, "From Konfrontasi to Disintegrasi: ASEAN and the Rise of Islamism in Southeast Asia" in *Studies of Conflict and Terrorism* vol.25 no.6, 2002 p.344

⁷ Priyambudi Sulistiyanto, "Wither Aceh?" in *Third World Quarterly* vol.22 no.3, 2001 p.437

⁸ Priyambudi Sulistiyanto, "Wither Aceh?" in *Third World Quarterly* vol.22 no.3, 2001 p.438

⁹ Priyambudi Sulistiyanto, "Wither Aceh?" in *Third World Quarterly* vol.22 no.3, 2001 p.438

the status of Islam in the area was hotly contested. This fueled the later rebellious uprising that took place in the region.

The first rebellion in Aceh after the Republic's independence broke out in 1953 under the leadership of the Achenese governor, Teungku M Daud Beureu'eh. Aceh declared itself to be an Islamic state and launched a rebellion against Jakarta, what has become known as the Darul Islam revolt. Attempts to suppress the rebellion failed and the conflict lasted until 1957, bringing heavy casualties to both sides. Finally in 1959 President Sukarno declared separate province status to Aceh and two years later in 1961 it received 'special region' (Daerah Istimewa) status and was promised autonomy in the spheres of religion, customary law and education¹⁰. As a result Teungku M Daud Beureu'eh gave up the rebellion yet relations between Aceh and Jakarta remained problematic.¹¹

After the Darul Islam revolt the feelings of discount manifested as a reaction to the extensive modernisation and centralising policies of the New Order under President Suharto. Suharto, who had come to power through a military coup in 1965 instigated several political, economical and social changes to the Republic. The basis for Suharto's New Order was the armed forces whose presence was legitimised due to the ever present risk of the revival of communist groups in the wake of the anti-communist massacres in 1965-66. The political aim of Suharto was to create an Indonesian nationalism through a national development project designed to uphold the "unity and oneness of the state".¹² In addition to the economic reforms Suharto also introduced less appreciated political changes. In an attempt to centralise and standardize the government services, local forms of government were transformed into the Javanese model. Furthermore, for integration purposes social schemes such as the transmigration programme, which entailed the moving of thousands of people from the central parts of Indonesia to the 'outer islands', were undertaken. These social and political alterations were conducted under military auspices and the presence of the armed forces in combination with the changes themselves rendered resentment among the population as a whole and in Aceh.¹³

Moreover, the presence and growth of the areas containing natural gas and oil reserves around Lhokseumawe in North Aceh fueled sentiments of exploitation by Jakarta of the Aceh region. This perception of the Achenese as being in an exploitative relationship with Jakarta provided the Free Aceh Movement

¹⁰ This source claims it to have been given 'Special Territory' status in 1958. Edward Aspinall and Mark T. Berger, "The Break Up of Indonesia?" in *Third World Quarterly* vol.22 no.6, 2001 p.1016

¹¹ Priyambudi Sulistiyanto, "Wither Aceh?" in *Third World Quarterly* vol.22 no.3, 2001 p.439

¹² Edward Aspinall and Mark T. Berger, "The Break Up of Indonesia?" in *Third World Quarterly* vol.22 no.6, 2001 p.1016

¹³ Edward Aspinall and Mark T. Berger, "The Break Up of Indonesia?" in *Third World Quarterly* vol.22 no.6, 2001 p.1007-1008

(Gerakan Aceh Merdeka or GAM)¹⁴ with a platform for popular appeal. GAM was officially formed in 1976 but remained a fairly isolated group during the 1970s and 1980s. Its present support comes partly from urban intellectuals but the majority of its constituency is found in the rural areas of Aceh. There are other secession movements present in the Aceh region, such as SIRA (Aceh Referendum Information Center) yet GAM remains the dominant organisation.¹⁵

6.2.3 Characteristics of the present conflict

The Free Aceh Movement have four major focal points in their critic against Jakarta which also serves to render support for the movement. Firstly, there is an emphasis on the brutality shown by the Indonesian regimes against Aceh and that in order to be able to live in freedom of fear Aceh must gain national independence. Secondly, the focus is placed on the exploitative nature concerning the natural resources of the province.¹⁶ The region of Aceh produces a third of Indonesia's liquefied natural gas exports. In total it stands for 11-15% of the total of Jakarta's export earnings, of which only 5% were returned to the province in the shape of central development subsidies.¹⁷ Furthermore the region has valuable resources in the form of oil, timber, rubber, pepper, gold and silver.¹⁸ Thirdly, there is widespread resentment of the transmigrant programme initiated under Suharto, which is perceived to be an attempt at imposing Javanese social, economic and cultural domination. Finally, there is a rejection of the secularity of the Indonesian state and instead a will to make Aceh an Islamic state.¹⁹

In order for the movement to establish a legitimacy base for their cause they use the history of the province and its relationship with Indonesia, as stated by the leader of GAM Hasan di Tiro "The way to our national salvation

¹⁴ Also known as the Aceh Sumatra National Liberation Front (ASNLF) in Peter Chalk "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao and Aceh" in *Studies in Conflict and Terrorism*, vol.24, no.4 2001 p.255

¹⁵ Edward Aspinall and Mark T. Berger, "The Break Up of Indonesia?" in *Third World Quarterly* vol.22 no.6, 2001 p.1017

¹⁶ Peter Chalk "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao and Aceh" in *Studies in Conflict and Terrorism*, vol.24, no.4, 2001 p.254

¹⁷ Peter Chalk "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao and Aceh" in *Studies in Conflict and Terrorism*, vol.24, no.4 2001 p.256

¹⁸ Andrew Tan, "Armed Muslim Separatist Rebellion in Southeast Asia: Persistence, Prospects and Implications" in *Studies in Conflict and Terrorism*, vol. 23, no.4, 2000 p.281

¹⁹ Peter Chalk "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao and Aceh" in *Studies in Conflict and Terrorism*, vol.24, no.4, 2001 p.254

is the recreation of Achenese historic consciousness as a people, a culture, a religion.”²⁰

GAM utilises the historic tradition of self-rule in Aceh during the Sultan period and interprets the historic events such that Aceh was never defeated by the Dutch. From GAMs perspective the incorporation of Aceh into Indonesia in 1949 was simply a continuation of colonial rule, authority passing from the Dutch to the Javanese. Thus the logic suggests that the struggle in Aceh is not a secession movement but rather a strife to reassert its past sovereignty.

