



THE FLETCHER SCHOOL OF LAW AND DIPLOMACY

**The US policy of “*No Concessions to Terrorists*”:
What are the pros and the cons and the implications for the
US? What elements of negotiation should be integrated in the
US policy or strategy?**

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Executive Summary

The United States has been very tough on the issue of terrorism. The policy of “No concessions to terrorists” was adopted under the Reagan’s administration and has been since then the bottom line of the US response to the threat of terrorism.

In the light of the increasing threat of the emergence of a new age of terrorism, where the motivations of terrorists are more mingled and where their willingness to commit the most violent acts becomes more threatening, there is an urgent need for governments to determine the more effective and realistic response.

This thesis will try to examine the implications of this “No concessions to terrorists” policy: whether it is actually true in practice or not and if it is, how does it apply. The Bin Laden’s case is a pertinent example that has witnessed the US government’s determination to stick to their strict policy.

However, the latter seems to allow some exceptions in the case of hostage taking acts where the release of hostages often constitutes part of a “deal”. Would this mean that the policy applies differently whether it is viewed as tactical or strategic?

Still, the policy is the same as well as the use of force as an essential mean to implement it. The US government seems reluctant to adopt more flexible measures. The questions remain: what are the implications of this policy? What are the pros and the cons of such a firm position? Is there a need to frame and adapt the response to a changing and ever-increasing globalized environment?

Does this mean however that the US is condemned to embrace a rigid attitude by dint of much unproductive and unexpected result? Besides, what does the phrase “No concessions to terrorists” literally imply? By definition, a concession is the act of conceding or yielding. And conversely to the common belief, a negotiation is not a concession; negotiating does not mean giving in. Therefore, the US policy does not preclude any aspect of “negotiation” *per se*.

The term negotiation entails an array of meanings and aspects different from the common and primary definition which suggests that a negotiation takes place when two parties at a table explicitly agree to reach a consensus based on some common interests. As a matter of fact, a negotiation between two parties occurs when each one tries to influence the other in a particular way. According to this meaning, terrorists and the US government do negotiate. Clearly, there is a room for negotiation in the US response to terrorism. Moreover, what additional elements of negotiation should be integrated in the US policy to render it more efficient? One example would be the necessity of knowing, understanding and grasping at the roots of the other party’s deepest fears, motivations and expectations.

Furthermore, as Clausewitz nicely puts it, “war is the continuation of politics by other means” meaning that even in times of war, governments continue to act and run politics in a similar way as in time of peace. Should this theory apply to the way the US

government handle terrorist activities? If so, is negotiation doomed to play a larger part in the modeling of the US strategy?

INTRODUCTION

November 4, 1979, Hostage Seizing of the US Embassy in Teheran, January 8, 1985, abduction of William Buckley, the chief of CIA's Lebanese operation in Beirut, August 7, 1998, bombing of the US embassies in Nairobi and Dar es Salaam killing more than 224 people. November 1995, attacks in Riyadh, June 1996, attacks in Dahrán, February 1993: Bombing of the World Trade Center.

What made it possible for terrorists to commit such acts of violence? It seems as if madness had taken hold of their minds. However irrational, insane and unconceivable these acts of terror may appear, they follow a strategic and premeditated reasoning. As Martha Crenshaw nicely puts it in her article "The Logic of Terrorism"¹, "the resort to terrorism need not be an aberration. It may be a reasonable and calculated response to circumstances". But, what do all these events have in common? They all represent acts of international terrorism targeted at the United States under various motivations. There is no denying that the United States is a critical target for terrorist activities in so far as it represents an embodiment of political symbolism. Its global and strategic position makes the United States more vulnerable to terrorist's attacks, which aim at the killing of its citizens and the disruption of its democratic system as a whole. The recent report of the State Department's "Patterns of Global Terrorism 2000", indicates that there were 200 anti-US attacks in 2000, an increase from 169 in 1999. Nineteen US citizens were killed by terrorist attacks including those who died in the USS Cole in Yemen in October 2000.²

¹ CRENSHAW, Martha; "The logic of terrorism" in "Origins of Terrorism psychologies, Ideologies, Theologies, States of mind. Edited by Walter Reich, Woodrow Wilson Center Press (1998), p.10

² Patterns of Global Terrorism 2000", State Department at:
[<http://www.state.gov/s/ct/rls/pgtrpt/2000/index.cfm?docid=2452&clid=2408>

In this fiery context, how should the US government react? In what ways can they address the problem given the increasing dangers associated with the new trend of terrorism which increases the terrorist's ability to collect information, raise money and use sophisticated means of technology to achieve their objectives?

Since 1986, with President Reagan, the United States has publicly promoted a hard-line policy of "No Concessions to Terrorists". My paper will attempt to examine the implications of this policy for the United States. The framework of the analysis will consist in the distinction between instrumental and expressive forms of terrorism. The former, which will be defined later, encompasses cases of hostage-taking, more precisely in my paper, the Iranian Hostage Taking of the US Embassy in 1979 as well as the series of abductions of Americans by the Hizb'allah in Lebanon during the 1980's. After having analyzed these two cases in detail, I will examine the way the US handled the two situations as well as the mistakes it committed during the "negotiation" process. The latter form of terrorism, more precisely the expressive terrorism will be analyzed in the light of the United States versus Usama Bin Laden's case. This example differs from the two others in the sense that the two parties at stake do not seem to have any interest in negotiating with the other. Conversely to the two hostage cases where terrorists maintained a bargaining power and use the hostages as an instrument for the satisfaction of their demands, the case of Bin Laden attests to the true application of the publicly announced policy of "No Concessions to Terrorists" in reality.

In the light of these two forms of terrorism and the selective approach adopted by the US in the handling of the crisis, I will determine the implications of this policy for the

US by highlighting the pros and the cons of an announced hard-line position of no concessions.

Eventually, the last part of the paper will attempt at proposing some recommendations, from a negotiation perspective, for the US strategy towards terrorism. After having insisted on two important factors that the US should consider in its strategy, which are the media and democratic principles, I will then lay emphasis on three elements of negotiation which would benefit the long-term objectives of the US if integrated in the crafting of the US strategy towards terrorism. The paper will therefore conclude that integrating these elements in the strategy will affect the quality of the US decision-making when faced with such crises as well as contribute to influence the relationship between terrorists and the US government by altering their perception of each other and the perception of the threat they are facing. In this perspective, negotiation *per se* is replaced by a broader definition of negotiation, which entails the action of influencing the other. Therefore, the United States can still “negotiate” with terrorists and reap the long-term benefits without actually “giving in”.

Part I- The US and Terrorism or the US perception of Terrorism

A/ Defining Terrorism

1) Difficulty in objectively defining Terrorism

Let us first start by giving a brief and broad definition of the concept of terrorism as understood nowadays. Of course, due to its subjective and relative character that evolves according to time, the definition is far from being exhaustive and we should be aware of the fact that defining terrorism entails the risk of taking position.

Having said that, what is the definition of terrorism? According to the DOD, terrorism is “the calculated use of violence or the threat of violence to incite fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious or ideological”³. This “weapon” is used by non-State actors when a confrontation is either undesirable or impossible.

Terrorism is understood as an expression of political strategy and for the purpose of the paper, we will assume that terrorist’s actions are motivated by a rational reasoning. In other words, terrorism is perceived as a “collectively rational strategic choice”⁴ and is not the object of an irrational and unreasonable decision. It is thus a “calculated response to circumstances.”⁵ However irrational, insane and unconceivable the acts of terror may appear, they follow a premeditated reasoning.

Moreover, the phenomenon of terrorism is not new, although the concept has evolved over the centuries. The Zealots –Sicarii, which existed in the first century, is a

³ DOD definition of terrorism quoted in The Terrorism Research Center, “Terrorism defined” at: [<http://www.terrorism.com/terrorism/basics.shtml>]

⁴ CRENSHAW, Martha: “The logic of terrorism” in Origins of Terrorism: Psychology, Ideologies, Ideologies, Theologies, States of mind. Edited by Walter Reich, p.9

⁵ *ibid*, p.10

relevant example. This Jewish group had the objective of creating a mass revolt against the Greeks and against the Romans who governed Greeks and Jews.⁶ They murdered individuals with daggers and sword and the situation created devastating consequences that led to open warfare and a high number of casualties. Terrorism was therefore a means to achieve political and religious objectives and was not an end in itself.

The differences between early terrorist groups and non-traditional terrorist groups concern the use of technology as well as “the group’s purpose, organization, methods and above all the public’s response to that group’s activities.”⁷ This attests to the complexity and the changing nature of the terrorist’s motivations. Terrorists are often motivated by intertwined factors. Terrorism for religious motivations is also driven by day-to-day practical political considerations. Hamas for instance operate within the framework of religious ideology combined with political action in Palestine. They embrace short-term objectives such as the release of prisoners and long-term objectives such as the resistance to Israeli occupation and the liberation of all” believers”.⁸

In addition, religious terrorism is increasingly being used and abused by terrorists in order to legitimize their actions. This is the case for instance of Islamic fundamentalist groups who commit acts of terror in the name of God. They perceive their actions as reactive and defensive in character and justify them in this way. Islam’s jihad, for instance, is essentially a defensive doctrine and fought against perceived aggressors. To a certain extent, it is justified as a “means of last resort to prevent the extinction of the

⁶ STERN, Jessica, “The Ultimate terrorists”, Edited by Harvard University Press(= (1999), p.15

⁷ RAPPORT, David; Fear and Trembling: terrorism in three religious traditions in the American Political Science Review, Vol.78, No.3, September 1984, p.672

⁸ ⁸ RANSTORP, Magnus; “Terrorism in the name of religion” at: [<http://www.st-and.ac.uk/academic/intrel/research/cstpv/publications2a.htm>]

distinctive identity of the Islamic community against the forces of secularism and modernism”.⁹

Moreover, another point needs to be raised when we think about the underlying forces that drive a terrorist to go beyond the point of no return. As a matter of fact, it seems at first sight that madness has taken hold of their minds. It is difficult to conceive that terrorists are individuals who have been raised in the same way as us and despite their acknowledgement that the killing of innocent people is wrong, they commit the irreparable. Why? Maybe because it is a question of survival... Maybe because the allegiance to the goal is more important than the obedience to the rules. Maybe because their utmost beliefs are at stake and they don't want to let go, they can't afford to lose. The end justifies the means. In this perspective, we rapidly come to the observation that terrorism is the weapon used by the “weak” when the confrontation is undesirable and terrorists use this form of violence when they feel they have no other means of expression.

2) Expressive and Instrumental Terrorism

Terrorism is an expression of anger and a last resort weapon to convey a particular message in a violent manner. In this broad sense, it is easy to characterize terrorism as an expressive achievement. However, as we mention earlier, there are several ways in which terrorism express itself. For the purpose of our analysis, we deliberately chose to focus on two specific categories.

⁹ *ibid*

The first one is hostage-taking operations and the other one represents bombing attacks. Hostage taking situations differ from bombing attacks in the sense that negotiation plays an important tactical part in the resolution and unfolding of the event. As a matter of fact, the terrorists who seize hostages have a bargaining power over governments; they can enunciate specific demands in exchange for the release of the hostages. In this context, there is room for negotiation as the lives of the hostages often depend on the government's willingness to cooperate with the terrorists. In other words, the taking of hostages becomes an *instrumental* form of terrorism in which the hostage's value is maximized and is being used as a tool to reach clear objectives.

On the other hand, bombing attacks with the objective of destruction and killings is more an *expressive* form of terrorism in the sense that terrorists "may simply be giving vent to hate, anger or desire for vengeance rather to achieve clearly defined tactical goals".¹⁰ Nothing can really be done when the terrorists have reached the point of no return. There is no more basis for negotiation in a tactical understanding. Terrorists have achieved their objective and have no intention to negotiate with the government. They have transmitted their message through violent acts of terror. Moreover, as Ian Lesser nicely puts it, "terrorist motives may be practical, systemic or symbolic".¹¹ Practical motives aim at influencing public opinion and US policy as well as often reaching a compromise. In this sense, "practical" means "instrumental" while symbolic motivations amounts to an expressive type of terrorism in which the attacks are in general potentially more destructive.

¹⁰ WILKINSON, Paul; "Hostage taking, Sieges and Problems of response" in "Terrorism versus Democracy", Frank Cass Press (2001), p.152

¹¹ LESSER, Ian; "Countering the new terrorism: implications for strategy" in "Countering the new terrorism", RAND (1999), p.85

It is precisely within this expressive/instrumental or symbolic/practical framework that our analysis will be conducted and it is important to highlight the nuances between these two manifestations of terrorism in order to better understand the different strategies that governments should adopt to cope with these situations.

I

B/ Why is the US a special target for terrorism?

1)The US as a superpower

“The United States will move into the 21st century as a preeminent, global power in a period of tremendous flux within societies, among nations and across states and regions”.¹² There is no denying that the United States has been engaged in the world as a global power, this status being granted on the basis of its military, economic, political power. As such, the US domination, involvement and global interests in the global world make it more likely to be a victim of terrorist’s actions. American interests are more vulnerable to both direct and indirect attacks. In this perspective, it is essential to briefly evoke the analysis of Ian Lesser concerning the “four dimensions of the terrorist threats to the US interests”.¹³

First of all, the most important source of risk emanates from *direct attacks* against US citizens and property in US territory or abroad. The author contends that acts of terrorism on the US soil have not been very attractive for terrorists since the bombing of the World Trade Center in 1997 because international terrorism is perceived as less

¹² *ibid*, p.85

¹³ *ibid*, p.88

“politically counter-productive”¹⁴ or less unnecessary than domestic terrorism. Besides, the US presence around the world as far as tourists, businesses, students or diplomats are concerned, will continue to be valuable targets for terrorists aiming at striking against the US. In addition, another dimension of terrorist threat is the *indirect attacks affecting US interests*, which Lesser describes as the terrorist actions that threaten the stability of a particular region of interest for the US or a US ally. The US diplomatic role in the Middle-East peace process between Israelis and Palestinians is given as one example. A third dimension or perspective deals with the *systemic consequences* of terrorism. More precisely, it focuses on the “overall consequences of terrorism, world-wide and domestic for the international security environment and US global engagement”.¹⁵ Eventually, the last dimension is the *asymmetric strategy* in which adversaries of the United States may use terrorism as a substitute for more conventional attacks. It is precisely the first dimension (the direct threats) that will be relevant to the rest of the analysis.

After having shown that the US is a global super-power, let us examine the interesting relationship between globalization and terrorism in order to better understand the broader context in which the cases study that we will discuss later, stand.

¹⁴ *ibid*

¹⁵ *ibid*, p.93

2) Globalization and terrorism

The end of the Cold war has testified to the emergence of ancient hostilities that were frozen during this period. “Volatile areas include the Balkans, Afghanistan and the Middle-East.”¹⁶ New political forces arose accompanied by their claim for independence. Also, radical Islamist movements raise particular concern in so far as they constitute a source generating terrorist groups.