From an Indonesian point of view Aceh has been part of the Indonesian state since independence 1947 by agreement and own free will. It is also considered to constitute an essential part of the integrity of the Indonesian state for several reasons. Aceh is ascribed an important role in the history of Indonesian independence struggle as well as their celebrated long resistance war against the Dutch. Furthermore, the Acehnese are part of the greater Malay ethnic group and confess to the Islamic religion together with the majority of people in Indonesia.²¹ These factors make it difficult for Indonesian nationalists to accept the secession movement in Aceh. The identity of Aceh is considered to be more linked with the greater archipelago of Indonesia than it could be considered to be alien or outside it. Thus not only is a secession of the region though to have devastating consequences for the integrity of the Indonesian state but a domino effect on other provinces is feared since it is difficult to classify Aceh as an exception along the arguments used to pacify Indonesian nationalist in the case of the independence of East Timor.

6.2.4 Violent clashes

The nature of the present conflict is characterised to a large extent by the use of force on both sides. Initial attempts to suppress the Free Aceh Movement were initiated immediately after the official formation of GAM and the declaration of independence in 1976. Up until the mid-1990s the Indonesian seemed to be successful in clamping down on the organisation but then GAM reappeared with new force. The increase in support for the movement is mainly due to the harsh methods by which the Indonesian military attempted to subdue the organisation.

In one such operation by the Indonesian military forces it is estimated that 3000 people were killed.²² Continuous similar operation throughout the 1990s featuring extensive human rights abuses contributed to the increased

²⁰ This source claims it to have been given ‘Special Territory’ status in 1958. Edward Aspinall and Mark T. Berger, “The Break Up of Indonesia?” in *Third World Quarterly* vol.22 no.6, 2001 pp.1017-1018

²¹ Edward Aspinall and Mark T. Berger, “The Break Up of Indonesia?” in *Third World Quarterly* vol.22 no.6, 2001 p.1016

²² Edward Aspinall and Mark T. Berger, “The Break Up of Indonesia?” in *Third World Quarterly* vol.22 no.6, 2001 p.1017

resentment and anger directed at the military by the Achenese population.²³ The increase in activity by GAM was met by an increase in military presence in Aceh. A further 6000 troops was sent to the region increasing the total number to 12000. In conjunction with this escalation of violent confrontation Aceh was declared a Military Operations Area (Daerah Operasi Militer or DOM). This contributed to the deterioration of the rule of law in the province. Police and military units were given powers to arrest, interrogate, torture and kill persons suspected of belonging to or supporting GAM. After the fall of President Suharto in May 1998 and the assuming of office by the former Vice President Habibie the DOM was lifted in response to popular demands of its removal by the population in Aceh. However, an event on 31st of August 1998 in relation to troops withdrawing from the town of Lhokeumawe led to further escalation and the military and police resumed and further increased its presence in Aceh. The military still has a presence in the province and continuously launches specific operations targeting suspected members and leader of GAM, with the result of numerous civilian casualties.

The Free Aceh Movement itself has in addition to engaging in lethal conflicts with military and police personnel also been responsible for the death of civilians, especially they are known for targeting transmigrants of Javanese descent, suspected Indonesian sympathisers and symbols of Javanese domination.²⁴ Moreover the organisation is ascribed several attacks on Indonesian government facilities although it has denied any connection to the events.²⁵

There also exists external support for GAM, which supports claims of the terroristic nature of the organisation. Hasan di Toro, the leader of GAM who currently lives in exile in Stockholm, Sweden, received training in Libya and the state aided him in the founding of GAM and provided further training for individuals in the organisation in the late 1980s. However there is nothing to suggest that this support was continued into the 1990s.²⁶ Furthermore it is suggested in various reports that weaponry is being smuggled to Aceh from Malaysia and southern Thailand in addition to economic funding that are reported to originate from sympathisers in those states.²⁷

The Free Aceh Movement has not been labelled a terrorist organisation by the international community nor by the United States State Department, however since the events of September 11th 2001 the rhetoric from Jakarta has illustrated an effort to frame the organisation's activities as terrorism.²⁸

²³ Anthony Smith http://www.selfdetermine.org/conflict/aceh_body.html

²⁴ Peter Chalk "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao and Aceh" in *Studies in Conflict and Terrorism*, vol.24 2001 p.255

²⁵ Priyambudi Sulistiyanto, "Wither Aceh?" in *Third World Quarterly* vol.22 no.3, 2001 p.445

²⁶ Peter Chalk "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao and Aceh" in *Studies in Conflict and Terrorism*, vol.24 2001 p.256

²⁷ Andrew Tan, "Armed Muslim Separatist Rebellion in Southeast Asia: Persistence, Prospects and Implications" in *Studies in Conflict and Terrorism*, vol. 23, 2000 p.280

²⁸ <http://www.asiapacificbusiness.ca/apbn/impact/indonesia.cfm>

In a statement made by President Megawati after the September 11th attacks against America, she publicly made a link between the hostilities in the Aceh region and the terrorism which was constigating a threat to the United States.²⁹

Also in a statement by the Security Minister Susilo Bambang Yudhoyono on the 4th of July 2002, he labelled GAM terrorists since they had been carrying out murders, kidnappings and committed arson attacks.³⁰ This rhetoric is coupled with a hard-line attitude against secessionism which is made relevant to the Aceh situation in a proclamation by cabinet in 2001 that labels GAM a separatist organisation, thus altering the organisation's name, Aceh Separatist Movement (GSA) and hence its connotation.³¹ Consequently, the Minister of Defense Mahfud ascribes the military operation in Aceh to this political decision, "a separatist organisation, in legal terms, is a group of people which has the intention of toppling a legitimate government. So, the military operation should be seen from the point of view of this legal stance".³²

6.2.5 The way negotiations have been proceeding

The Indonesian government under President Abdurrahman Wahid and GAM first initiated negotiations in 2000. The negotiations took place in Geneva and the process was facilitated by the Swiss-based NGO the Henry Dunant Center (HDC).³³ The outcome of these negotiations was a "Humanitarian Pause" (jeda kemanusiaan) in May 2000, which marked the first official ceasefire in 25 years.³⁴

The agreement consists of two components; humanitarian action and security modalities with the objective of "delivery of humanitarian assistance to the population of Aceh affected by the conflict situation" and the "provision of security modalities with a view to supporting the delivery of humanitarian assistance and to reducing tension and violence which may cause further suffering."³⁵

It also entailed the promotion for confidence-building to facilitate the peaceful resolution of the conflict.

However what was entailed in the "Memorandum for Humanitarian Understanding" was a matter of different interpretation by the two signatories. President Wahid perceived it to be "an agreement of humanitarian value, in order

²⁹ Anthony Smith, *Aceh*, http://www.selfdetermine.org/conflicts/aceh_body.html

³⁰ Taken from the Jakarta Post, 6th of July 2002 and quoted at: http://iasnt.leidenuniv.nl:8080/DR/2002/07/DR_2002_07_08/19

³¹ The abbreviation GAM will still be used in this thesis

³² http://www.indonesia-ottawa.org/Indonesiatoday/2001/Mar01/032001_JP_01.htm

³³ Anthony Smith, *Aceh*, http://www.selfdetermine.org/conflicts/aceh_body.html

³⁴ Peter Chalk "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao and Aceh" in *Studies in Conflict and Terrorism*, vol.24 2001 p.257

³⁵ <http://www.indonesia-ottawa.org/news/Issue/Aceh/aceh-ptri-geneva-051200.htm>

to end armed conflicts, it is not an act of recognition for GAM. That is why it is not called a peace truce, but a truce to end violent acts.³⁶ GAM on the other hand interpreted the agreement as being an official recognition of GAM as a political organisation by the Indonesian government. Moreover, GAM also perceived the memorandum to be a first step in a process that would lead to the independence of Aceh.³⁷

The next agreement between the parties was a Joint Statement that was issued on 10th of May 2002. In sum, this Joint Statement reinforced the view that a cessation of hostilities is of outermost importance to fulfill the main aim of returning security to the population of Aceh. The ceasing of all hostile action is also necessary in order to ensure the effectiveness of the NAD law, that was discussed on 2-3 February 2002.³⁸ The cessation of hostilities is also stated to be a requirement for the extension of NAD which would be democratically held elections in Aceh in consort with the will of the Acehanese people.

On the basis of this joint statement both parties agreed to a Cessation of Hostilities Framework Agreement (COH) on December 9th 2002, which is a precondition for the implementation of the Joint Statement signed in May. This is illustrated in the first article (b) in the COH which states that “the objectives of the cessation of hostilities and all acts of violence between both parties are (i) to proceed to the next phase of the peace process, as mutually agreed on 10 May 2002”³⁹

Furthermore the agreement concludes that no party shall increase military activity as part of a confidence building measure in the peace process.

6.3 Jemaah Islamiyah (JI)

6.3.1 Historical background

In the late 1990s a new threat has come to the fore in Indonesia as well as in the entire Southeast Asia region. The idea of Darul Islam (Sphere of Faith) coupled with the notion of Jihad to achieve it has been introduced in the radical circles of the middle class. The idea of a purified Islam has long existed in failed post-colonial states in the Middle East yet in South East Asia signs and evidence of its manifestation has only recently been appreciated.⁴⁰ Currently there are approximately sixty radical Islamic political groups operating in Indonesia, yet only about half a dozen of those have any real significance. One of these is Jemaah Islamiyah (JI), recently branded a terrorist organisation by the United States State Department.⁴¹ According to present intelligence JI

³⁶ <http://acehnet.tripod.com/peace.htm>

³⁷ <http://acehnet.tripod.com/peace.htm>

³⁸ <http://tapol.gn.apc.org/st021209.htm>

³⁹ <http://tapol.gn.apc.org/st021209.htm>

⁴⁰ David Martin Jones and Michael L. R Smith “Islamists Defeat Asian Way” in *The World Today*, vol.58, no.6, June 2002 p.12

⁴¹ <http://www.terrorismanswers.com/groups/jemaah.html>

began infiltrating Singapore as early as 1993, the same year as the first World Trade Center bombing. The founder and alleged spiritual leader of JI is said to be Sheikh Abu Bakar Baasyir, a nomadic cleric. He was imprisoned under the Suharto regime after having been found guilty of Islamic activism. In 1985 he fled to Malaysia and did not return to Indonesia until after the stepping down of Suharto in 1998.⁴² After returning to Indonesia he gathered like-minded clerics and called for a jihad against the United States. He is assisted by his deputy Nurjuman Riduan (aka Hambali), who is believed to be the operational chief of the organisation. According to intelligence from the U.S State Department, Hambali is also the head of Jemaah Islamiyah's regional "shura," which is a policymaking organ.⁴³ It is believed that Baasyir and Hambali began constructing an extensive terror network in Southeast Asia some time after 1992.

6.3.2 Characteristics

The organisation's network stretches from Southern Thailand through Malaysia, Mindanao, Singapore and Indonesia. The aim of JI is to replace the post-colonial structure of Indonesia and Southeast Asia with an Islamic arrangement with its base in Shari'a law.⁴⁴

The organisation has established sleeper cells throughout the region, their mission being to attack American, British and Israeli targets. More specifically JI expanded its presence and influence in Indonesia throughout 2001 and by the beginning of 2002 the organisation had cells in Surakarta (Solo), Central Java and Jakarta.⁴⁵ The long standing activity of the organisation's cells became evident with the arresting of 15 members of JI in Singapore as well as another 13 people in Kuala Lumpur in December 2001.⁴⁶ In the following investigation it became clear that several plans had been researched and prepared for and some were ready to be activated. One such plan "ready for activation" was to bomb the Yishun subway station located in Northern Singapore and frequently used by U.S personnel in order to get to the naval base at Changi.⁴⁷

Carried out terror acts that has also been linked, although not conclusively, to Jemaah Islamiyah include a series of church bombings in Indonesia in December 2000. The attacks killed 18 in total and Indonesian officials arrested Bahir for questioning. The group, or members of the group have furthermore

⁴² <http://www.terrorismanswers.com/groups/jemaah.html>

⁴³ <http://www.terrorismanswers.com/groups/jemaah.html>

⁴⁴ David Martin Jones and Michael L.R Smith, "Islamists Defeat Asian Way", *The World Today*, vol.58, no.6, June 2002 p.14

⁴⁵ Rohan Gunaratna, *Inside Al-Qaeda: Global Network of Terror*, Hurst and Company, London, 2002 p.200

⁴⁶ David Martin Jones and Mike Lawrence Smith, "From Konfrontasi to Disintegrasi: ASEAN and the Rise of Islamism in Southeast Asia", in *Studies in Conflict and Terrorism* vol.25, no.6 2002 p.347

⁴⁷ David Martin Jones and Mike Lawrence Smith, "From Konfrontasi to Disintegrasi: ASEAN and the Rise of Islamism in Southeast Asia", in *Studies in Conflict and Terrorism* vol.25, no.6 2002 p.347

been connected with terrorists bombing attacks in Manilla that killed 22 people in December 2000.⁴⁸

The organisation is also suspected of being behind the December 2002 Bali bombing that killed over 180 people. Consequently several members were arrested by the Indonesian police. Before the Bali terror attacks the group had not received closer investigation by the Indonesian authorities, yet, as a result of the events in Bali, Jemaah Islamyiah, was branded a terrorist organisation and put on the U.S. State Department list of foreign terrorist groups.⁴⁹

Jemaah Islamyiah has also been linked with the al-Qaeda organisation. Allegedly their cooperation harks back to the time Basyir and Hambali's time in Malaysia, where al-Qaeda provided material and financial support for the militant groups, like Jemaah Islamyiah, created by Basyir and Hambali.⁵⁰ However, experts in the field disagree on the extent to which the two organisations cooperate. Basyir has denied any couplings with al-Qaeda, although his direct involvement in al-Qaeda plots was confirmed by an al-Qaeda operative that was arrested in Indonesia.⁵¹

6.3.3 The challenge of a possible negotiation process

There has been no official negotiations with Jemaah Islamyiah by any government neither in the region nor internationally and judging from present information there is no indication of such an approach to conflict resolution. Concerning Jemaah Islamyiah, officials and governments take the traditional no negotiation stand concerning a conflict that involves terrorism.