In this context, the whole dimension of Jihad and the West takes all its importance. As a matter of fact, “two paradigmatic theories: the end of history and the clash of civilizations replaced the East-West conflict as the principal determinant of the character of international relations in the post-soviet era.”¹⁷

Samuel Huntington, in his famous essay The Clash of Civilizations?¹⁸ contends that if large parts of humanity refuse to see the superiority of Western liberal ideas and accept them, it is because of deeply rooted incompatibilities in their sets of values that means in their cultures and civilizations. “The conflict of the future will occur along the cultural fault lines separating civilizations.”¹⁹ This theory which gives some insights about what motivates the behaviors of different states, was followed in 1995 by the thesis of Barber, Jihad vs Mc World, which describes the relation between the forces of globalization and fragmentation. On the one hand, Jihad representing Islam and its rejection of a universal vision of the world based on interdependence, cooperation and American supremacy and

¹⁶ Perl, Raphael; “Terrorism : threat assessment in a changing global environment”, International Information programs, US. Department of State, July 2000 at: [http://www.usinfo.state.gov/topical/pol/terror/perl.htm]

¹⁷ HUNTER, Shireen; The future of Islam and the West: clash of civilizations or peaceful coexistence? Published with the Center for Strategic and international Studies DC (1998), p.4

¹⁸ HUNTINGTON, Samuel; The Clash of civilizations?, Foreign Affairs, c 1993 vol 72(3)

¹⁹ *ibid*, p.48

on the other hand, the West seeking for an integrated universal world with one possible rational enquiry.

In this context, terrorist groups are the spear point of “particular” societies that want to reject the idea of a universal and homogeneous world. In other words, they denounce the “westoxification”²⁰ in order to protect some sort of national essence.

As a result, terrorism can be considered to a certain extent as a reaction or rejection of globalization that is often being perceived as an “Americanization.”

Following on this idea, the uneven character of globalization entails the marginalization of certain groups who express their feelings of frustration in violent and disproportionate ways. Terrorism can then become the weapon of the poor who feels he has no other mean of expression.

Part II- The US policy: “No concessions to terrorists”

A/ Instrumental Terrorism: Hostage Taking as a tactic of Terrorism

As previously mentioned in the first part of the essay, hostage taking can be considered, to a large extent, as an instrumental type of terrorism (as opposed to “expressive” terrorism) meaning that it aims at achieving clearly defined tactical goals.

After defining and providing some statistical information on this specific type of terrorism, we will dedicate the next sub-section to examining three particular examples of hostage taking cases involving the United States. Important is to note the way the US responded and how the various responses differed from one another. Moreover, it is

²⁰ Jalal Ali-e-Ahmad, an Iranian intellectual wrote the book Westoxification.

necessary to recall that it is precisely following the Iranian Hostage Taking case of 1979 that Ronald Reagan established the policy of “No Concessions To Terrorists”.

1) Definition and General trends

According to the US State Department²¹,

Hostage-taking is defined under international law (International Convention Against the Taking of Hostages, adopted December 17, 1979) as the seizing or detaining and threatening to kill, injure, or continue to detain a person in order to compel a third party to do or abstain from doing any act as an explicit or implicit condition for the release of the seized or detained person.”

Very often, the hostage taker’s demands include money as well as safe passage in exchange for the release of the hostages. As Paul Wilkinson nicely puts it in Terrorism and Democracy, “By exercising a terrible threat against the lives of their victims the terrorist hostage takers seek to exert a degree of psychological pressure to obtain changes of policy or major concessions.”²² In addition, the media plays an important part in the “crisis” in so far as it gives publicity to the terrorist’s cause, facilitates the worldwide spreading of the terrorist’s message and “creates the public concerns that can move the

²¹ US State Department in MILNET: Definitions of Terrorist Acts at: [http://www.milnet.com/milnet/tdefs2.htm]

²² WILKINSON, Paul; “Terrorism versus democracy”, The Liberal State Response; “Hostage-taking, Sieges and Problems of Response”, Frank Cass Publishers (2001), p.137

government.’²³ Thus serving the terrorists’ purposes. (This point will be emphasized later in the essay). All of which tends to explain the relative success of hostage taking as a terrorist tactic, which presents very clear advantages.

Furthermore, the definition of hostage taking would be incomplete if we did not take into account the three dimensions or classifications that exist and which have been analyzed, for instance by Ariel Merari, a psychologist and hostage negotiator specialist in Israel. The distinction between these categories is very important in terms of physical and logistical terms as well as regarding the policy and tactical response to adopt.

One first category, often called “concealment situation”²⁴ is one in which the location, where the hostages are held, is unknown. When the location is kept secret by the terrorists, this prevents the use of armed rescue operation. Also, this type of hostage taking crisis lasts longer in duration and “provide the hostage taker with anonymity, security and mobility”²⁵.

Another dimension is the “barricade-hostage case where “the location is known and generally surrounded by security forces and the curious, but an armed assault by rescuers is deterred by the threat that the kidnapers will kill the hostages.”²⁶ This type of operation is obviously subject to constraints of time and space and that is why terrorists must set deadlines for the satisfaction of their demands.

A third variation that Ariel Merari describes, is one dealing with the hijacking of planes or ships, which are mobile, here the possibility of an assault depends on whether the country where the plane or ship is oriented to a country that authorizes it or not. This last

²³ HEYMANN, Philip; *Terrorism and America*. MIT Press (2000), p.37

²⁴ RANSTORP, Magnus; “*Hizb’allah in Lebanon*” *The Politics of the Western Hostage Crisis*. St. Martin’s Press (1997), p.5

²⁵ *ibid*

²⁶ *ibid*, p.38

category, more specifically hostage taking that occurs on aircraft are the most successful as the “aircraft is a world within itself, fairly independent, with all the facilities needed for a fair amount of time in hostile negotiations.”²⁷

Furthermore, it has been widely recognized that hostage-takings have a “track record of success in forcing governments into major concessions”.²⁸ As a matter of fact, these operations are less expensive than others and require little number of hostage-takers with standard weaponry to achieve the operation. However cheap and easy they may be, the US State Department has reported that hostage-taking cases are in decline. Logistic concerns seem to explain such a trend, especially pecuniary and time concern.

The following part will aim at examining three hostage-taking cases where US citizens had been targeted.

2) Some Hostage Taking Examples:

▪ The Seizing of the US Embassy in Teheran (1979)

On November 4, 1979, 3000 Iranian students were protesting outside the American Embassy in Tehran because of the decision of the United States to allow the exiled Shah Reza Pahlavi in the US for medical reasons. It is precisely within this violent and rebellious context of public outcry that the same day, a group of 500 students seized

²⁷ MILNET: Definitions of Terrorist Acts at: [<http://www.milnet.com/milnet/tdefs2.htm>]

²⁸ WILKINSON, p.137

the American Embassy, overran the guards, took hold of their guns and took 66 people hostage in the name of Khomeini.

Two weeks later, thirteen hostages, five women and eight black men were released because Muslims did not wage war against the former and the latter was already considered as an oppressed people in the United States.²⁹

In order to be able to understand WHAT exactly happened during this crisis and WHY this event triggered such highly emotions of anger, it is necessary to step back a little and analyze the positions and the interests of the two parties at play. Understanding their respective interests will help us grasp at the roots of their deepest anxieties, desires and hope. In another perspective, it will also allow us to be aware of the extent to which the US policy towards the hostage crisis has been a failure.

As previously mentioned, a group of 500 Iranian students took a group of US citizens hostage and were using this tactic as a valuable bargaining tool. Their position was clear. They were demanding “the return of the exiled Shah to Iran for trial, the return of the shah’s wealth to the Iranian people, an admission of guilt by the United States for its past actions in Iran, plus an apology and a promise not to interfere in Iran’s affairs in the future.”³⁰ It is important here to shed a light on the intangible nature of the Iranian students’ demands, which implicitly define their interests.

As a matter of fact, the Iranian student’ actions were motivated by the fear of a repeated 1953 CIA Coup that had brought the Shah to power. Their frustration crystallized into the protest and their seizing of the US embassy, symbol of the US prestige. The students expressed a proud sentiment of Iranian nationalism as well as a

²⁹ “Iran Hostage Crisis” at: [http://www.elnet.com/~dricke/student/Timberlake/IRAN_H~1.HTM]

³⁰ “US-Iranian Relations and the Hostage Crisis” at: [<http://www.geotrans.hofstra.edu/~cgordon1/iranhostage.htm>]

clear and strong desire to free their country from the American influence. It is also important to note that the civilian government initially assured President Carter that they would do everything in their power to end the hostage crisis and release the hostages unharmed. However, their promise quickly shifted to the opposite direction and they started supporting the students.

For the United States, the demands were of course unacceptable. As the days passed, anger and frustration had risen and the American public demanded that the government take some sort of retaliatory action against the hostage taking. The atmosphere was filled with deep emotional response and disturbance, largely enhanced by the high level of media coverage.

Moreover,” While the nation poised for action, the administration worked to soothe public passion, fearful the demonstrators might precipitate a riot, which would have been highly publicized in Iran and might have caused Americans to be harmed in retaliation.”³¹ All of which created a profound sense of patriotism within the country in order to obtain the release of the American hostages. The main interest of the United States was primarily to secure the lives of its citizens without appearing to be weak, as well as to restore a sense of national pride, which had been noticeably altered. US President, Jimmy Carter responded by exerting diplomatic pressure on Iran, accompanied by harsh public statement denouncing the hostage taking. First of all, he ordered the fifty thousand Iranian students in the United States to report to the nearest immigration office. He also halted arms sales to Iran and established an embargo on Iranian oil.³²

³¹ *ibid*, p.4

³² *ibid* p.6

So, what happened and how did the crisis end up?

On April 7, 1980, President Carter announced the severing of diplomatic relations with Iran, a total economic embargo against Iran as well as the expulsion of Iranian diplomats from the country and a list of financial claims against Iran to be paid from Iranian assets in the US.

After having reached a deadlock in the situation, a rescue mission was planned and executed. The top-secret mission was called “Eagle Claw” and started on April 24 when eight helicopters were launched from the US aircraft carrier, Nimitz. At the same time, six transport aircrafts took from a secret location for an encounter with the helicopters at Desert One, a particular location in the Iranian desert. The aim of the operation was to “storm the American Embassy, kill whoever tried to stop them, free the hostages.”³³

However, the operation did not turn out as expected and broke down in its early stages due to a sandstorm that created technical failures. Eight American servicemen tragically died by the collision of helicopters on their way back. The military operation was a complete disaster and the next day, President Carter appeared on national television and “accepted absolute personal responsibility.”³⁴ The failure of the rescue mission was an essential element that played at the President’s disadvantage and contributed to the victory of Reagan in the Presidential elections a few months later.

In addition, the death of the Shah on July 27, 1980 might have given a new chance for negotiation, however illusions quickly faded away when, in September, Khomeini reiterated the conditions for the release of the hostages: “The United States

³³ *ibid*

³⁴ *ibid*, p.7

must return the shah's wealth, cancel all financial claims against Iran, free Iranian assets in the United States and promise never to interfere in Iranian affairs".³⁵ It is important to notice that the previous demand of apology by the United States of its past actions in Iran was missing. Furthermore, hopes for negotiation were greatly enhanced by an external factor that triggered the end of the crisis. This event was the invasion of Iran by Iraq on September 22, which started a costly war between the two countries. Under these circumstances, Iran was ready to cooperate because it was no longer able to support the economic sanctions that were imposed on the country. More specifically, the freezing of Iranian assets in the United States painfully affected the economic situation primarily because Iranian military equipment heavily depended on American importations. Therefore economic and financial conditions, deteriorated by the war with Iraq, made negotiation with the United States almost a necessity. The latter (the United States) negotiated the release of the hostages with the Algerians as mediators³⁶. Negotiation was thus precipitated by external factors.

Exactly 444 days after the seizing of the US Embassy, the day of President Reagan's inauguration speech, the hostages were freed in exchange for the US release of \$8 billion worth of Iranian assets that had been frozen and \$5 billion of it was to be used to pay off Iran's debt to the US and Europe.³⁷

In the light of all this, what lessons can be learnt from the US handling of the crisis and, more precisely, what were some of the failures it committed?

³⁵ *ibid*

³⁶ SCHMID, Alex; "Western Responses to Terrorism". Frank Cass And Company Limited (1993), p.273

³⁷ "Iran Hostage Crisis" at: [http://ww.elnet.com/~dricke/student/Timberlake/IRAN_H~1.HTM]

First of all, it seemed that the United States **lacked a global understanding of the revolutionary events** occurring in Iran at that time. It failed at understanding that Iran was not part of the Cold War dynamic in the sense that Iran considered both the United States and USSR as equal “enemies”. Iran was undergoing a religious revolutionary change of its own and the United States did not recognize this particularity. It was not aware of the fundamental role that religion played in the Iranian life at that time.

Another point closely linked to the previous one is the fact that the United States also **lacked an “understanding of the nationalism** they confronted, a willingness to talk and listen to the other side, courage to protect long-term goals by resisting domestic pressures and patience to work out differences.”³⁸ As a matter of fact, the United States should have understood the reasons behind Iranian “anti-imperialist and anti-Western sentiments”³⁹ and should have listened to the opposition of the Shah and their criticism about the US “control” of their country and their perceived feelings of oppression.

Similar recommendations apply to the Iranians who largely contributed to reducing the room for negotiation, for instance, by prohibiting any Iranian from talking to American officials about stopping the crisis. The death of Iranian Foreign Minister, Sadeq Ghotbzadeh, who secretly met with American officials, clearly attests to Khomeini’s refusal to negotiate with Americans. Besides, it is important to highlight the fact that “the State Department never met with him (Khomeini)”.⁴⁰

³⁸ PRECGHT, Henry; “Lessons from Iran Hostage Crisis”. Smucker’s , March 17, 2001
at:[<http://www.csmonitor.com/durable/1999/11/02/text/p9s1.html>]

³⁹ KEDDIE, Nikki; “Roots of Revolution”, An interpretive story of Modern Iran. Yale University Press (1981), p.266

⁴⁰ *ibid*

Furthermore, additional points regarding the failure of the handling of the hostage crisis need to be addressed. It is important to highlight the fact that President Carter **disproportionately enhanced the value of the hostages** to the Iranians, He made it clear through his various statements that the lives of the hostages were his first priority. By overemphasizing this priority, the President therefore internalized or personalized the issue. President Carter's Memoir clearly attests to this argument:

*"The safety and the well-being of the American hostages became a constant concern for me, no matter what other duties I was performing as President ...I was worrying about the hostages...I spite of many other responsibilities, the hostages were always in my mind...my most pressing duty still was to secure the release of the hostages."*⁴¹

But what effects does this **"personalization"** have on the President's decision-making vis-à-vis the crisis? It is thus in this particular context that the analysis of Margaret and Charles Hermann take all its importance. As a matter of fact, in their article "Hostage-taking, the presidency, and stress"⁴², they show to what extent hostage taking situations create stress for the President and how this stress affects his decision-making. More precisely, the President faces a terrible dilemma, which is to ensure the safety and the release of the hostages without appearing to be weak and to give in to the demands of the terrorists. In other words, the United States is caught between "moral" interest and its national interest. Moreover, there is no denying that the President's decision-making is influenced by the **pressure of the media** and the expectations of the public, who may

⁴¹ CARTER, Jimmy; "Keeping Faith" (New York: Bantam Book, 1982) quoted by HERMANN in REICH, Walter; Origins of Terrorism (1998), p.214

⁴² HERMANN, Margaret and Charles; "Hostage taking, the presidency and stress" in REICH, Walter; Origins of Terrorism. The Woodrow Wilson Center Press (1998), p. 211

tend to suggest that the President is soft and as such, often contribute to a “cry to escalate to a military response.”⁴³ This can explain the decision by President Carter to initiate the rescue mission to release the hostages. The media-led outcry that President Carter “do something” led him to several mistakes. Also, as a consequence of the personalization of the issue by the President or “the intense personal commitment to free the hostages”⁴⁴ , the President was driven by a “strong impulse to do something almost as if action was a necessary end in itself.”⁴⁵ This explains why so many channels and options have been tried during the course of the crisis whenever one of them failed to produce positive results. And, “with each change in action came domestic pressure for even more severe actions”.⁴⁶ All of which illustrates how difficult it is for the decision makers to manage the hostage crisis and as President Carter noted, “If anyone knew how difficult it was to manage it (the hostage situation), I did”.⁴⁷

The foregoing analysis has offered some insights on the reasons why the handling of the Iranian hostage crisis by the United States had been imperfectly dealt with. As previously mentioned, the lack of understanding of the global context and the other party, the personal involvement of the President in the issue as well as the various pressures that influenced him, gave birth to an inconsistent US strategy towards the crisis and explains why this crisis affected the defeat of Carter and the victory of Reagan at the Presidential elections. The irony is that the next President had to face similar difficulties than his

⁴³ *ibid*, p.213

⁴⁴ *ibid*, p.219

⁴⁵ *ibid*

⁴⁶ *ibid*, p.220

⁴⁷ CARTER, Jimmy; “Keeping Faith” New York: Bantam Books (1982), p.496

predecessor with the series of hostage taking crisis that took place in Lebanon during the 80's and that involved the lives of many US citizens.

The question is whether Reagan learnt from the mistakes of former President Carter. What policy did he adopt regarding the crisis and what were the mistakes he made in his decision-making? Also, how did Bush's approach to the crisis differ from Reagan's? More generally, what were the drawbacks of American policy towards the Hostage-taking crisis in Lebanon in terms of negotiation process?

- **The US and the hostage taking crisis of the 80's in Lebanon**

The first part of the analysis will attempt at providing some essential facts related to the abduction of foreign citizens, especially American, in Lebanon during the 80's. The involvement of the Hizb'allah, Islamic Shii fundamentalist group, as well as other affiliated organizations in the taking of US hostages results from internal pressures of the Lebanese Civil war and organizational requirements from within Hizb'allah as well as external pressures from Iran, Syria and the political dynamics of the region. Therefore, due to the complexity of the situation and the intricacy of the various events, this analysis will, by no mean, pretend to be exhaustive but rather will give a general framework in order to understand the motivations behind Hizb'allah actions.

- **Different phases in the hostage taking activities of Hizb'allah**

According to Magnus Ranstorp in his book titled ‘Hizb’allah in Lebanon’⁴⁸, the seizing of foreign hostages by Hizb’allah and affiliated groups has occurred within nine specific phases from 1982 to 1992. These different phases reflect the positioning of Hizb’allah within Lebanon, the organizational requirements of the movement as well as the interactions between Hizb’allah and Iran and the influence of Syria. Both external and internal pressures influenced Hizb’allah’s decision-making in the seizing of foreign hostages. It is important to note that, even though Hizb’allah’s activities converge most of the time, with the interest and official foreign policy of Iran and Syria, it has its own particularity associated with its internal structure and internal motivations of its members.⁴⁹.

Prior to the description of the phases, it is essential to highlight some fundamental traits of the Hizb’allah ideology in order to understand the aspirations of the movement and comprehend how the hostage taking of foreigners serves the interests of its wider goal in its hostile relation towards the West.

To put it simply, Hizb’allah was established after the Israeli occupation of Southern Lebanon in 1982 and “received major support and guidance from Iran not only because it translated, disseminated, and defended Iran’s pan-Islamic message among the Shi’a community but also as it performed important functions for Iran’s foreign policy in the Lebanese, regional and international arena”⁵⁰. This notion of “pan-Islamism” is a crucial element of the relationship between Iran and Hizb’allah. The latter espouses the ideal of the exportation of the Iranian Islamic Revolution and, even though it share very similar

⁴⁸ RANSTORP, Magnus; ‘Hizb’allah in Lebanon’ The Politics of the Western Hostage Crisis. St. Martin’s Press (1997)

⁴⁹ *ibid*, p.86

⁵⁰ *ibid*, p.49

organizational framework with Iran (in terms of clerical establishments and close interconnectedness with Iranian institutions), Hizb'allah "reflects the specific conditions of the Lebanese Shi'a community"⁵¹. It is important to highlight the fact that Hizb'allah's larger goal of **Pan-Islamism** proceeds in four stages. First of all, one step is *the liberation of Jerusalem* through armed struggle against Israel as a response to the Israeli invasion of Southern Lebanon and the consequent suffering of the Shi'a community. The next phase is the establishment of an Islamic Republic in Lebanon, similar to the Islamic Republic of Iran, and coupled with the overthrow of the secular Lebanese regime⁵². The third phase reflects the interest of Iran's foreign policy and consists in the liberation of Lebanon from any form of foreign presence and influence. Eventually, the final stage involves the creation of a larger Islamic community beyond the borders of Lebanon.⁵³

After having briefly introduced the Hizb'allah's ideology of Pan-Islamism, let us analyze the several phases in which the taking of American hostages occurred. For the purpose of our analysis, some of the nine phases will be more emphasized than other. Magnus Ranstorp analyzed nine phases in the evolution of hostage taking by the Hizb'allah.⁵⁴

1. July 1982-February 1984

On July 19, 1982, David Dodge, President of the American University in Beirut was kidnapped by the Islamic Amal, a Hizb'allah affiliated organization, in response to the previous kidnappings of four Iranians employees in the Iranian Embassy in Beirut,

⁵¹ *ibid*

⁵² *ibid*, p.51

⁵³ *ibid*, p.55

⁵⁴ *ibid*, p.87

including the charge d'affaire to Lebanon. This incident, which was resolved after the Syrian intervention on July 21, 1983⁵⁵ did not achieve to release the Iranian captives and was not very significant in so far as it was an isolated event. However, it triggered many other incidents targeted towards the elimination of foreign presence as well as “political and cultural imperialism”⁵⁶. As a matter of fact, the bombing of the American Embassy on April 18, 1983 was justified by the fact that the United States is one of the principal enemies of the Islamic Republic of Iran and by the US intervention in the Lebanese Civil War and its affinity with the Christian government. Finally after a series of suicide bombings against the American and French contingent MNF, they withdrew from Lebanon, which was considered as a “major victory for Hizb’allah in terms of achieving its pan-Islamic goal of liberating Lebanon from all forms of political and military intervention by the Western powers.”⁵⁷

To sum it up, this phase was characterized by Hizb’allah’s objective to destroy any remaining Western presence from Beirut and the death of Malcom Kerr who replaced David Dodge as President of the AUB attests to the determination of the Shi’a extremist movement to remove the symbol of the American cultural presence in the country. The message was clear: Western foreign citizens, especially Americans were not welcome anymore.

2. Second Phase: February 1984-January 1985

This phase of hostage-takings was a clear response to the conviction by Kuwait of 25 persons suspected of various terrorist attacks in Kuwait at the end of the year 1983, three

⁵⁵ *ibid*, p.89

⁵⁶ *ibid*, p.91

⁵⁷ *ibid*, p.90

of which were Lebanese Shi'ites related to the Hizb'allah movement and the others were members of the Iraqi Al-da'wa, headquartered in Iran. As a result, three American citizens were taken hostage and by the end of the trial, two other American underwent a similar fate. Moreover, on January 8, 1985, another American citizen was taken hostage to exert more pressure on Kuwait with respect to the al-da'wa prisoners. It is important to note that the American citizens taken hostages by the Hizb'aallah represent a "careful selection of targets in order to maximize the pressure on Kuwait from the American Administration"⁵⁸ It is precisely during this period that William Buckley, the chief of CIA's Lebanese operations was taken hostage. Moreover, strong evidence has proven the involvement of Iran in these hostage-takings, especially for Buckley.

3. Third phase: March 1985-June 1985

This phase was characterized by a desire to precipitate the expulsion of any remaining Western influence from Lebanon as well as the withdrawal of Israel from Lebanon. Hizb'allah demanded also the release of 766 imprisoned Shi'ites transferred to Israel. In order to achieve the objective, another series of hostage-takings was organized. Terry Anderson, chief Middle-East correspondent for the Associated Press News Agency, was seized on March 16, 1985⁵⁹. Furthermore, according to Magnus Ranstorp, this phase was closely related to Hizb'allah's willingness to "assume the role of protector of the Shi'ite community at the expense of the Amal movement"⁶⁰. As a matter of fact, there was a

⁵⁸ *ibid*, p.92

⁵⁹ "Lebanon Hostage Crisis 1985-1991", Great Events, as reported in The New York Times at: [<http://www.umi.com/hp/Support/K12/GreatEvents/Lebanon.html>]

⁶⁰ RANSTORP, Magnus; "Hizb'allah in Lebanon", p.96

“war of camps” between the two movements or an “intra-Shi’ite feud”, supported by Iran for the control the Southern part of Lebanon.

4. The fourth phase: February 1986-May 1986

This phase was principally targeted at French citizens and is not significant in terms of our analysis.

5. The fifth phase: September 1986-December 1986

The taking of American hostages resumed after a period of cessation and three hostages, among whom Edward Tracy were abducted during this period. The Iran-Contra affair, which revealed the scandalous arms-tfor- hostage deal between Iran and the United States, played an important part in this context. There is no doubt that Hizb’allah’s decision to perform other hostage takings was due to the fact that three Americans had been released as a result of the Iranian-American deal. More precisely, this deal involved the shipments of military equipment, critical to Iran in its war against Iraq in exchange for three American hostages held by the Islamic Jihad (an affiliated group of the Hizb’allah). On September 15, 1985, a DC-8 cargo jet took off from Iran after delivering weapons to the Iranian regime and landed in Israel⁶¹, which attests to the involvement of Israel in the scandal. Furthermore, it is important to highlight the fact that the abduction of American citizens also reflects clerical factionalism in Iran and as such the year 1986 is a landmark in so far as Hizb’allah starts to be more independent from Iran.

⁶¹ WINES, Michael and McManus, Doyle; “US sent Iran arms for hostage releases”, The Los Angeles Times, November 6, 1986.

As we will see in the next part of the analysis, the Iran-Contra affair is extremely significant within the framework of the US response, and more precisely the Reagan Administration, to terrorism and the crisis management of the hostage crisis.

6. The sixth phase: January 1987-January 1988

To put it short, this phase was characterized by a greater independence from Iran as the hostage-takings were aligned with the interests of individual members of Hizb'allah as well as the movement as a whole in its opposition to Amal and Israel⁶².

7. The seventh phase: February 1988-January 1989

It is precisely within this context of confrontation with Amal for the control of Southern Lebanon that Hizb'allah took Colonel William Higgins, the American Chief of the UN Truce and Supervision Organization's observer group in Lebanon, hostage. The incident was "a direct challenge to Amal's authority to maintain a stable security environment in Southern Lebanon"⁶³ and was executed to obtain the release of Israeli-held Shi'ite prisoners. Besides, the determination to release the 17 members of Al-da'wa movement was shown by the hijacking of the Kuwaiti Airliner KU 422 on April 4, 1988.

8. The eighth phase: April 1989-April 1991

In a few words, this phase witnessed an important internal challenge and confrontation with clerical factionalism in Iran. Moreover, the hostage issue became gradually used by Hizb'allah in negotiations with Iran and Syria in order to guarantee its position within

⁶² RANSTORP, Magnus; Hizb'allah in Lebanon; p.100

⁶³ *ibid*, p.101

the political and military environment of Lebanon. The hostages were a weapon in the arms of Hizb'allah to ensure its survival in the future, which was conceived on April 21, 1991 by an agreement under which Hizb'allah was allowed to remain armed as a Resistance movement in exchange for the release of the foreign hostages in accordance with its requirements as well as Syrian and Iranian interests⁶⁴.

9. The ninth phase: May 1991- December 1992

Basically, the agreement and the election of a new Secretary General of the Hizb'allah movement, Sheikh Abbas al-Musawi, who was more inclined to facilitate the release of the hostages, contributed to a new phase of "appeasement" in the Lebanese political environment and preparation for a post-militia phase. The confrontation with Israel and the Hizb'allah's participation within the democratic system are the dominant factors in this phase. As a matter of fact, its militancy in its struggle for the "liberation of Jerusalem" expressed the new position of the movement and converges with the interests of Iran towards the disruption of the Middle East peace process.⁶⁵

Following the hostage negotiations, Hizb'allah gained important concessions such as the release of its members from al-Khiam. The last hostage, Terry Anderson, was released on December 4, 1991. Hizb'allah was able to use the hostage issue to serve its political interests by adapting its position to the new Lebanese environment and subscribing to the democratic system. And as Magnus Ranstorp nicely puts it, "the hostage issue became increasingly dependent on guarantees of Hizb'allah's own survival in post-civil war Lebanon. Hizb'allah's volte face over the hostage issue in 1991 was largely the result of a

⁶⁴ RANSTORP, Magnus, "Hizb'allah in Lebanon" from the Arabic newspaper *Al Hayat*, 25 May 1991, p.105

⁶⁵ *ibid*, p.107

quid pro quo arrangement with Iran and Syria that strengthened the organization's position within Lebanon".⁶⁶

The foregoing analysis has shown how important it is to take into account the **linkage between external, internal events** and the motivations behind Hizb'allah's decision to seize foreign hostages. The complexity of the various influences that affected the movement highlights the necessity for the US government to take into account all of these dynamics in the crisis management towards the hostage issue. The failure to address one of these components amounts to the failure to understand the complexity of the different interactions and will consequently lead to an ineffective policy. The next part will examine the US response to the crisis and question whether it was effective or not in terms of strategy and negotiation skills.

- The American response and negotiation for the release of its citizens.

The hostage-taking crisis created a challenge for the Reagan's administration and became part of the domestic and foreign policy agenda of the US. As a matter of fact, according to the principle of liberal democracy, the State is responsible for the security of its citizens and the maintenance of order. The United States had therefore the duty to release its citizens who were taken hostage by Hizb'allah. However, the United States is faced with a dilemma: it should protect its citizens without sacrificing its national interest and as such adds to the difficulty for policymakers to craft a consistent policy.

⁶⁶ *ibid*, p.109

The US approach to the hostage crisis reflected the previous American experience with terrorism as well as its foreign relations with the countries involved in the region. The US strategy was planned in accordance to these factors as well as to the nature of the specific demands requested by the Shi'a extremist movement. Due to the trauma created by the paralysis of the Carter's administration with the Iranian hostage crisis and to the willingness to lessen the effects of the crisis on the US presidency, Reagan assigned a high priority to the release and security of his citizens.

In April 1984, the US Counterterrorism policy was modified through National Security Directive 138 which authorized pre-emptive strikes and reprisal raids against terrorists abroad.⁶⁷ The Reagan's administration adopted a hard-line announced policy of "No Concessions to terrorists" which created some negative results in terms of over-expectations and apparent inconsistency in the US policy.