Instead there seems to be a choice made of pursuing a law enforcement approach to the threat posed by Jemaah Islamyiah. As mention above several members of the organisation are already incarcerated and more information about the organisations plans are being disclosed. The degree to which resources has been devoted to the search and uprooting of members of Jemaah Islamyiah and other Islamist groups, varies however considerably from state to state in the Southeast Asian region. Crackdowns made by the Philippine government, for example, have been extensive and national forces have been aided by United States Special Forces in certain instances.⁵² This use of force to deal with the terrorist threat in a military manner seems to be the general trend in the region, however Indonesia provides an exception to the rule. Even in the wake of September 11th Indonesia has not initiated any heavy-handed crackdowns on the country's Islamists and Megawati's government has adopted a cautious stand regarding the issue.

One of the reasons for this is the still unresolved and delicate issue of Islam and the state in Indonesia. After the Suharto government in 1998 the

⁴⁸ <http://www.cfrterrorism.org/groups/jemaah2.html\#Q9>

⁴⁹ <http://www.cfrterrorism.org/groups/jemaah.html>

⁵⁰ David Martin Jones and Michael L.R Smith, "Islamists Defeat Asian Way", *The World Today*, vol.58, no.6, June 2002 p.13

⁵¹ <http://www.cfrterrorism.org/groups/jemaah.html>

⁵² Kirsten E. Schultze "Going it alone" in *The World Today*, vol.58, no.6 June 2002 p.15

question of whether Indonesia, with its majority Muslim population, should be an Islamic state surfaced on the agendas of several political parties.⁵³ Political leaders have in general avoided the question avoiding ill favour by either side.

This partition of opinion in the issue is also manifested in the delicate coalition government of Megawati. Represented in the government are nationalists like Megawati herself yet also pro-Islamic fractions represented by for example the Vice President Hamzah Haz. A careless approach to the issue could threaten the stability of national political relations as well as the survival of the present government. Thus even in the face of intelligence reports of al-Qaeda training camps in the archipelago as well as al-Qaeda links to organisations like Jemaah Islamiyah, government has chosen not to utilise the al-Qaeda link to initiate a complete crackdown in Indonesia.⁵⁴ This would have been easily justified in the international climate of the 'war on terror' and would also have been welcomed by neighboring states in the region as well as the United States and other Western governments.

The issue of Islamism is further complicated due to the popularity of Muslim organisations by the population. This is because these organisations provides a variety of social functions as well as educational and welfare services, which the state has partially failed to do, since the economic crisis of 1997. There is also a widespread belief that corruption in the governmental and bureaucratic structure would be diminished and that there would be more equality in the economic and social spheres of society in the case of an Islamic state.⁵⁵

Due to these factors the government has kept a relatively low profile concerning the threat posed by Islamist terrorists. The sensitivity of the issue has not escaped the Islamic terrorist organisations. A connection has been made, not far from the truth, that if their networks were to be disturbed the internal stability of the state of Indonesia will be threatened.⁵⁶

⁵³ Kirsten E. Schultze "Going it alone" in *The World Today*, vol.58, no.6, June 2002 p.15

⁵⁴ Kirsten E. Schultze "Going it alone" in *The World Today*, vol.58, no.6, June 2002 pp.15-16

⁵⁵ Kirsten E. Schultze "Going it alone" in *The World Today*, vol.58, no.6, June 2002 pp.15-16

⁵⁶ David Martin Jones and Michael L.R Smith, "Islamists Defeat Asian Way", *The World Today*, vol.58, no.6, June 2002 p.14

Analysis

The case of GAM and JI are here used to represent examples of old and new forms of terrorism respectively. The aim of this analysis is to determine the compatibility of bargaining theory with the configuration of the two cases of terrorism.

7.1 Bargaining theory and the Aceh peace process

The dialogue that exists between GAM and the Indonesian government and that has on occasion produced agreements can be characterised by bargaining theory. Both parties have taken clear positions and stated their resistance points. The Indonesian government ascribes to a position of 'everything but independence', whereas GAM has the position of 'nothing less than independence'.¹ These contradictory positions have not been challenged or altered under the duration of political negotiations although compromises have been attempted. What has followed from this is in accordance with a negotiation practice based in bargaining theory. The most common end result from negotiation according to bargaining theory is an agreement that falls in the proximity of a 50-50 solution. Hence, positions are stated and concessions and convergences are made, from the outside and in, and subsequently the parties meet somewhere in the middle. In the case of the Aceh negotiations, the result of past negotiations are steps to guarantee greater autonomy in certain areas. The Aceh Nangroe Darussalam or the NAD laws that were granted under law 18/2001 is a case in point. It entails the implementation of Shari'a law and eighty percent of the revenue generated from the province.² Although GAM are not satisfied with a discussion of autonomy the product of negotiations so far has focus on the question of autonomy, which suggests a pattern of concessions and convergence bargaining. An example of such concessions and convergence are the offer that special autonomy status should be granted to Aceh within certain fields in return for the giving up of weapons by the free-

¹ Kirsten E. Schultze "Going it alone" in *The World Today*, vol.58, no.6, June 2002 p.16

² Kirsten E. Schultze "Ceasefire or More?" in *the World Today*, vol.59, no.1, 2003 p.23

dom movement. Also the wish of GAM for a complete withdrawal of Indonesian forces resulted in the Cessation of Hostilities Agreement in that certain demilitarised zones should be established and that the mandate of the police mobile brigade (Brimbo) should be reduced to 'normal' police functions.³

Although agreements have been signed between the two warring factions, the negotiation process has been lined with stalemates and occasionally interrupted by a resumption of hostilities. The continuation of hostilities and compromising situations puts pressure on the peace process. One such incident took place very recently, before the Tokyo meetings held in mid-May 2003. The condition put forward by GAM to attend the talks were dependent on the release of five of the organisations members that had been arrested by police as they were about to leave the capital of Banda Aceh for Tokyo.⁴ Threats of greater magnitude has been issued by the Indonesian government in conjunction with the negotiations. Although hostilities has never ceased completely, the Indonesia government threatens to utilise a military campaign in Aceh in the face of non-compliance by GAM. In accordance with bargaining theory, the use of a threat is designed to increase the cost of the other party in the case of non-compliance, in this case if GAM refuses to accept the autonomy package offered by the Indonesian government the consequence will be not only the lack of an agreement granting autonomy but a military invasion of the province.