More precisely, it is important to note that **the US refused to deal directly with the Hizb'allah** and this lack of direct negotiation led to missed opportunities to develop local contacts on the ground with the Shi'a community, which might have been beneficial for the United States. The US policy was therefore flawed from the outset as a result of its decision to neglect an essential component of the crisis and to misunderstand the whole situation and the dynamics at play. The United States was left with intermediaries in the process of negotiating the release of its citizens. In this perspective, the United States had to deal with Syria and Iran. It is interesting to note that the American response to the hostage crisis was directly influenced by the foreign policy of the US towards the

⁶⁷ *ibid*, p.137

region and more specifically Iran and Syria. The United States considered the former as a State sponsor of terrorism and the relations between the two countries had deteriorated with the absence of diplomatic relations since the seizing of the American Embassy in Teheran in 1979. As a result, it was not possible for the US to enter into direct negotiation with Iran. This problem generated a **secretive diplomacy** and the consequent arms-for-hostages deal between Iran and the US. The revelation of the scandal a year after the beginning of the trade has shed a light on the weakness and inconsistency of the US policy as well as on the dangers to rely on Iran as the “only channel at the expense of any Syrian involvement”.⁶⁸ This affair also revealed the failure of the US in its attempt to normalize its relation with Iran through a covert or “clandestine” policy. It is important to step back a little and put emphasis on the consequences of the **discrepancy between an overt and public hard-line policy of non-negotiation and the secret diplomacy**. First of all, it challenged the **credibility and political accountability** of the Reagan’s administration as well as the **coherence of its foreign policy** with the supposed worldwide embargo on Iran. Moreover, it created some anger and tensions among European countries “which had received repeated US pleas not to negotiate with terrorists”.⁶⁹ It also engenders **overexpectation in the US ability to secure the release of its citizens**, which leads to an increasing pressure on the US governments by the media and the public in the case of the US inability to perform its duty. In this case, the public will perceive the government as weak and soft on terrorism due to the prolongation of the crisis.

⁶⁸ *ibid*, p.165

⁶⁹ *ibid*, p.138

Furthermore, it can be argued that the “non-conciliatory rhetoric”⁷⁰ of the US may have played an important part in the weakening of the negotiation efforts. The divergence of attitudes has contributed to **sending mixed messages** to the Hizb’allah and Iran, therefore underscoring the contradiction between private and public statements.

Another drawback of this non-flexible public policy of “no concessions” is a certain lack of US maneuverability. As a matter of fact, on the one hand, the United States advocate a firm foreign policy towards Iran and Syria, based on rigid counterterrorism principles and, on the other hand, recognizes the necessity to deal with these two countries who play the role of intermediary in the negotiation, likely to benefit indirectly from concessions made to influence Hizb’allah in spite of their own complicity in some of the terrorist acts⁷¹.

One important lesson from this hostage crisis is the fact that some form of American concession was necessary to obtain the release of the hostages. The death of three American hostages by the Hizb’allah, among a total of eighteen during the eight years, represented a clear incentive for the US to enter into negotiation through both, official and unofficial channel. The use of force and coercion by the United States would not have been applicable in these circumstances in so far as it would have triggered Hizb’allah’s militancy. As a result, the United States adopted more conciliatory measures towards Iran for instance and granted some concessions such as the return of Iranian frozen assets and a more favorable shift in its foreign policy towards the region.

⁷⁰ *ibid*, p.168

⁷¹ *ibid*, p.196

Another issue closely related to the positive change in attitude is the change of presidency during the course of the crisis. As a matter of fact, the hard-line position of Reagan and the scandal of the Iran Contra affair have obstructed any effort of negotiation. The Bush administration espoused **a more conciliatory attitude** towards Iran in the context of a wider foreign policy in the region following the Iran-Iraq war. And, as Magnus Ranstorp contends, “the hostage issue became increasingly more dependant on the shifting political environment of the Middle East and elsewhere than to any concerted effort to secure their release in response to media and public campaign pressures”.⁷² This suggests that **a favorable and propitious environment can affect the denouement of a crisis.**

A final point that needs to be reiterated is **the failure of the US to understand the overall dynamic of the crisis** by neglecting the triangular relationship between Hizb’allah, Iran and Syria. As a result, the United States undoubtedly missed several opportunities to comprehend the mechanism of the crisis and to manage it more adequately.

After having examined two cases of hostage-takings that the United States had to cope with, let us now put the light on the expressive case of terrorism, precisely the one organized by Bin Laden against the US.

⁷² *ibid*, p.139

B/ Expressive Terrorism: The case of Bin Laden

1/ Very brief history

(This preliminary part is just a quick overview of the major elements that led to the actual situation.)

In short and to introduce the problem, it is first important to note that that the United States and Usama Bin Laden have not always shared a hostile and conflictual relationship. During the Afghan war (1979-89), Bin Laden joined the ranks of the Mujehadins, logistically and financially backed by the US in order to oust the Soviet army from Afghanistan.

It is at the beginning of the 90's with the presence of US military in the Gulf following the Gulf war that the initial conflict started; precisely when Bin Laden realized that the US has replaced the USSR "in the role of the enemy trying to conquer Muslim lands."⁷³ The "verbal war" that started then and reached its peak in August 1996 with Bin Laden's "Declaration of war"⁷⁴ towards the US (proclamation of a holy war.) transformed itself in an armed conflict in August 1998 with the bombings of the American embassies in Nairobi and Dar es Salam.

Moreover, Bin Laden's name has been connected with various terrorist attacks and initiatives around the world, he has inspired, organized and financed them through the creation at the beginning of the 90's of his organization "Al Qaida" composed of Afghan veterans and religious fundamentalists opposing non-Islamic governments. Rapidly, Bin

⁷³ SCHWEITZER, Yoram; "Bin Laden vs. the West: Round two" (January 10, 1999) at: [<http://www.ict.org.il/articles/articledet.cfm?articleid=63>]

⁷⁴ August 1996 Declaration of war or "Message from Usama Bin Laden to his Muslim Brothers in the Whole World and Especially in the Arabian peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques; Expel the Heretics form the Arabian Peninsula."

Laden was able to spin around him a vast terrorist network around the world and spread his message more easily.

2/ Parties

1. The main parties

- *Usama Bin Laden*

Bin Laden represents a new type of terrorism supporter: “the wealthy individual who, without reservation, places his extensive resources at the disposal of terrorist organizations.”⁷⁵

Usama Bin Laden (Sunni Muslim, born in Riyadh, Saudi Arabia in 1957) is the seventeenth son out of fifty-two children from the wealthy Saudi Arabian construction magnate. He studied economics and management at the King Abdul Aziz University in Jedda where his encounter with a religious-oriented teacher Sheih Abdallah Azzam as well as the “university’s atmosphere of intense Islamic thought”⁷⁶ gave birth to a deep sense of religiosity. In 1979, he left university to join the Afghan resistance in the Afghan war when the Soviets invaded in December 1979. He played an important part in “financing, recruiting, transporting and training Arab nationals who volunteered to fight in Afghanistan.”⁷⁷ This Afghan experience represented a landmark in his life as it helped him shape his ideology. As a matter of fact, at that period, he became infused with a

⁷⁵ SCHWEITZER, Yoram; “Osama Bin Laden: wealth plus extremism equals terrorism” at: [http://www.ict.org.il/articles/articleDet.cfm?articleid=40]

⁷⁶ “Osama Bin Laden” ABC News at: [www.http://more.abcnews.go.com/sections/world/DailyNews/binladen_newsmakerbio.html]

⁷⁷ Patterns of Global terrorism 1999 at:

sense of Islamic urgency. He adopted the ultra-conservative ideology of the Wahabis and basically aimed at overthrowing all Muslim corrupt governments. This conviction led him to oppose the Saudi Arabian regime who was perceived as corrupted due to its affinity to the Western world. Moreover, during the war, Bin Laden created **Al-Qaida** (the name of the organization came later) with his estimated \$250 million inheritance in order to bring together the Arabs that have fought in Afghanistan and the organization rapidly became the focal point for a loose network of fundamentalist organizations whose current goal is to “reestablish the Muslim state.”⁷⁸ By spinning around him an umbrella of groups to which he offered logistic and financial support, he was able to “extract” from the members the necessary support to the allegiance to his goal. Very rapidly, the organization developed a strong anti-American position reinforced by the US intervention in the Gulf War in 1991 and the Famine Relief Mission in Somalia in 1992.

Eventually, it is important to keep in mind that Bin Laden’s Saudian citizenship was stripped off in 1994 due to his increased denunciation of the Saudi Royal family that led him to exile to Sudan where he invested large sum of money and created jobs for poor people. But in 1996, due to international pressure from the US, Egypt and Saudi Arabia, he left Sudan and took refuge in Afghanistan where he built several training camps and where he has been until now.

- *The United States*

Liberal democracy, world economic, military and political superpower, the USA is the other principal party to this conflict. Bin Laden’s attacks are directly targeted towards Americans: military, civilians and symbol of American power. The main “players” within

⁷⁸ Terrorist Group Profiles; Dudley Knox Library at: [<http://web.nps.navy.mil/~library/tgp/qaida.htm>]

the US that actually deal with terrorism and more specifically with Bin Laden are, apart from the **Administration**, the inter-agencies that do most of the intelligence work. Among the most important, we find the **State Department (SCT, INR)**, the Federal Bureau of Investigation (**FBI**) and the Central Intelligence Agency (**CIA.**) and the National Security Council (**NSC**). Moreover, the counter-terrorism Center (**CTC**) enhances a better and closer working relationship between the Intelligence agencies. Moreover, the **Joint Terrorist Task Force** brings together the New York Police, the FBI, the State Department and other US structures represents a forum for discussion and action to counter terrorism, The **media** is also a crucial power within the USA that actually plays an important part in influencing the conflict as well as public opinion given the fact that it is an intermediary role between Bin Laden and the US. Both parties communicate exclusively through the media.

It has been widely assumed that all the levels of the American society have to deal on a daily basis with the issue of terrorism.

2. The secondary parties

- Afghanistan

This country is a key element in the relationship between the United States and Bin Laden. More precisely, **the Taliban** who represent 90% of the territory and who are not recognized by the international community (except by Saudi Arabia, the UAE and Pakistan) are a strategic and pivotal party in the conflict. They have the ability to influence and determine the future of the relation between the principal parties. For example, they can destabilize the existing situation and as such, act as a hindrance to any

positive development. On the other hand, can facilitate a convergence of views between the US and Bin Laden As a matter of fact, Afghanistan provides a safe haven for the latter and as such the international community and especially the United States are putting pressure on Afghanistan to hand in Bin Laden and extradite him to the United States. The Taliban have refused to hand in “an honored guest”⁷⁹ considered as a hero of the Muslims on the grounds that there is no “tangible evidence”⁸⁰ proving Bin Laden’s involvement in terrorist attacks. As a result, over their refusal to cooperate, the Taliban were imposed economic sanctions by the United States as well as by the United Nations Security Council. a few months later. The former with an executive order signed by President Clinton on the 4 July 1999 aimed at prohibiting any transaction with the Taliban, freezing the Taliban assets as well as seizing the Afghanistan airline’s \$500 million in US assets.⁸¹ The latter was passed on October 15, 1999 and sought the geographic and financial isolation of the Taliban as a mean of pressuring them to hand over Bin Laden “without further delay to a country where he has been indicted.”⁸² Recently, talks between the US and the Taliban have intensified especially between Ambassador Richardson, Undersecretary of State Thomas Pickering, Assistant Secretary of State Karl Rick Inderfurth and Afghan Deputy Foreign Minister Abdur Rahman Zahid and other Taliban officials.⁸³

⁷⁹ Taliban; “US holds talks with Taliban over Bin Laden over Bin Laden”, September 29, 2000 at: [<http://www.ict.org.il/spotlight/det.cfm/id=495>]

⁸⁰ ZAHID, Abdur Rahman, deputy foreign minister of the Taliban quoted in “He is our guest” by Michele Kambas at: [[http://abcnews.go.com/sections/world/Daily News/taliban000921.html](http://abcnews.go.com/sections/world/Daily%20News/taliban000921.html)]

⁸¹ “UN Sanctions against Taliban go into effect;” November 14, 1999 at: [<http://www.ict.org.il/spotlight/det.cfm/id=352>]

⁸² *ibid*

⁸³ *ibid*

[It is necessary to highlight here the fact that the Taliban play an intermediary role in this Bin Laden vs. the United States conflict and the irony lies in the non-recognized status of the Taliban by the US, as we will see later on.]

In addition, the recent report of the State Department's Patterns of Global Terrorism 2000 reiterates the crucial role of Afghanistan as a safe haven for terrorists. More precisely, it states that: "Islamic extremists from around the world...continued to use Afghanistan as a training ground and base of operations for their world-wide terrorist activities...Afghanistan remains a primary hub for terrorists and a home or transit point for a web of informally linked individuals...involved in most major terrorist plots or attacks against the United States in the past 15 years and now engaged in international militant and terrorist acts around the world".⁸⁴

- The International Community

As a whole, the international community seeks to negotiate with the Taliban in the sense that they aim at influencing them so that they would pressure on Bin Laden in return either by extraditing him (which seems less probable) or by containing his activities. For instance, there has been some evidence that Great Britain was, at a certain point, on the verge of negotiating with the Taliban a reduction of Bin Laden's activities in exchange with the opening of a Taliban Office in London.

- Some Islamic States

Several Muslim States have reacted quite strongly to the imposition of UN sanctions on the Taliban, especially in Kabul and Pakistan where protestors have shown their anger towards the US. As a result, this fiery context fueled by feelings of discontent and

⁸⁴ "Patterns of Global Terrorism 2000", State Department at: [http://www.state.gov/s/ct/rls/pgtrpt/2000/index.cfm?docid=2452&clid=2408]

frustration may hinder any attempt of negotiation between the Taliban and the United States.

Also, in a different perspective, Bin Laden's business relations with some Muslim countries or even individual businessmen (especially Saudi Arabians) help him strengthen an effective network of contacts that would enable him to increase its influence.

3/ Issues

The issues represent the topics being discussed in a negotiation. Let us examine what are the issues for Bin Laden and the United States.

The key negotiating issues for **Bin Laden** are:

- Withdrawal of US forces from the Kingdom of the Two Holy Places
- Withdrawal of US support for the Saudi corrupt regime
- Withdrawal of US support for Zionist Israel

The key negotiating issues for the **United States** are:

- Cessation of terrorist attacks against US interests
- Turnover of key personnel for trial
- Cessation of support for other terrorist groups that target US interests.

4/ Positions

1. For Bin Laden

In the light of the various talks and interviews Bin Laden has given, the most striking element is the unconditional tone in which he formulated his demands. His primary goal

is to drive Americans out of the Arabian Gulf. His 1996 Declaration of War explicitly states it:” Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques. **Expel the Heretics from the Arabian Peninsula**”⁸⁵

Following this Declaration of war, he issued in 1998 a fatwa that was published in the Arabic newspaper Al-Quds Al-Arabi where he reemphasized the need for the US troops to leave the holy places and stated that it is the duty of all Muslims to **kill Americans** anywhere. More precisely, the fatwa holds that⁸⁶:

To kill Americans and their allies, both civil and military, is an individual duty of every Muslim who is able, in any country where this is possible, until the Aqsa Mosque [in Jerusalem] and the Haram Mosque [in Mecca] are freed from their grip and until their armies, shattered and broken-winged, depart from all the lands of Islam, incapable of threatening any Muslim.”

Bin Laden denounces the occupation of Jerusalem by the Jews as well as the “immense destruction inflicted on the Iraqi people”⁸⁷ by the United States. As a result, the United States are pointed out as the source of all evil and their crimes are thus perceived by Bin Laden as “a clear declaration of war by the Americans against God, his Prophet, and the Muslims.”⁸⁸ All of which amounts to say that Bin Laden’s position vis a vis the conflict is therefore one of the destruction of the United States. Also, it is significant to note that his constant rhetoric is one of the “demonization” of the US.

⁸⁵ FBI Websites Document Evidence Against Bin Laden at: [http://www.dmoz.org/Society/issues/Terrorism/International_Terrorists/USA_Designees/Al-qaida]

⁸⁶ BIN LADEN, Usama; “Declaration of the World Islamic Front for Jihad against the Jews and the Crusaders.”; February 23, 1998 in Al-Quds al-Arabi

⁸⁷ BIN LADEN, Usama; “Declaration of the World Islamic Front for Jihad against the Jews and the Crusaders.”

⁸⁸ *ibid*

In a similar perspective, he denounces the Western influence (led by the United States).

His position against the Saudi Royal family in power is also very striking; he criticizes the regime as being totally corrupted.

2. The United States

Basically US Counter-terrorism policies lie in a principal tenet: “**No concessions to terrorists.**” The US adopts an exclusive and strict policy where any form of compromise with terrorists precluded. Other common US policy include “to bring terrorists to justice for their crimes” and “isolate and apply pressure on states that sponsor terrorism to force them to change their behavior.”⁸⁹ In the context of the conflict discussed in this paper, this standard US position is applicable. As a matter of fact, the US are resolute not to strike any deal with Bin Laden and are putting pressure on the Talibans to extradite him.

The US is reluctant to any form of negotiation per se (in the sense of giving in or compromising with them on certain issue). The US position is clearly straightforward: they want to “capture” Bin Laden at any price (well the price of the reward for finding him is 5 M. \$) and bring him to justice. To achieve this goal and to preserve their security, the US is willing to use the option of force. For every terrorist attack committed against the US, there will be a retaliatory response and punishment..(military for instance the cruise missile launched after the bombings of the US embassies is one possible option though it is not the most frequent and effective option as we will see later.)

⁸⁹ “US Policy Tenets” in Patterns of Global Terrorism at:
[<http://www.state.gov/www/global/terrorism/1999report/intro.html>]

5/ Interests

1. Bin Laden

In order to understand Bin Laden's position in this conflict, it is necessary to step back and try to understand what the underlying beliefs and interests are behind his actions. In other words, assessing his interests, amounts to grasping at the roots of his deepest concerns, needs and fears.

First of all, Bin Laden's main concern is **religious**. He demands the expulsion of the US troops from the Gulf because he perceives the presence of non-Muslims in the Islamic Holy Places as a violation of the sanctity of Islam. He is concerned that the American presence in the Gulf represents a clear lack of respect for the purity of Islamic fundamentals. He fears that the presence of the heretics on the sacred Land of the Prophet will pollute the true essence of Islam. This idea of "pollution" is common to all extremist groups. In this case, Bin Laden views what is outside the sphere of Islam as polluted and degraded. From this perspective, the use of jihad is legitimized. Violence is justified as a means to protect the sacredness of Mecca and Medina.

In a broader context, he condemns the **Western influence** in Muslim States and perceives this foreign "invasion" as an attempt to stain the true meaning of Islam and the words of God. He is convinced that fighting for the preservation of Islam is a religious duty and that he is applying the will of Allah as expressed in the Koran.

He views the Western influence as an American colonization of Muslim land in an attempt to impose an American world order. Furthermore, he denounces the universality of Western ideals as a major existential threat to the viability of Islamic values.

Following the same flow of ideas is the reasons behind Bin Laden's denunciation of the Royal Saudi family on the grounds that it is corrupt.

It is extremely important to frame Bin Laden's objections and criticism in a broader context if we want to understand his real long-term objective. As a matter of fact, his position on the Western influence and the corrupt Saudi monarchy is **symptomatic of his larger goal**. He seeks to apply a strict version of the ultra-conservative ideology of the Wahabis, Saudi Islamic sect founded in the 18th century by Abd-al-Wahab⁹⁰. This ideology advocates a literal and extreme version of the Koran. Although Wahabism has remained the official ideology in Saudi Arabia, Bin Laden criticizes the Saudi's government's conduct as being secular and corrupt and condemns the presence of the 5000 US troops on the Arabian peninsula as a clear example of what he perceives is a betrayal of the laws of Islam. Bin Laden does not recognize the legitimacy of the descendants of the reign of Abdel Azziz and as a Saudian journalist pointed out, an illegitimate government is perceived as infidel. This belief is precisely the one adopted by Bin Laden.

The foregoing emphasizes the fact that the conflict between Bin Laden and the US is mostly **derivative from his larger fight** against what he considers a Saudi corrupt government.

In summation, it can be assumed that Bin Laden's principle *tangible* interest is the withdrawal of US troops from the Arabian Peninsula as well as the overthrow of Muslim secular and heretic governments who do not apply a strict version of the Sharia

⁹⁰ The Hutchinson Family Encyclopedia, "Wahabi" at:
[<http://ebooks.whsmithonline.co.uk/encyclopedia/45/M0013745.htm>]

As far as *intangible* interests are concerned, Bin Laden places a high value on the sentiment of Muslim brotherhood (which explains his outrage towards those who have perpetrated injustice on the Muslim people) , the protection and respect for the sanctity of Islam as well as the need for Islam to be recognized as a dominant religion, the implicit threat of which is the disappearance and devaluation under Western influence. This last concern is linked to the implicit notion of “survival” common to all terrorist groups where their acts are committed to justify their endangered existence by the existence of the Other.

2. The United States

For the United States, one of its major interests in the conflict is **law enforcement**. The Manhattan Court District issued an indictment against Bin Laden on November 1998 for his involvement in the terrorist attack against the US embassies in Africa. The United States strongly values the strict application of the **rule of law**. Bin Laden should be brought to justice and receive a punishment appropriate to the acts he has committed including the incitation to violence against the American people. The United States is determined to seek **revenge** for Bin Laden’s actions. He is on the FBI Most Wanted List of individuals in the US (with a 5 million dollar reward). To a certain extent, the US willingness to bring Bin Laden to justice has taken the form of a personal vendetta.

Another important interest for the US is one of **pride and honor**. As a matter of fact, the bombing of the US embassies in Africa, for instance, represents a clear violation of their deepest sense of pride in the “sanctity of their institutions as a symbol of their nation. Linked to these concerns is the need for the United States to preserve the **security** of its

nation and citizens. The US government fears that Bin Laden's attacks against US targets will undermine the American people's confidence in the government's ability to protect them. The US **reluctance to appear vulnerable** before both, the American public opinion and Bin Laden, attests to the toughness of this position towards the latter. The fear of being perceived as weak and vulnerable can explain to a certain extent the conduct of the US towards terrorists in general. The stricter the US government will behave, the more it will be respected and recognized as a strong power capable of ensuring protection of its constituencies.

In the light of this, it can be noted that both Bin Laden and American interests are essentially intangibles, which makes it all the more difficult to conceive of any form of negotiation because the value of these intangibles are by nature less likely to be subject to any form of compromise. This in turn explains the mutually exclusive relationship between the two parties.

6/ Alternatives

(In order to address this section, I will base my argumentation on the hypothesis that negotiation is a possible option conceivable for the two parties.)

Both parties are mutually exclusive and view the conflict as a zero- sum gain. This all or nothing approach is reinforced by the parties' beliefs that their interests are at stake and that there is no legitimate ground for negotiation.

1. Bin Laden

The first question that needs to be addressed is whether Bin Laden has any interest in negotiating with the United States. From what we previously understood about the underlying interests behind his actions, it is clear that Bin Laden has no incentive to negotiate with the United States if the latter is not ready to make any concession or satisfy his demand, which is quite unrealistic. As a matter of fact, the likelihood of assisting with the US troop withdrawal from the Arabian Peninsula as a concession to Bin Laden amounts to zero. So, if no agreement is reached, what is Bin Laden's BATNA?⁹¹ Bin Laden's best alternative would be to continue to commit terrorist attacks and pursue his goal of killing all American citizens as mentioned in his Declaration of war. Also, the possibility of coming to an agreement with the United States will be perceived as a sign of betrayal and weakness on behalf of Bin Laden and as such will undermine his legitimacy.

2. The United States

Similarly, if an agreement (which is totally out of question for the United States considering its stand towards terrorists) is not reached, there is clear evidence that its BATNA would be more beneficial than any agreement with Bin Laden. The pride and honor concept, very dear to the United States, would be challenged in the case of a agreement that would undermine the status of the United States as a strong and integer nation. The alternative preferable to the United States would be one of "no negotiation" because negotiation inherently implies relationship based on trust that would entail compromises on both parts. The United States would rather enhance its counter-terrorism

⁹¹ FISHER, Roger and Ury, William in "Getting to yes. Negotiating agreement without giving in"; Published by the Penguin Group, (1991)

activities and try to go after Bin Laden in an attempt to destroy his network, bring him to justice and apply the rule of law. This alternative, in conformity with their perception of justice, would satisfy most of the US interests. Moreover, the unattractiveness of an agreement with Bin Laden stems from the fact that the United States does not have to cope with an “extraordinary” threat to its security (most of Bin Laden’s attacks do not occur on the US soil) where a public outcry would compel the government to change its policy.

It is clear from the analysis of the BATNA of the two parties that there seem to be no ZOPA or zone of possible agreement in the attempt to resolve the conflict precisely because none of the parties are willing to agree on certain elements of commonalities. The reasons for this lack of ripeness will be discussed later on in the next part of the paper.

7/ Legitimacy

It is difficult to find any standard of legitimacy upon which both parties are likely to agree , the reason is that Bin Laden and the United States “advance different standards by which to judge what is fair.”⁹² Moreover, as Fisher and Ury nicely put it, “differences in values, culture, experience, and perceptions may well lead parties to disagree about the relative merits of different standards.”⁹³ As a result, the authors contend that one of the solutions in this case is to find external standards of fairness that would be widely accepted by the parties.

⁹² *ibid*, p.153

⁹³ *ibid*, p.154

In our case, the difference between the standards of fairness of Bin Laden and the United States is derivative of the larger conflict opposing the West and Islam. Any attempt to persuade Bin Laden that Western standards are applicable would be perceived as an imposition of Western norms on Islamic values and as such would constitute a violation of the notion of cultural relativism.

How is it possible to find objective standards that both parties would accept to agree upon? On the one hand, **Bin Laden** gives legitimacy to the Koran as the source of justice and fairness dictated by God. His interpretation of the Koran may be extremist however it reflects his beliefs and perception of what constitute fairness. As a result, “asking someone to adjust his values is like asking him to alter his sense of reality.”⁹⁴ Bin Laden believes that his actions are justified because they are driven by legitimate motivations. In his interview with *the Time magazine* on January 11, 1999, he states that: If the instigation for jihad against the Jews and the Americans in order to liberate al-Aksa Mosque and the Holy Ka’aba is considered a crime, then let history be a witness that I am a criminal.”⁹⁵ On the other hand, the United States extract its legitimacy from the various national, international and multilateral agreements that condemn the acts of terrorism as a criminal offence.

⁹⁴ CARPENTER, Susan and KENNEDY, W.J.D. in “Differences in values”; International Online Training Program on Intractable conflicts at: [<http://www.colorado.edu/conflict/peace/problem/valdiff.htm>]

⁹⁵ BIN LADEN, Osama: “Conversation with terror”, Interview Time on January 11, 1999 at: [<http://www.time.com/time/magazine/articles/0,3266,17676,00.html>]

8/ Relationship-building

In this conflict, it is clear that there has been no relationship building between the United States and Bin Laden. During the Afghan war, both fought together against the common enemy, the Soviet Union. At the beginning of the 90's, the relationship began deteriorating until the present day. The relationship between the two has exclusively been through the media (interviews, statements, declarations...). There have been no informal meeting or diplomatic effort to attempt to enhance the situation. In this perspective, it is essential to note that the relationship is not common because it links a nation, the United States to a single individual or non-State actor. The relationship building between the two parties therefore has no history as "Bin Laden vs. the United States" incarnates a recent conflict.

After assessing the essential components of the conflict, that is, what the issues are, who the parties are, what their options are, interests, the next part of the paper will try to address the question of how the United States can "manage" its relation with Bin Laden, what its strategy should be and whether there is a right timing to act.

The first issue that needs to be dealt with is the notion of ripeness and terrorism. It is essential to understand why the notion of ripeness is not applicable to the context of Bin Laden and the United States conflict.

PART III- How could/should negotiation be part of the US strategy towards terrorism and still be beneficial for the US?

A/ The Pros and the Cons of negotiating with terrorists/hostage takers

“Negotiation occurs whenever there is an issue that cannot be resolved by one person acting alone; it occurs when the two (or more) people who have to be involved begin with different views on how to proceed, or have different aims for the outcome”.⁹⁶ As we have shown earlier in the hostage-taking cases, governments do negotiate with terrorists for the release of their citizens. The failure of diplomatic and economic pressure as well as disastrous military operations (in the Teheran Hostage-taking case paved the way for negotiation, which refutes the US declared policy of “*No concessions to terrorists*”. To what extent does the government’s action differ from their public statements? This brings about another fundamental dilemma: what are the pros and the cons of negotiating with terrorists? What is the value of negotiation?

The dilemma the government is faced with is clearly enunciated by Richard Clutterbuck in his article “Negotiating with Terrorists”⁹⁷: “How should governments assess the balance between life, assets, principles and the encouragement of further terrorism and crime”. Decision and Policy-makers are left with a difficult choice: one that should address both moral and more practical considerations. A clear policy need not be simple, indeed. There are advantages to a strategy that that makes concessions just as

⁹⁶ FOWLER, Alan; “Negotiating, Persuading and Influencing”

⁹⁷ CLUTTERBUCK, Richard; “Negotiating with terrorists” in SCHMID, Alex; “Western Responses to Terrorism”. Frank Cass And Company limited (1993)

there are to a “no concessions” policy. Let us examine the arguments on both sides and their validity in the light of some significant examples.

As we mentioned earlier, the United States have a declared policy of making no concessions to terrorists. This hard line position has often been challenged on moral grounds. As a matter of fact, a liberal democracy has the duty to protect its citizens at home and abroad and the refusal to negotiate with hostage takers, who exert control over the lives of their citizens, on the basis that it poses a threat to the national interest of the State is quite problematic. The dilemma that the US has to cope with is the respect for both individual and national or collective interests.