The bad implementation record with regard to the agreements signed in the peace process may indicate an underlying fear of exploitation. For example, the unwillingness of GAM to hand over their weapons as has been demanded by the Indonesian government, is founded in a fear that once the organisation is defenseless the Indonesian army will strike.⁵

7.2 The (relative) Compatibility of Bargaining Theory and Old Forms of Terrorism

In the case of GAM, which can be classified as a case of old or traditional terrorism the approach to negotiations provided by bargaining theory can be successful. This is due to the relative compatibility between the characteristics of traditional terrorism and the practice of negotiation as influenced by bargaining theory.

Although old terrorism is a collective term for a certain group of terrorists it is well to remember that every conflict is different in its characteristics and structure. However, by defining traditional terrorism on the basis of a specific set of common characteristics, this influences to a certain extent the conflict pattern.

³ Kirsten E. Schultze "Ceasefire or More?" in *the World Today*, vol.59, no.1, 2003 p.23

⁴ <http://www.voanews.com/article.cfm?objectID=863DAEA2-619E-46E4-A0AA017A7EE32ECC>

⁵ Kirsten E. Schultze "Ceasefire or More?" in *the World Today*, vol.59, no.1, 2003 p.24

A distinguishing feature of traditional terrorism is the presence of a constituency. This is either an existing support of sympathisers for the cause of the terrorists or a potential pool of the population which the terrorist organisation wishes to influence. In the case of Aceh a significant number of the population in the province support the movement itself or what it stands for and believe that GAM is fighting for a fair goal, namely independence. As has been pointed out, due to the presence of a constituency, the terrorist organisation is inclined to show a certain amount of restraint in its political violence. The reason for this is that the opinion of the constituency carries weight with the organisation and their support is seen as an important asset in the struggle. Hence the conclusion can be drawn that the relationship between the constituency and the terrorist organisation is significant, thus, this relationship can be utilised in the negotiation process. In the case of bargaining theory the use of threats and promises is a common tactic to utilise during negotiations. For a threat or a promise to be effective there are two requirements on the party that uses these tactics. Firstly, there has to be the will to implement them and secondly, the means to do so has to exist.⁶ However, for the party receiving the threat or promise there are also requirements for their effectiveness as showed by the example of President Johnsons failed attempt at this strategy in the case of the guerilla movement in North Vietnam. This requirement is that the threat or promise has to be relevant to the issue under negotiation and the circumstances in which they take place. In the case of Aceh the constituency can be used by both parties in order for threats to have a large impact on the negotiation process. Similarly the constituency can be used in order to anchor promises to an agreement. The threat of military means to resolve the conflict does not simply entail a dangerous situation for GAM members per se, but the presence of Indonesian military is a threat to the civilian population which GAM has proclaimed itself to protect. If the military presence is increased the opinion of the population could turn against GAM, blaming the militarised situation on their inability to come to an agreement. Also promises, if invoked, that would benefit the general population in Aceh can make public opinion a pressure tool, urging the organisation to accept the demands of the Indonesian government.

Negotiations conducted in the framework of bargaining theory is optimal in a situation where there are only two parties to the conflict. Due to the positional nature of the process, more parties mean more positions that has to be consolidated and the formation of blocks is common. In general, once positions are taken, and in particular if there are more than two parties involved, it is a time-consuming and difficult undertaking to alter the position of the parties. In the case of old terrorism, the conflict usually entails two main parties, most commonly a state and a sub-state organisation within that state. Naturally there may be other parties influencing the process to various de-

⁶ Steven J. Brams *Negotiation Games: Applying Game Theory to Bargaining and Arbitration, Revised Edition*, Routledge, New York, 2003 p.140

grees, however, they do not generally have a given place at the negotiation table. As in the case with the Aceh peace process, although several states, such as the United States, France and Great Britain has pressured both sides to resolve the conflict in a peaceful manner, these parties do not take part in the actual negotiations. Mediators have been used recently, however these have kept a low profile and taken a passive stance to the negotiations. This was exemplified by the nature of the previous rounds of peace talks in Schweiz that were hosted and facilitated by the Henry Dunant Center for Humanitarian Dialogue (HDC)

In relation to the most common form of two party negotiations, which is the model upon which bargaining theory is constructed, is the utility of bargaining theory when negotiations revolve around a linear issue and both parties have clear and tangible objectives, as well as an identifiable range of bargaining space. Traditional terrorists are identified as fulfilling this set of factors that makes a conflict involving old terrorism subject to negotiation according to the dominant practice of negotiation originating from bargaining theory. In the negotiations between GAM and the Indonesian government there is the main issue of territory, the future of which that needs to be negotiated. In addition there is the issue of economic revenue from the various goods that the region produces. All these concerns and issues are tangible, that is they can be estimated at having a value. They are also something real, as opposed to abstract issues such as honour or respect.

Tangible resources are more applicable to the distributive element of negotiating, which is the focus of bargaining theory. The proposed package of autonomy presented by the Indonesian government is a manifestation of the 50-50 solution normally reached in distributive bargaining. The bargaining space is defined by the parties' reservation positions of independence and not independence, subsequently a compromise reached through concessions and convergence reaches a variant of autonomy somewhere in the middle of the two extreme poles of the bargaining range. Similarly, regarding the question of revenue that should be returned to the province is a matter of distributive bargaining.

Bargaining theory, preferring a bilateral form of negotiation, has a certain suspiciousness of international organisations although they are accepted as part of the international system as actors. Indeed it can be argued that it is because of the acknowledgment of actors other than states that states question the intent of international organisations in that they are then, as actors themselves, believed to be pursuing an agenda consistent with their own self-interest. This is then why the capacity or will of international organisations to work in the interests of individual states is questioned. The effect of this perception on the sphere of negotiations is that mediation or other third party involvement in a negotiation process is not an identifying factor of parties subscribing to a bargaining approach of negotiation. In the case of the Aceh peace process the limited involvement by the Henry Dunant Center as pos-

sessing a passive role in the negotiation process illustrates this. However, the world-view attributed to old terrorists like GAM is that of an acceptance of the whole of the world system with reservations to parts of it that, according to them, deserves to be altered and reformed. Subsequently, even though both parties, the state and the organisation, have their objections to the world-system as it is, on a fundamental level they accept it and do not wish to alter the system per se. Thus on a very basic level the negotiations involves two parties that share a world-view and accept the norms and values propagated by the existing world-system. This provides for a fundamental common ground between the two parties and can explain why both GAM and the Indonesian government agreed to let the negotiation process be facilitated by the Henry Dunant Center.