Moreover, in order to understand the value of the policy of “no concession”, it is important to question the effectiveness of the policy and therefore the assumptions on which it is based. According to Henry Kissinger, one should view the problem of hostage negotiation in the context of a very large number of Americans who are in potential danger all over the world. In this perspective, compliance to terrorist demands is perceived as an incentive to more terrorist activities against American everywhere in the world.⁹⁸ The assumption is that the public declaration of no concessions will act as a deterrent against terrorism. Is this assumption correct? Let us examine the validity of the argument in the light of a few examples. In his article “Negotiating with terrorists”, Richard Clutterbuck analyzes the responses of several governments to terrorism in different periods of time. During the 1972-77 period, both Germany and Japan adopted a lenient policy towards terrorism and witnessed an increase in terrorist activities. “The

⁹⁸ KISSINGER, Henry; in FEAREY, Robert, “International Terrorism”, Department of State Bulletin, 29 March 1976, p.397 as quoted in MILLER, Abraham; “Terrorism and Hostage Negotiations”, Westview Press (1980), p.19

German readiness to give way did not pass unnoticed and this may have played a part in German targets being selected for other terrorist attacks during the next few years, to which they repeatedly gave way, until Chancellor Helmut Schmidt stopped the pattern in 1975".⁹⁹ The author suggests that the German concessions to terrorists may probably have contributed to it being repeatedly selected as targets. On the other hand, other governments, less "soft" on the issue of terrorism such as Great Britain have experienced more favorable conditions. During the hostage crisis of the 80's in Lebanon, Great Britain had a very firm position on her three hostages and the author argues that the hostages were finally released without any British government concession.¹⁰⁰ As a result, "there is reason to believe that concessions do encourage a general and sometimes worldwide fashion or momentum in the selection of a particular type of target which seems to yield results".¹⁰¹ However, there is no evidence that an tough policy is an effective deterrent or that a indulgent posture is more likely to undergo more terrorist actions as the example of Austria proves it. As a matter of fact, the Austrian government granted some concessions twice to terrorists but was not picked again.¹⁰² Since the policy of no concession has not achieved the results expected, the wisdom of this policy is put into question.

Moreover, there are disadvantages for a publicly announced policy of "no concessions". First of all, it possesses an inherent vulnerability in so far as it poses a threat to the prestige and capacity of a State to secure the release of the hostages in the case of the prolongation of a crisis. As a matter of fact, if the crisis is not easily and

⁹⁹ CLUTTERBUCK, Richard; "Negotiating with Terrorists" in SCHMID, Alex; "Western Responses to Terrorism", Frank Cass Press (1993), p.266

¹⁰⁰ *ibid*, p.276

¹⁰¹ *ibid*, p.285

¹⁰² *ibid*

quickly managed by the government, the hard-line policy will contribute to create a perception of vulnerability of the government in dealing with terrorism. The policy tends to create overexpectations, which if are not met, destroy the confidence of the public in the ability of the State to perform its duty.

Furthermore, the rigidity of such a policy raises the question of credibility and loss of prestige in the case of any disclosure, like in the Iran Contra affair. It creates an increased pressure on governments from the public and the media, which can lead to various other difficulties, including the possibility of over-reaction often expressed by the use of force. Another point closely related to this is the fact that a government that lacks a flexible policy is left with limited options for response.

Additional insights need to be provided. As we stressed out earlier, there is no evidence that a harsh announced policy of no concessions act as a deterrent against further acts of terrorism. Such a policy does not seem to be a hindrance to terrorist activities. This suggests that terrorists must have some other motivations hidden behind their tangible demands. It is precisely in this perspective that the symbolic value of their actions takes all its importance. Hostages are sought for their publicity value. There is no need to emphasize the fact that terrorism is the political weapon of the weak and as such, the taking of hostages is a way for terrorists to remind the public of the potential vulnerability of a State. The non-negotiation policy creates a challenge for hostage takers who become “inclined to escalate their tactical operations in order to find a part of vulnerability where adherence to the policy will be broken”.¹⁰³

All of which concludes that “under the best of policies such secondary consequences would warrant some reassessment of the primary value of the policy versus its negative

¹⁰³ MILLER, Abraham; “Terrorism and hostage Negotiations”, Westview Press (1980), p.28

consequences. Often, the secondary consequences appear indicative of a price not worth paying”.¹⁰⁴ Does this imply that there are some advantages to a policy that includes negotiation?

It seems that negotiation by the government can lead to appropriate solutions that involve the freeing of hostages without disgracefully compromising itself or setting precedent. It is still possible to negotiate in certain ways and maintain the fiction of non-negotiation. Those who advocate such a position contend that it is a misperception to assume that the “conflict” is reduced to a zero-sum gain where only one party wins. It is possible to negotiate without making the terrorist feel successful. Besides, it is a mistake to refuse to negotiate with terrorists at all “since without negotiations there is little hope of gaining time and information”.¹⁰⁵ Moreover, negotiating concessions presents some advantages in the short and medium run as “it minimizes the risk to the hostages”¹⁰⁶ and “avoids the escalation of the particular conflict that can come from humiliating the attacking group”¹⁰⁷.

It is interesting to note the case of Israel who apparently has adopted a “coherent strategy”¹⁰⁸ combining both non-negotiation and negotiation in response to terrorist’s hostage takings. As a matter of fact, to summarize what Philip Heymann explained, Israel adopts a particular strategy according to the location where the hostages are held. If the hostages are held in a hostile country and no armed assault is feasible, then Israel will negotiate for the release of its hostages. In the other case, that means if the hostages are

¹⁰⁴ *ibid*, p.27

¹⁰⁵ CLUTTERBUCK, Richard; “Negotiating with terrorists” in SCHNID, Alex; “Western Responses to Terrorism”. Frank Cass Press (1993), p.285

¹⁰⁶ HEYMANN, Philip; “Terrorism and America”, MIT Press (1998), p.40

¹⁰⁷ *ibid*

¹⁰⁸ *ibid*, p.41

held within Israel or a friendly state, Israel firmly refuses to grant any concessions to terrorists and initiates a military operation. And as the author points out, “even if Israel does negotiate concessions, it does not compromise the clarity of Israel’s announced policy of always preferring armed assault whenever possible”.¹⁰⁹ This position somewhat stands in contrast with the one of the US, who pretends to maintain a tough policy of “no concessions” while “disguising the fact that concessions are made”.¹¹⁰

B/ When and How to negotiate with Bin Laden

“There are two situations in which negotiation does not or cannot occur: when one of the persons immediately agrees to what the other is asking or suggesting, and when one of the two adamantly refuses to even discuss the matter.” It seems that the second hypothesis applies to the case of the relationship between Bin Laden and the United States.

1/ Are the conditions for ripeness met?

In his article “Thinking about negotiation”, Haas contends that it is not always the “right time” to negotiate and that certain stages during the conflict are more likely to engender success than others. He specifies that four conditions should be fulfilled in order for ripeness to occur.

The first one is the existence of a mutual belief that an accord would be desirable. Both parties feel that time does not play in their favor. How does this first condition

¹⁰⁹ *ibid*, p.42

¹¹⁰ *ibid*

apply to our case? Neither Bin Laden nor the United States share the perception that an agreement is a good thing for them. On the one hand, Bin Laden is convinced that it is a matter of time before he wins against the “enemies of Islam”, he exploits time by attempting to reduce the resistance and the tolerance of the United States to his terrorist attacks. On the other hand, the United States simply does not perceive an agreement as desirable. Their counter-terrorism policies will be more effective as time goes on.

Second condition: the leaders on both sides should be able or should have the capacity to agree in the name of their constituency. In the case of the United States, the leadership is strong enough to be able to commit to agree (although it might slightly affect its leadership in the long run in the sense that the American people will perceive it as a sign of weakness). Concerning Bin Laden, the question is the following: Whom does he represent? On what grounds should he be legitimate to represent the Muslim people? He is a single individual with extremist views that do not necessarily reflect the needs and aspirations of all Muslims.

Third condition: there should be sufficient compromise made on both sides in order to convince the respective constituencies that it was “a good deal.”

As far as the present conflict is concerned, there is no willingness on both sides to make any concession.

The fourth condition is the acceptance of a mutual acceptable process. (irrelevant in our case since no agreement is even desirable.)

Alternatively, a fifth condition is being discussed, which is the existence of a mutual hurting stalemate “where each no longer believes it possible to obtain what he or

she wants through efforts at domination or coercion.”¹¹¹ The previous analysis of the conflict made it clear that the parties have not reached the point of stalemate. It has often been argued that the United States is not facing a major threat to its security in so far as the majority of Bin Laden’s attacks are directed on US soil and as such there is” no public outcry that threatens to undercut the true fabric of society.”¹¹² On the other hand, Bin Laden is not challenged with the occurrence of stalemate: there is no clear evidence that he might lose his “social support”¹¹³ or that he will be faced with an exhaustion of resources” or” unacceptable costs.”

The aforementioned concludes that the conditions for ripeness are not met in the context of the US-Bin Laden conflict precisely because Haas’s pre-requisites of ripeness are based on the assumption that negotiation is a possible option foreseen by both parties. However, does that mean that the likelihood to attempt to de-escalate when the time is right is minimal? Are there ways to create ripeness beyond the “inherent or naturally occurring¹¹⁴” ripeness?

2/ Can we create the conditions for ripeness?

According to Jeffrey Rubin, there are several ways to create ripeness; some of them can be applicable to our case. One possibility is to actually create a “hurting stalemate” so that the situation becomes intolerable and will induce the parties to reject the status quo.

¹¹¹ KRIESBERG, cited in “Some wise and mistaken assumptions about conflict and negotiation” in Negotiation Theory and Practice, edited by Breslin and Rubin (1991)

¹¹² MALVESTI, Michele, discussion, Pentagon official, specialist in Counter-terrorism in the Middle-East

¹¹³ RUBIN, Jeffrey and PRUITT and KIM in “Social Conflict”, Escalation, Stalemate, and Settlement. Mc Graw-Hill, Inc. (1994), p.152

¹¹⁴ RUBIN, Jeffrey; “The Timing of Ripeness and the Ripeness of Timing” at: [<http://www.Colorado.edu/conflict/peace/example/rubi2278.htm>]

This can be done by creating “negative or positive incentives”¹¹⁵, (carrots and stick theory). Moreover, the intervention of a third part can help achieve this goal even if one of the dangers is that the parties are not initiating the solution.

Basically, creating conditions for ripeness amounts to find ways to render negotiation more attractive and as a result, facilitating the ripeness.

But, once again what is the impact of ripeness when negotiation does not even seem possible? Why do negotiation and terrorism seem so “incompatible” for US policy makers? What explain this incompatibility? (It should be noted that we have defined negotiation as a process by which two parties agree to reach a settlement that would be beneficial for the two parties.)

3/ Negotiating with Bin Laden: the pros and the cons

One of the positive aspect for a negotiation between the US and Bin Laden is that it establishes a better communication between the two parties. In this case, the communication between Bin Laden and the United States will favor the latter in the sense that it will increase to a certain extent the influence exerted by the US on Bin Laden and will provide the opportunity for the US to “convince terrorists that they will not have what they want.”¹¹⁶ Moreover, by definition, a negotiation is a positive step that involves the possibility of a settlement.

All of which demonstrates that there exists some advantages for the US to negotiate with Bin Laden but these will rapidly fade away in the light of the dangers that negotiation entails. First of all, negotiating with Bin Laden will present the danger of conferring him

¹¹⁵ *ibid*

¹¹⁶ FISHER, URY; “Getting to yes”. Penguin book, (1991), p.161

a status, which is not desirable and would reward violence by giving terrorists a place at the negotiation table. The fact of negotiating with terrorists will actually imply the recognition by the US of the legitimacy of the terrorist's actions. Refusing to negotiate will prove that the US is consistent with its stance on morality and integrity. Another disadvantage inherent to the act of negotiation would be the image of "weakness" that the US will demonstrate to its people. Furthermore, negotiating with Bin Laden would undermine the beliefs shared by many people that there are some values worth fighting and even dying for"¹¹⁷Not all matters and interests can be subject to negotiation. Sometimes, even negotiation with certain individuals is extremely uncertain. This observation brings about a fundamental question: how is it possible to negotiate with an individual having very strong ideologies and beliefs? Fisher and Ury argue that people's beliefs are not easily changed but the "actions they take may be subject to influence."¹¹⁸

This solution ironically represents a departure from Fisher's principle: "Focus on interests not on positions." But it is true that it is easier to try to change someone's position than his underlying interests if this individual has very high stake interests.

All of which have shown that the disadvantages of the US to negotiate with Bin Laden clearly outweigh the benefits. Negotiating with Bin Laden would set a precedence that the United States is not willing to accept.

So, the question that needs to be addressed now is: how the US should negotiate with Usama Bin Laden?

4/ How to negotiate with Bin laden?

¹¹⁷ *ibid*, p.163

¹¹⁸ *ibid*

First of all, trying to answer this question amounts to redefining and broadening the concept of negotiation. This notion can be used when both parties try to influence the decision of the other. This form of negotiation occurs even if there is no direct communication between the two parties. And as Fisher noted, “many actions taken away from the table are taken for the purpose of “sending a message” to affect decisions of the other side.”¹¹⁹

In this perspective, what are the “tools” at the disposal of the United States in its attempt to influence Bin Laden?

- **The use of force and the threat of the use of force**

1. The use of force

The use of force is a possible option that can and has been used by the United States to retaliate against Bin Laden and his organization with the objective to harm him. The effectiveness of this method can be assessed in the light of the example of the US response to the bombings of the US embassies in Africa.

On August 21, 1998, two weeks after the bombing of the US embassies in Nairobi and Dar es Salaam, the United States launched a “preemptive strike” with the use of Tomahawks cruise missiles on Bin Laden’s training camps in Afghanistan and a suspected chemical weapons plant in Khartoum.¹²⁰ What were the results? The operation did not kill bin Laden and the bombing of the suspected weapon plant appeared to be a mistake, targeting a pharmaceutical factory. Moreover, the ethical implication of the US

¹¹⁹ FISHER, Roger; “Negotiating Power: Getting and Using Influence” in Negotiation Theory and Practice, p.127

¹²⁰ “US Used Cruise Missiles”; ABC World News, August 21, 1998 at: [http://more.abcnews.go.com/sections/world/DailyNews/strike_hardware980821.html]

retaliation against terrorism has become subject to controversy. “This is unfortunately, the war of the future (...) this is going to be a long-term battle against terrorists who have declared war on the United States”¹²¹ Madeleine K. Albright noted after the incident. The retaliation of the US brought about some concern as to the moral justification of the US launching deadly weapons “against unseen targets without warning and without knowing that for certain whether or not the lives of civilians will be lost.”¹²² Moreover, another criticism of this strategy is the inherent capacity for escalation and therefore the probability that it might backfire. A harmful action taken against Bin Laden will increase the probability for the latter to respond and to pave the way for a cycle of escalation. Is there any other strategy that would be more effective for the US?

2. The use of the threat of force

This option seems more attractive and effective than the previous one because its purpose is to signal an intention to the other party “to behave in ways that are detrimental to the interests of the other¹²³” without actually inflicting harm. This is called deterrence. “All we have to do is make it clear that the costs of continuing a course of activity will exceed the benefits and it should stop”¹²⁴

In the case of the US in relationship with Bin Laden, the use of threat might be more appropriate because it will provide the United States with a more “humane” image before the international community. It will eliminate the controversy over the moral implications of using force. Also, the absence of harmful effects will confer greater leverage to the US

¹²¹ “The war of the future”; America, September 26, 1998 at: [http://www.findarticles.com/cf_0/m1321/n8_v179/21169617/pl/article.jhtml]

¹²² *ibid*

¹²³ RUBIN, PRUITT, KIM; Social Conflict in “Contentious tactics”, p.57

¹²⁴ HEYMANN, Philip; p.73

and will water down the anger of the other party and its supporters in the case of a confrontation. For instance, the threat by the US of the destruction of terrorist training camps would have been credible enough to expect a change in Bin Laden's behavior. However, there is no evidence to prove to what extent the threat of force is an effective strategy for the US.

It has been clear that the relationship between the United States and Bin Laden is deeply conflictual and leaves no room for negotiation on the basis of common interests. This antagonism of interests is framed within the larger context of the divergence of values and beliefs between the West and Islam. The previous analysis of the two parties has shown that there is no place for an agreement based on mutual trust and understanding. The parties are left with a restricted means of communication: they essentially communicate through the media or by influencing the other through the use or threat of force. The danger lies in the fact that the media is playing upon the fear of the American public and distorts the possibility for the two parties to come to the negotiation table. Therefore, what can be done to enhance the communication in the long-term where the benefits would serve the US and Bin Laden's interests in ways in which would preclude the acknowledgement of an explicit mutual agreement between the US government and Bin Laden?

In their response towards terrorism, may it be Bin Laden's actions or hostage taking cases; the United States has to take into account two important factors. It is even more accurate to define these factors as "complicating factors" in so far as they can influence and to some extent, manipulate the decision-making process. As a matter of fact, the media are often considered as the "fourth" constitutional power in the US. Also,

there is no denying that the US is a liberal democracy that respects the rule of law as well as democratic principles and as such, is expected to respond “correctly” in a legal and democratic framework. In this perspective, the US faces a dilemma which consists in responding adequately to terrorism without appearing to be “undemocratic” or “immoral”.

C/ Elements to be taken into account in the US strategy?

1) The media

“The relationship between publicity and terrorism is indeed paradoxical and complicated. Publicity focuses attention on a group, strengthening its morale and helping to attract recruits and sympathizers. But publicity is pernicious to the terrorist groups too. It helps an outraged public to mobilize its vast resources and produces information that the public needs to pierce the veil of secrecy all terrorist groups require”¹²⁵.

David Rapport nicely summarized the nature of the relationship between the media and terrorism. Let us examine in the first place how the media serve the terrorist’s purposes, how it can also be a double-edged sword and what are the effects of the media on the government’s decision-making.

First of all, understanding the media’s role in endowing terrorists with publicity amounts to comprehending the terrorist’s objectives. It has been widely assumed that terrorists seek publicity in order to spread their message. This characteristic is not recent although it has been exacerbated with the Information Revolution. As a matter of fact, the Zealots-Siccari as well as the Assassins played to an audience beyond the direct victims

¹²⁵ RAPPORT, David; “Editorial: The Media and Terrorism; Implications of the Unabomber Case, Terrorism and Political Violence, vol. 8, no.1 (Spring 1996), p.viii quoted in HOFFMAN, Bruce; “Inside Terrorism”, Columbia University Press (1998), p.155

of their attacks. It is therefore not surprising that terrorists want their actions to spawn maximum publicity. By creating a climate of fear and intimidation, they aim at attracting attention, communicating their message, imposing their views on their victims as well as the victim's representatives. As Dr Frederick Hacker notes, "terrorists seek to frighten and by, frightening, to dominate and control. They want to impress. They play to and for an audience and solicit audience participation".¹²⁶ It is precisely within this perspective that the media play a crucial role in enabling terrorists to expand or amplify their audience. The media publicize their cause through intensive television and press coverage and the publicity is even intensified in times of hostage crisis, where interviews with the families' victims, members of the government and experts are abound. To a certain extent, it is possible to say that, by gaining exposure or publicity for themselves and their cause, terrorists are granted a status which can provide them with some legitimacy and "increase their bargaining power for the next round".

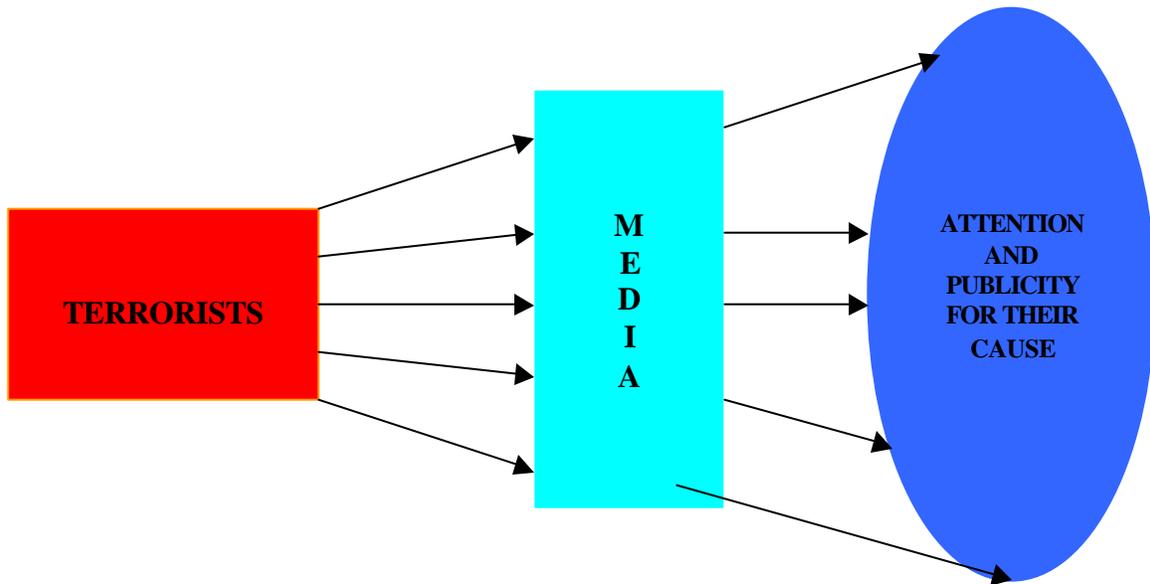
Eventually, in order to simplify the relationship between the media and terrorists, it is interesting to note the metaphor used by Former British Prime Minister, Margaret Thatcher who stated that "the media supplies the oxygen of publicity on which terrorists depend".¹²⁷

There is no denying that the media and terrorists enjoy a symbiotic relation, however the media coverage of terrorist's activities can be a double-edged sword, terrorists can be manipulated by the media as much as the former exploits the latter.

¹²⁶ HACKER, Frederick; "Crusaders, Criminals, Crazyies: Terror and terrorism in out time", New York (W.W. Norton, 1976), p.xi quoted in HOFFMAN, Bruce; "Inside Terrorism", Columbia University Press (1998), p.131

¹²⁷ THATCHER, Margaret as quoted in R. W. Apple Jr., "Meese Suggests Press Code on Terrorism", New York Times, 18 July 1985 as quoted in HOFFMAN, Bruce; "Inside Terrorism", Columbia University Press (1998), p. 143

Before examining this aspect, let us simplify, through a quick diagram, the idea according to which terrorists thrive on publicity to spread their message and entice people to their cause. (The idea of amplification is highlighted).



The Argument according to which the media does not favorably serve terrorists states that terrorist's exploitation of the media has not allowed terrorists to entice public opinion to their cause. Besides, an American think-tank, the RAND Corporation has conducted a study that has shown that "public approval for terrorists was *effectively zero*"¹²⁸. Moreover, "the public attitudes and reactions that they hope to shape by their violent actions are both less predictable and less malleable than either the terrorists or the pundits believe".¹²⁹ Terrorists cannot depend on the media to be a reliable source of their "cause-promotion". As a matter of fact, it is important here to shed a light on the

¹²⁸ HOFFMAN, Bruce; p.144

¹²⁹ *ibid*, p.147

research studies on terrorism and the media made by Alex Schmid and Janny de Graaf.¹³⁰

One of their findings makes clear that “the thesis of a new story depends on the source”¹³¹ and that the media are “not objective” in so far as they are “manipulated by their source”.¹³² The study concludes that “Ironically, the greatest source of terrorist information is the government. Therefore, most Western news items reflect a governmental perspective”. In this view, the medium is ally with the government and the relationship is all the more “beneficial” than the media often contribute to laying emphasis on the terrorist’s vulnerabilities. As a matter of fact, the media provide some important and strategic information for the government on the location of terrorist groups and other relevant crucial information. The media spotlight threatens to a certain extent to reveal the secrecy that terrorists seek to preserve.

Let us now examine the impact of the media on the government’s decision-making. As we will show later on in the paper, the media can create a certain amount of unmanageable pressure on decision-makers who are subsequently urged to take immediate actions deprived of any strategic considerations_ in the sense of long-term and consistent measures to reach clear and defined objectives.

Moreover, it is important to note that the media play an important part in both, expressive and instrumental terrorism. Concerning the former, especially in the case of Bin Laden, where no direct communication exist or is possible between the government and Bin laden, the media can easily become the principal intermediary between the two parties.

Concerning the latter, more precisely, hostage-taking cases, it has often been argued that the media can have a “pernicious role”, Bruce Hoffman gave the example of the

¹³⁰ WHITE, Jonathan; “Terrorism”, a introduction; West Wadsworth Publis hing Company, (1998), p.260

¹³¹ *ibid*, p.261

¹³² *ibid*

hijacking of TWA Flight 847 by Lebanese Shi'a terrorist group in 1985.¹³³ As a matter of fact, the outcome of the crisis, which resulted in the US decision to make pressure on Israel to release the Shi'a soldiers in exchange for the release of the US hostages, clearly attests to the insidious role played by terrorists in manipulating the media but it also shows the "policy-driver" nature of the media as well as their "assumed responsibility of negotiating with terrorists"¹³⁴. This last point is illustrated by the pertinent question asked at the time of the crisis by an ABC *Good Morning America's* journalist: "Any final words to President Reagan this morning?"¹³⁵ However, even though this involvement of the media can be justified by the acknowledgement that the media represent "the instrument for the hostages" in forcing the "Administration to put their lives (the hostages' s lives) above policy"¹³⁶, there is no denying that the media can also inhibit decision-makers from adopting rational decisions in the national interest¹³⁷ and often "complicates and undermines governmental efforts to obtain their release"¹³⁸. All of which raises the fundamental questions of the media censorship as a way to limit irrational decision-making on the one hand and restrain the full realization of democratic principles on the other hand.

¹³³ HOFFMAN, Bruce; p.132

¹³⁴ *ibid*, p.134

¹³⁵ *ibid*

¹³⁶ STAHL, Lesley, CBS White House correspondent quoted in DIAMOND, Edwin; "The coverage itself Why it turned into Terrovision" TV Guide (Radnor, PA), 21 September 1985, p.13, quoted in HOFFMAN, Bruce, p. 134

¹³⁷ LANTOS, Tom; senator quoted in SCHMIDT, A. P; "Terrorism and the media: the ethics of publicity", Terrorism and Political violence, vol.1, no.4 (October 1989), p.564 quoted in HOFFMAN, Bruce; p.134

¹³⁸ HOFFMAN, Bruce; p.134

2) Democratic principles

There is no denying that the US must take into consideration the respect of the rule of law in its response towards terrorism. In short, in his book "Terrorism versus Democracy", Paul Wilkinson argues that a free media is an essential attribute of an "open society" and that there is no doubt about the fact that in this liberal environment, "the media is particularly vulnerable to exploitation and manipulation by ruthless terrorist organizations".¹³⁹ However, he advocates the crucial that the freedom of expression plays in the United States. He insisted that it should not be compromised because it represents "one of the key foundations of democratic society". He maintains that "censorship, in whatever guise, plays into the hands of enemies of democracy".¹⁴⁰ Concerning the debate on the media and democracy, the author suggests three options for a democratic society regarding the media's coverage of terrorism: the "laissez-faire" option, "the media censorship or statutory regulation" option and eventually the "voluntary self-restraint"¹⁴¹ option, which he favors the most as a mean to educate the media.

The foregoing analysis has shown the extent to which the US government should respect the integrity of democratic principles and values. Moreover, another essential point is worth noting and consists in the morality of the US options in response towards terrorism, more precisely, the military option in the case of Bin Laden when the United States, as we have shown earlier, struck missiles against a pharmaceutical plant in Sudan as well as in Afghanistan. The morality of these strikes has been questioned and the rule of law as well as the principles of "just war: theory have been part of the debate.

¹³⁹ WILKINSON, Paul; "The Media and Terrorism" in "Terrorism versus Democracy", The Liberal State Response, Frank Cass (2000), p.179

¹⁴⁰ *ibid*, p.185

¹⁴¹ *ibid*, p.186

It is precisely within this context that the saying of Friedrich Nietzsche, “He who fights with monsters might take care lest he thereby become a monster”¹⁴² takes all its significance.

After having briefly noted the role of the media and the democratic principles as complicating factors that the US should not neglect in its strategy towards terrorism, the following party will address three elements of negotiation that would benefit the US long-term objective if they were integrated in their strategy.

D/ What elements of negotiation should be integrated to the US strategy towards terrorism?

I have decided to address three issues in this section: humanizing the enemy, depersonalizing the situation for the President and finally the creation of a cultural bridge between the United States and Islam. The two first ones aim at enhancing the quality of the decision-making of the President and other crucial decision-makers in order to “influence” the relationship between the US and terrorists as well as their perceived threats and perceptions of each other. The last point tackles the issue of the relation between the US and Islam and offers suggestions to improve the relationship building that would undoubtedly benefit the US in the long run.

- **Humanizing the enemy.**

There is no denying that dehumanizing the enemy is easier to do because the act itself precludes any effort to try to understand the Other. As a matter of fact, Margaret and Charles Hermann contend that “people experiencing stress tend to dehumanize the

¹⁴² NIETZSCHE, Friedrich; “Beyond Good and Evil” (1886) quoted in SCHMID, Alex; “Western Responses to Terrorism”, Frank Cass (1993), p.307

enemy, enabling to deal with the enemy without any sense of remorse”.¹⁴³ In other words, the act of dehumanizing the enemy prevents the person from entering the “frame of reference”¹⁴⁴ of the other in order to grasp at the roots of the terrorist’s deepest fears, angers, desires and motivations. As a matter of fact, as Fisher and Ury argue, “how you see the world depends on where you sit” and “you should be prepared to withhold judgment for a while as you “try on” their views”.¹⁴⁵ Therefore, it is necessary to humanize the enemies and put “ourselves in their shoes, to understand what they want and to consider what it would take to help them save face and release the hostages”.¹⁴⁶ There is no denying that knowing the terrorist and his underlying interests increases on the one hand the terrorist’s vulnerability as he becomes more “transparent” and on the other hand, the US government’s preparedness. Besides, “if you want to influence them, you also need to understand empathetically the power of their point of view and to feel the emotional force with which they believe in it”.¹⁴⁷

As we previously mentioned, the stress experienced by decision-makers is related to the fact of dehumanizing the terrorist and as such, in order to decrease the stress and subsequently the risk of generating an irrational policy, the government should try hard to humanize the terrorist by enlarging their knowledge on the particular group, individual and its/his motivations.