7.3 Testing Bargaining Theory on New Terrorism

Since no official negotiations have been conducted with group categorised as what is labelled new terrorism, a complete comparative study with such a case and the compatibility of bargaining theory cannot be presented in this paper. Instead, the circumstances and characteristics that become present in a conflict involving new terrorism will have to be applied to bargaining in a solely theoretical manner.

With regard to the new terrorism the ideal condition for bargaining theory of two parties does not generally apply. As can be seen with Jemaah Islamyiah, who's organisational structure is representative of new terrorism, it consists of several semi-independent cells located in several states. This kind of structure naturally involve more parties in the conflict. Furthermore, in the case of new terrorism as opposed to the traditional form, many attacks are committed against targets other than the host state. In the case of Jemaah Islamyiah, targets have been property and nationals of another state. This is also a feature that can be found in old terrorism, mainly due to the media attention it brings to their cause. However, the distinguishing feature can be argued to be, that the prime target of old terrorism is still the host state. For example the PLO highjacking of the Israeli flight in 1968 threatened other than Israeli nationals, however the main purpose was to attack Israel. The use of foreign nationals was more an instrument to make other states apply pressure to Israel and influence their policy regarding the conflict. In contrast, new terrorists can have as a prime target other states than the host state. Thus targeting American and Israeli embassies in Malaysia and Western tourists in Bali has the prime objective of attacking these states and their interests. Thus, since the real adversary is not the host state the conflict entails at least three parties; the organisation, the host state and the international actor subjected to the attack or threat of attack. In this situation the logic of bargaining theory is faced with a problem. In a concession-convergence pattern of negotiation involving three or more parties, to who do you make concessions becomes a

question of some concern. Moreover, the risk of blocks forming according to adopted positions is acute, in which case the conflict takes on a new pattern. In such a multi-party situation, negotiations can also lead to the alienation or by-passing of one or more parties if it is decided to attempt a bilateral form of negotiation if the use of the bargaining approach is pursued.

The common tactic of threats and promises utilised in bargaining theory may have little bearing on new terrorists for two main reasons. Firstly, the lack of a constituency removes a leverage that could be used to pressure the terrorists into complying. The constituency are the terrorists themselves and God, and unlike the traditional terrorist, in this regard they represent nothing greater than themselves. Threats and promises has to be constructed in such a way that it effects the terrorists directly. However, here the religious nature of the new terrorist creates a problem. Rewards of a material nature may not apply due to the religious ideals pursued by the new terrorists. In addition, threats of a military attack or an escalated conflict may not deter the terrorist from their course of action. In the case of jihadists, the believe in an afterlife being greatly enhanced if a Muslim soldier falls in battle with the enemy, removes the fear of death that the threat of military action is supposed to create. Thus the tactic of using threats and promises in order to shift the preference curves for the opposing party may prove to be useless when invoked against the new brand of terrorists.

The world-view of new terrorism also differ from that of traditional terrorists in that they do not believe in the general goodness of the system. This can pose problems akin to that of the use of threats and punishment in that conventional norms and values are not ascribed to by new terrorists. In a negotiating situation it may have the effect that it robs the parties of a common ground and that communication between them are made more difficult. In such a situation where the two parties have a problem understanding each other and their respective points of view, there might arise a situation where further negotiations are deemed fruitless. In such an instance the process may require a mediator taking an active role in bringing the parties closer together on a purely perceptive level. That is, even though positions and believes remain the same the parties may be brought to appreciate and develop an understanding of the other party's perception and opinion. However, the use of mediators are not the norm in the bargaining framework due to the preference of a strictly bilateral negotiation. Yet in the situation where it is difficult to develop an understanding for the other party, the negotiation process may benefit from a third party that can place a different perspective on the matter. Thus the absence of a mediator in the practice of bargaining theory can have the result that negotiations are terminated prematurely or never attempted at all due to the initial perception of complete incompatibility between the parties.

Similarly, bargaining theory works best if there is a clearly defined bargaining space and linear, tangible issues are the concern. In the case of new

Bargaining theory	Old terrorism	New terrorism
two parties	<i>yes</i>	<i>no</i>
well defined bargaining space	<i>yes</i>	<i>no</i>
distributive elements	<i>yes</i>	<i>no</i>
threats and promises	<i>yes</i>	<i>no</i>
conventional norms	<i>yes</i>	<i>no</i>

Table 7.1. Applicability of bargaining theory to cases of old and new terrorism.

terrorism there are generally no clear defined issues that can be addressed. In the case of Jemaah Islamyiah their goal is to turn most parts of the region of Southeast Asia into a Islamic state and as a tangent to this goal they are also committed to combat Western presence in the region. Aside from these overarching objectives there are no indication as to what demands the Indonesian government should meet or what could be negotiated. The bargaining space is not well defined and it looks as if the interests of Jemaah Islamyiah and the Indonesian government in this case are incompatible beyond solution. If there exists no clear bargaining space over where concessions can be made the focus of bargaining theory on the distributive element of negotiations seems irrelevant. If there appears to be nothing to bargain over or distribute, then negotiation is not applicable.

In sum, it can be argued that the differences in characteristics between old and new forms of terrorism has an effect on the applicability of bargaining theory in the case of negotiation with the respective forms of terrorism. The characteristics of bargaining theory and that of old terrorism seem to be at least partially compatible, thus resolution of a conflict involving old terrorism has the potential of being resolved utilising negotiations based on the bargaining theoretical framework. However, in conflicts involving new terrorism bargaining theory does not appear to be equipped to resolve such a conflict due to the incompatibility between the characteristics of bargaining theory and new terrorism. Below these findings will be outlined in a simple model to provide a visual overview.

7.4 Model of Compatibility

Table 7.1 shows a model of compatibility. The right hand column of the table lists the central characteristics of bargaining theory. The middle column verifies with the existence of these characteristics in old terrorism by marking the cells. Similarly in the furthestmost right column the same is done for the compatibility of bargaining theory's characteristics with that of new terrorism.

7.5 The Implications of Bargaining Theory for the New Terrorism Threat

The incompatibility of bargaining theory and new terrorism can be argued to provide certain implications and conclusions about policy decisions. On the one hand, if negotiations are tried with groups of new terrorists the result will most likely be a failure due to the incompatibility of the characteristics. Subsequently further negotiations with other groups displaying the same characteristics will be deemed futile because of the previous experiences in similar situations. On the other hand the previous conclusion can be reached theoretically without an 'empirical' trial and error process. This would be the case if new terrorism is judged uncongenial with a negotiated solution to a conflict, due to its characteristics. This would then lead to that the peaceful attempt at resolving a conflict through negotiation is ignored and makes a military approach the more likely. In the contemporary literature this last view seems to be prevailing.

In most literature on terrorism the option of negotiation is generally ruled out for the reasons presented in chapter three. However, even people like Hoffman who occasionally argue for the benefits of negotiation as a means of conflict resolution stresses that in the case of new terrorism such an approach would be fruitless. Such reasoning has as its origin the characteristics of the threat i.e. new terrorism and those characteristics thus serve as the determinant variable deciding if negotiations would be appropriate or not. In this light new terrorism indeed seems to be negating the possibility of negotiation.

However, the emphasis of the analysis could be placed on the practice and process of negotiation that has originated out of theory instead of from the characteristics of new terrorism. If this argument is followed the matter of the congeniality of new terrorism and negotiation is not closed for discussion and conclusions are premature.

Discussion on Theoretical Development

The fact that two variables are incompatible does not automatically place the blame of the incompatibility on one of the two variables. Simply because bargaining theory has been the theoretical foundation on which the prevalent negotiations practice in international relations is based does not make its utility as a theory for conflict resolution irrefutable. Also the characteristics of new terrorism are relatively fixed whereas bargaining theory and its characteristics only represent one approach to negotiation. Thus regardless of what variable, new terrorism or bargaining theory, is the reason for the incompatibility the most likely way of reconciling new terrorism and negotiations would be to change the characteristics of the practice of negotiation, hence changing the underlying theory of negotiation.

8.1 The Origins of Problem-solving Theory

The framework of bargaining theory appears ill-equipped in resolving a conflict involving new terrorism. According to an altered view on the reason for the incompatibility the reason for this is the failure of theory to accommodate the characteristics of new terrorism in a negotiation situation. A negotiation theory with a different framework than bargaining theory is problem-solving theory that embodies an alternative approach to conflict resolution in a negotiation situation. Rapoport, a game theorist originally, lay the foundation for the theory on problem-solving in the 1960s. From recognising that in certain situations another framework than that provided by game theory is necessary to resolve a conflict, he extended the existing theory of bargaining. Ideas of mutual understanding and the aspirations for mutual gains was, according to Rapoport the only process by which “fundamental conflicts between different belief systems could be resolved in a peaceful manner.”¹

This theory was further developed by Richard Walton and Robert McKersie who made the distinction between ‘distributive bargaining’, and ‘integrative bargaining’. Integrative bargaining describes a situation whereby the

¹ Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving” in *Annals of AAPSS*, vol.542, no.1, 1995 p.27

parties, through negotiations, may enlarge the value available to them, thus increasing both their shares. Although the theory of problem-solving originated in the 1960s it was not until the 1980s that it was applied to the study of international negotiations. Work by Fisher and Ury on what they termed 'principled negotiations', stressing the focus on interests rather than positions in negotiations contributed in strengthening the influence of the problem-solving paradigm. Zartman and Berman have also enhanced the approach by emphasising the need to conceptualise a problem and develop a formula for dealing with it before starting the bargaining process over details in their three step process of 'diagnosis-formula-detail'.²

8.2 Characteristics of Problem-solving Theory

The world views of bargaining theory and problem-solving theory differ in several significant respects. In short, problem-solving theory recognises that issues such as security does not exist in isolation of other factors such as economical, political, social and cultural issues. Hence these factors has to be taken into consideration in a negotiating situation in order to resolve a conflict. Similarly to bargaining theory the problem-solving approach assumes that parties strive to fulfill their self-interest in agreements, yet in contrast to bargaining theory this will be pursued even if the other party also benefits. The focus is on absolute gain rather than relative gain. The problem-solving paradigm also places more importance on international institutions and regimes than do bargaining theory. Subsequently, mediation by such international actors are welcomed to facilitate, implement or verify agreements between two parties.³

A main feature of problem-solving theory is to focus on interests rather than positions.⁴ The difference between interests and positions is that position is the standpoint you have reached on an issue, the interests is the reason/s why you reached it.⁵ When focusing on position the positions of the parties may easily appear to be incompatible as in the famous Orange case. Two sisters are arguing about an orange. Both want the entire orange, yet after a while they decide on a 50-50 split. One girl throws away the peel and eat the orange and the other girl throws away the fleshy fruit and uses the peel to bake a cake. Sticking to positions only provided them with half a fruit. If they would have focused on the interest behind the position, that is *why* they wanted the orange, both girls would have increased their benefits a hundred

² Terrence Hopmann, "Two Paradigms of Negotiation: Bargaining and Problem Solving" in *Annals of AAPSS*, vol.542, no.1, 1995 p.27

³ Terrence Hopmann, "Two Paradigms of Negotiation: Bargaining and Problem Solving" in *Annals of AAPSS*, vol.542, no.1, 1995 pp.30,42

⁴ Roger Fisher and William Ury, *Getting to Yes*, Houghton Mifflin Company, New York, 1991 p.10

⁵ Roger Fisher and William Ury, *Getting to Yes*, Houghton Mifflin Company, New York, 1991 pp.41

procent and nothing would have come to waste.⁶ In cases where there appears to be no bargaining space the focus on interests rather than positions may lead to the discovery of new possibilities for a mutually beneficial agreement.

A second feature of problem-solving theory is to disentangle the people from the problem and deal with it separately.⁷ Focusing on the problem can be illustrated by the parties sitting opposite each other across the table, they sit on the same side facing their common problem that needs to be solved. This approach accomplishes two things. Firstly, it recognises that people have different perceptions, value systems and that emotions are significant, and that if these factors are not separated from the problem they may come to influence the view of the problem and present a false picture of the issue of disagreement. Secondly, it places emphasis on the issue at hand, namely the problem that needs to be solved for an agreement to be at all possible.

8.3 The Implications of Problem-solving Theory on the Threat of New Terrorism

These features of problem-solving theory have implications for its applicability in certain conflict situations. Here its features will be matched to those characteristics present in conflicts involving new terrorism.

There are significant benefits to be gained by separating people from the problem in conflicts involving such delicate and emotional factors as terrorism. This is beneficial if one considers terrorism in general but becomes even more vital in cases of new terrorism, since actions carried out by such groups are generally more lethal and incomprehensible due to the groups' sometimes alien religious ideology and hence alienated world-view. Separating people from the problem would prevent the kind of extensive villainisation that is present in almost every case of terrorism. Groups conducting terrorism or states that sponsor it are often portrayed as rogues, villains or madmen and villainisation is commonly perceived as a major cause of stalemate in negotiations.⁸ The actions of terrorists are difficult to understand and the reasons why groups would resort to such measures can be almost impossible to phantom, thus deeming them crazy, irrational or demonic is a way of explaining their actions and psyche. However the categorisation may not be adequate, real grievances and issues of a political, social, cultural and/or economic nature may be reasons explaining the cause of actions of a terrorist. Projecting

⁶ Jeffrey Z. Rubin, "Some Wise and Mistaken Assumptions About Conflict and Negotiation in J. William Breslin and Jeffrey Z. Rubin eds. *Negotiation Theory and Practice*, The Program on Negotiation at Harvard Law School, Cambridge, Massachusetts, 1999 p.5

⁷ Roger Fisher and William Ury, *Getting to Yes*, Houghton Mifflin Company, New York, 1991 ch.2

⁸ Bertram I. Spector, "Negotiating with Villains" in Berton, Peter and Kimura Hiroshi and Zartman, I. William, eds. *International Negotiation*, Macmillan Press Ltd, Houndsmills, Basingstroke, Hampshire, 1999 p.314

the attitude of the people onto the problem in such cases presents a problem that is easily perceived to be impossible to solve through negotiation. Rather it calls for other means of resolution, legal proceedings against members or straightforward extermination of the threat. In this situation problem-solving theory can contribute in an essential way by removing the mainly psychological obstacles to negotiation and make the possibility of negotiation conceivable as an option for conflict resolution in cases involving new terrorism.

Separating the people from the problem is a way of sincerely searching for the problem at hand and the reasons behind actions and positions. This is linked with the feature of problem-solving theory of focusing on interests rather than positions. A feature that has become more common with the advent of new terrorism is terrorist acts carried out without any voiced demands. According to Walter Laqueur the traditional terrorist had demands of a political nature and were looking for concessions through their actions whereas new terrorists do not exhibit these characteristics.⁹ This presents a situation where no concessions or demands are called for, in which case a negotiation according to the bargaining theory would yield little. However, many terrorists do have demands and look for concession although these are not outspoken.¹⁰ In order to unearth them it is important to look behind the positions and focus on the interests that might reveal the reasons behind the use of political violence and also possible ways of coming to an agreement that will end the violence. The problem-solving approach is therefore useful in conflicts involving new terrorism where there generally appears to be no bargaining space. Furthermore, in cases of new terrorism there might be little to actually distribute in a negotiation situation. Linked with statements such as “they do not demand anything” are statements along the lines of “they have nothing to offer, but an end to their violent actions”. Under these circumstances although they might only be perceived as having no distributional value, this leaves room for the integrative part of negotiations. Thus the reaching of an agreement becomes the most important issue and focus should be placed on that rather than on the distributional element of maximizing personal gain. Negotiators concerned with the distributional feature of negotiations emphasised in bargaining theory would see no benefit in engaging in a conflict resolution process where no value could be distributed. Problem-solving theory however utilises methods to facilitate the integrative part of negotiations since this is one of its main goals.

Also by focusing on interests problem-solving theory facilitates the process of multiparty negotiations. A significant feature of new terrorism is its loose cell structure, which can be seen in the case of Jemaah Islamiyah, where operative cells exist in many countries and attack targets other than the host state.

⁹ Walter Laqueur *The New Terrorism: Fanaticism and the Arms of Mass Destruction*, Oxford University Press, New York, 1999 p.81

¹⁰ Paul R. Pillar, *Terrorism and U.S Foreign Policy*, Brookings Institution Press, Washington D.C, 2001 p.36

Due to this feature, conflicts of new terrorism tends to, as a rule, to directly involve more than two parties. Subsequently, if negotiations are attempted they would have to include all affected parties if a lasting agreement is the objective. Focusing on interests rather than positions will avoid the tendency of groupings and bloc-formation around positions that are then resistant to alterations.

Another benefit in trying to solve conflicts concerning new terrorism that the problem-solving approach yield is the avoidance of the tactics of threats and promises. Threats and promises are used a means to force compliance by hard and soft bargainers respectively. These tactics are not likely to be efficient due to the characteristics of new terrorism mentioned above. With the problem-solving approach the negotiators focus instead of exploring the interests of the other party/ies in order to find ways of accommodating them with their own.

In sum, this brief look at problem-solving theory suggests that it is better equipped in dealing with new terrorism.

Conclusion

As a natural consequence of the defining characteristics of terrorism, the issue of using negotiation as a means of conflict resolution when dealing with terrorists is and has always been sensitive. It is arguable that negotiation is unsuitable since it might lead to legitimization of terrorist activities and even encourage further ones. As I have shown here, the opposite argument could be made and supported equally well.

Instead of addressing the question of whether negotiation should or should not be used when dealing with terrorists, I have analysed how (or if) a specific theory of negotiation, bargaining theory, is suited for terrorist negotiations.

My findings were that bargaining theory is applicable for negotiating with old terrorists, but not with new, since the “prerequisites” for bargaining in the latter case are not fulfilled. It might be the case that this mismatch may be in part responsible for the acceptance of the idea of not using negotiation as a means for dealing with new terrorists. Rather, I observe that the problem solving approach seems more suitable for the circumstances surrounding new terrorist situations. It might not be the case that negotiation as such is negated in the case of new terrorism, but that specific theories are no longer suitable or no longer apply.

Thus, the findings suggest that it is premature and a potential risk to disregard peaceful solutions to a conflict involving new terrorism based solely on its characteristics. Instead it could be argued that the use of new approaches and theories such as problem solving is called for.

To this end, I conclude that the focus in the field should instead be on finding a framework of negotiation that is equipped for the characteristics of a conflict stemmed from new terrorism. Based on this modest study, it looks like problem solving might be one of such.

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Definitions of terrorism

“Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. — FBI Definition”

<http://www.terrorism.com/>

“The calculated use of violence or the threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.” — Department of Defense definition

<http://www.homelandsecurity.com/modules.php?op=modload&name=News&file=article&sid=5671>

“The deliberate creation and exploitation of fear through violence or threat of violence in the pursuit of political change” — Bruce Hoffman

Bruce Hoffman, *Inside Terrorism*, Victor Gollancz, London, 1998 p.43

For detailed reading on the conventions on terrorism as well as regional conventions regarding terrorism please visit the United Nations' website, <http://untreaty.un.org/English/Terrorism.asp>