¹⁴³ HERMANN, Margaret and Charles; “Hostage-taking, the presidency and the stress” quoted in REICH, Walter; “Origins of terrorism”, Woodrow Wilson Press (1998), p.224

¹⁴⁴ HOLSTI, “Crisis, Escalation, War” quoted in REICH, Walter; “Hostage-taking, the presidency and the stress”, “Origins of Terrorism”, Woodrow Wilson Press (1998), p.223

¹⁴⁵ FISHER and URY; “Getting to yes”, Negotiating agreement without giving in; Bruce Patton Edition (1983), p.23

¹⁴⁶ HERMANN, Margaret; “Hostage taking, the presidency and stress”, in REICH, Walter; The Origins of Terrorism. John Hopkins University Press (1998), p. 224

¹⁴⁷ FISHER and URY, p.23

- Depersonalizing the crisis by decision-makers: the case of the US President

As we have shown earlier, the media exacerbates the pressure on the US President and decision-makers by putting every actions and reactions of the President under public scrutiny. In other words, during hostage-taking crisis, the media creates stress on the President who has to face a complex and troubling dilemma for action: if he decides to initiate military action, he increases the risk of death of civilians; on the other hand, if he does not act, he takes the risk of appearing weak. As a matter of fact, the President's popularity fluctuates with the perception of public opinion on how well he is doing in seeking the release of the hostages.¹⁴⁸ The media tends to imply that the administration is soft and is losing ground vis a vis the terrorists. Moreover, it is essential to note that the US President, as President of the world superpower, bears an additional sentiment of "frustration and even anger"¹⁴⁹ in face of its incapability and impotence to protect his citizens. The various pressures on the President exerted by the media, the hostage's families, the hostage takers as well as time considerations have a fundamental role in transforming a foreign policy crisis into a personal affair. The President is accountable for his actions and decisions and the way he copes with the issue has a crucial impact on his "domestic authority and international prestige"¹⁵⁰. In addition, as Hermann nicely puts it, "he (the president) can become understandably concerned, anxious, apprehensive, frustrated, uncertain, angry, tentative".¹⁵¹ All of which leads the president to "internalize" the event instead of dealing with it as an objective element of foreign policy. The president is aware that his image is constantly being put at risk and may lead to "a degree

¹⁴⁸ *ibid*, p.212

¹⁴⁹ *ibid*

¹⁵⁰ *ibid*, p.213

¹⁵¹ *ibid*

of personal commitment and self-examination on the part of the president that is unusual in foreign policy issues".¹⁵²

In his Memoir, President Carter attests to the extent to which he personalized the hostage crisis:

"The holding of the American hostages had cast a pall over my own life and over the American people since November 4, 1979. Although I was acting in an official capacity as President, I also had deep private feelings that were almost overwhelming. The hostages sometimes seemed like part of my own family. I knew them by name, was familiar with their careers, had read their personal letters written from within their prisons in Iran. I knew and had grown to love some of the members of their families and had visited with them in Washington and even in their hometowns around the country. More than anything else, I wanted those American prisoners to be free".

As a result, President Carter's internalization of the crisis and constant awareness that the lives of its citizens need to be saved were exacerbated by the role of the media and the resulting on-the-spot coverages, which gave the victim an identity and created a sense of urgency for action.

But, there is no denying that the quality of decision-making in such a personalized environment is deteriorated. Often the government will decide to take actions against the terrorists under the pressure of public opinion while it would be wiser not to do anything and "play for time".¹⁵³ The foregoing analysis brings about a fundamental and undeniable observation. The fact of personalizing the hostage situation alters the conditions for decision-making and inhibits an objective reaction based on some general principles. To a certain extent, the President is not able to take any sufficient distance from the problem in order to give an objective judgment. He is also trapped into the moment and is unable to have a vision for the future. He gives the impression of being weak and having no consistent strategy for the resolution of the crisis. On the other hand, the terrorists appear

¹⁵² SICK, Gary; "Taking vows: The domestication of policy-making in hostage incidents", in REICH, Walter; Origins of Terrorism, John Hopkins University (1998), p. 242

¹⁵³ *ibid*, p.241

stronger with his ability to control the course of events. The president is immersed into the crisis and to enhance the chances of better decision-making, it is essential that he separate himself from the problem. It is a variation of the principle “Separate the people from the problem” from Fisher and Ury. So, what needs to be done to depersonalize the crisis for the president?

First of all, it is crucial that the president “insulate himself from the gravity of the situation”¹⁵⁴ by trying, for instance, to favor a more objective approach based on considerations for national interests and the shaping of a set of general guidelines to cope with similar situations that would prevent the president from being totally absorbed by the dynamic of hostage taking, an essential “human dramas of universal fascination”.¹⁵⁵ Other attempts to depersonalize the situation entail the possibility of educating the media on the stressful impact they can have on the president and therefore on his decision-making. Another option, stated by Herman is the decision by the president to distance himself from he family of the hostages. (in the case of President Carter for instance).

- Cultural Bridge between Islam and the West

How can a negotiation be possible in a context where cultural norms and values serve as a weapon that one party imposes upon to dominate the other? Understanding the interests of a party is similar to trying to understand the culture in which these interests are embedded. If no such positive step is adopted, it is highly probable that negotiation will be doomed to failure.¹⁵⁶

¹⁵⁴ *ibid*, p.236

¹⁵⁵ *ibid*, p.241

¹⁵⁶ CARTER, Jimmy; “Keeping faith: Memoir of a President”, New York, (1982), p.4

This lack of communication between cultures is in part illustrated by the conflict opposing Bin Laden and his literal interpretation of the Koran to the United States, leader of the Western values. The lack of cultural understanding was also present in the case of the Iranian Hostage crisis where the US government did not have a global understanding of the Iranian Revolution.

It is widely recognized that the average American person is not familiar at all with the culture and traditions of Islam, one of the world three monotheistic religions. This blatant insensitivity towards the Islamic values and principles should be worked out. There is a need to emphasize Islam in an attempt to provide the people with some basic education of Islam and thus create a culture of tolerance as well as a cultural bridge between Islam and the United States.

Moreover, this positive development should also be implemented with a shift of US Foreign policy in the Middle East, which ideally would try to balance its biased relation to Israel.

All of which would be beneficial for the United States in the long run and would appreciably help to modify the US relation with Islamic extremist groups. Of course, it would be totally unrealistic and inaccurate to believe that the causes of Bin Laden's terrorism lie solely on the miscommunication between the West and Islam but it is important to remember that terrorism stems from disaffected oppressed people. As a result, the United States should take all necessary measures to try to enhance its relation with the Middle East in general. A better understanding of the Arab's needs would provide the United States with a greater legitimacy to act in the region. By the same token, it will help annihilate the founding of the Islamic extremist groups'

grievances, which are often used as a pretext to commit their actions. As a result, a better relation between Islam and the US will confer these groups a weaker legitimacy to act. These efforts would consist in a first step towards building a coalition with more moderate Islamic parties against Bin Laden.

CONCLUSION AND RECOMMENDATIONS FOR THE US STRATEGY

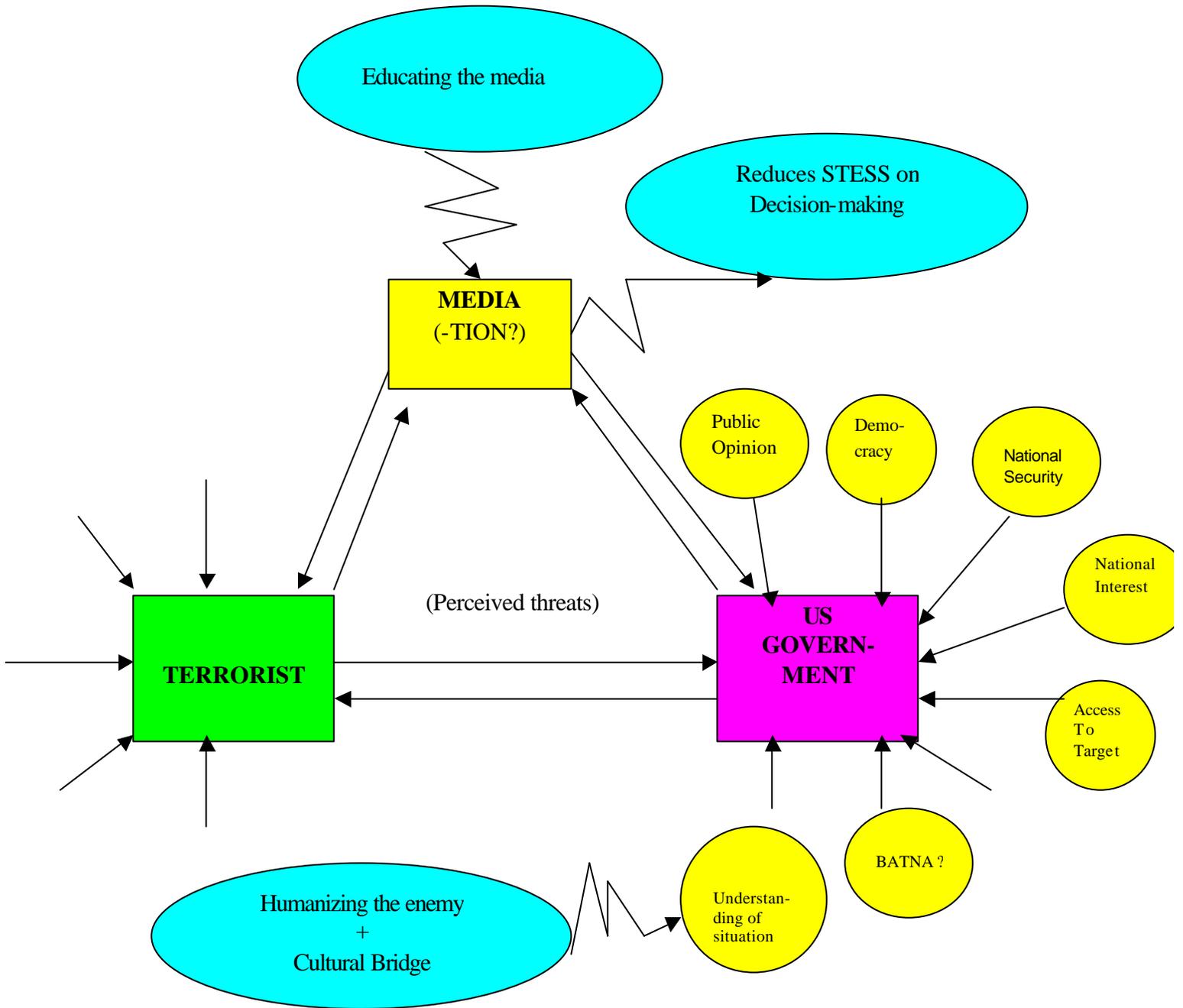
In the light of the analysis of the three case studies and the mistakes that the United States have committed in the handling of the situations, it is possible to draw some lessons for the United States. First of all, all three cases witness, to a certain extent, the failure of the US to fully understand the complexity of the dynamics at play. The lack of global understanding of the context characterized the situation in the Iranian hostage taking case where the United States failed to understand the nature of the revolutionary events that were occurring at the time as well as the nature of the Iranian nationalism and anti-imperialist sentiments. In the case of Lebanon, as we have shown earlier, the US failed to understand the linkage between external, internal events and the motivations behind Hizb'allah's actions and as such missed several opportunities for the resolution of the crisis. The Bin Laden's case also highlighted the lack of "cultural bridge" and communication between the US and Islam. All of which misled the United States in its adoption of a clear, coherent and consistent strategy against terrorism.

Moreover, what have been the implications of the US policy of "No Concessions to Terrorists"? Concerning the expressive form of terrorism, that is the terrorism generated by Bin Laden, there is no denying that both parties have no incentive to

“negotiate” with each other (in the traditional sense of the word) in so far as they both have better BATNA (Best Alternative Agreement to Negotiated Agreement). In the case of hostage taking, the stakes are different as both parties have a clear interest in negotiating and reaching an agreement with the other. Terrorists have a bargaining power because the hostages they take represent an instrument for the realization of their demands. As we have shown in our two examples, negotiation occurred between the parties, sometimes between the US government and intermediaries, who turn to be State-sponsor of terrorism, in spite of the publicly announced policy of “no-concessions”. The impacts of such discrepancy between private-secretive and public-announced policy has already been stressed in a previous part but it is worth reiterating the inconsistency this has created for the US strategy. As a matter of fact, the difference between what is being said and what is actually being done challenges the credibility and accountability of the US as well as the coherence of such a policy; not to mention the over-expectations and mixed messages it can create.

Furthermore, the diagram that follows will attempt at providing some general guidelines for the US government in response to terrorism, may it be expressive or instrumental terrorism. As a matter of fact, the diagram will highlight the relationship between terrorists and the US government by stating that the latter can positively influence the other and the other’s perception of the threat. More precisely, the various factors and pressures that act on the United States determine the US response towards terrorism and the terrorist in particular. As a result, in order to modify the terrorist’s perception of the threat, which will subsequently contribute, in the long run, to positively modify the terrorist’s behavior vis a vis the government, it is essential to modify some of

the pressures exerting influence on the government. The diagram will try to simplify this idea.



As a result, this diagram shows that if the US integrate certain elements of negotiation such as the creation of the concept of “cultural bridge” or the fact of “dehumanizing the enemy” or even the education of the media which would result in a decrease in the stress experienced by decision-makers, the US will implicitly influence the behavior of terrorists by altering their perception of the threat they have to cope with.

The traditional definition of negotiation is broadened if we consider negotiation as a concept implying the action of influencing the other. The US do negotiate with terrorist and this action provides the government with long-term benefits in so far as the nature of the relationship is modified. To a certain extent, it is also possible to say that this form of negotiation addresses some of the root cause of the terrorist’s actions. In this perspective, negotiation DOES NOT MEAN GIVING IN. The United States will actually reap only benefits from this strategy.

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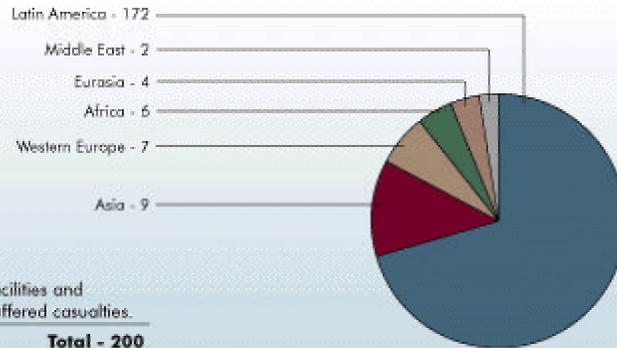
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ANNEXES (A)

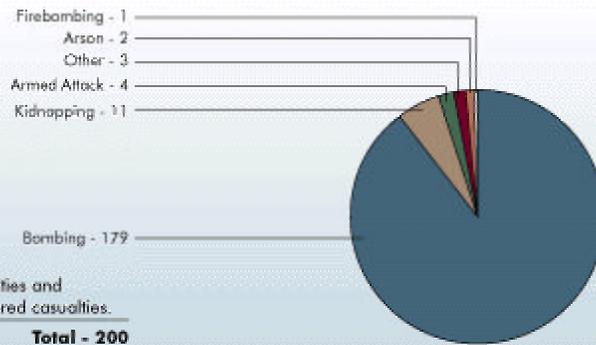
Total Anti-US Attacks, 2000

Region^a



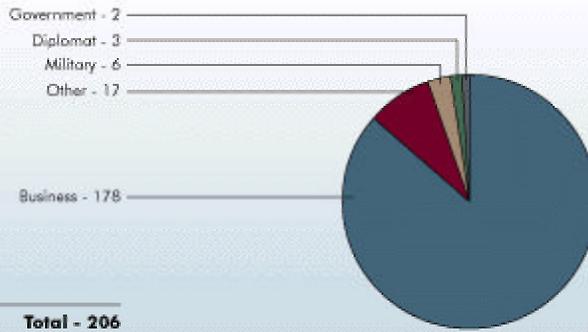
^a Includes attacks against US facilities and attacks in which US citizens suffered casualties.

Type of Event^a

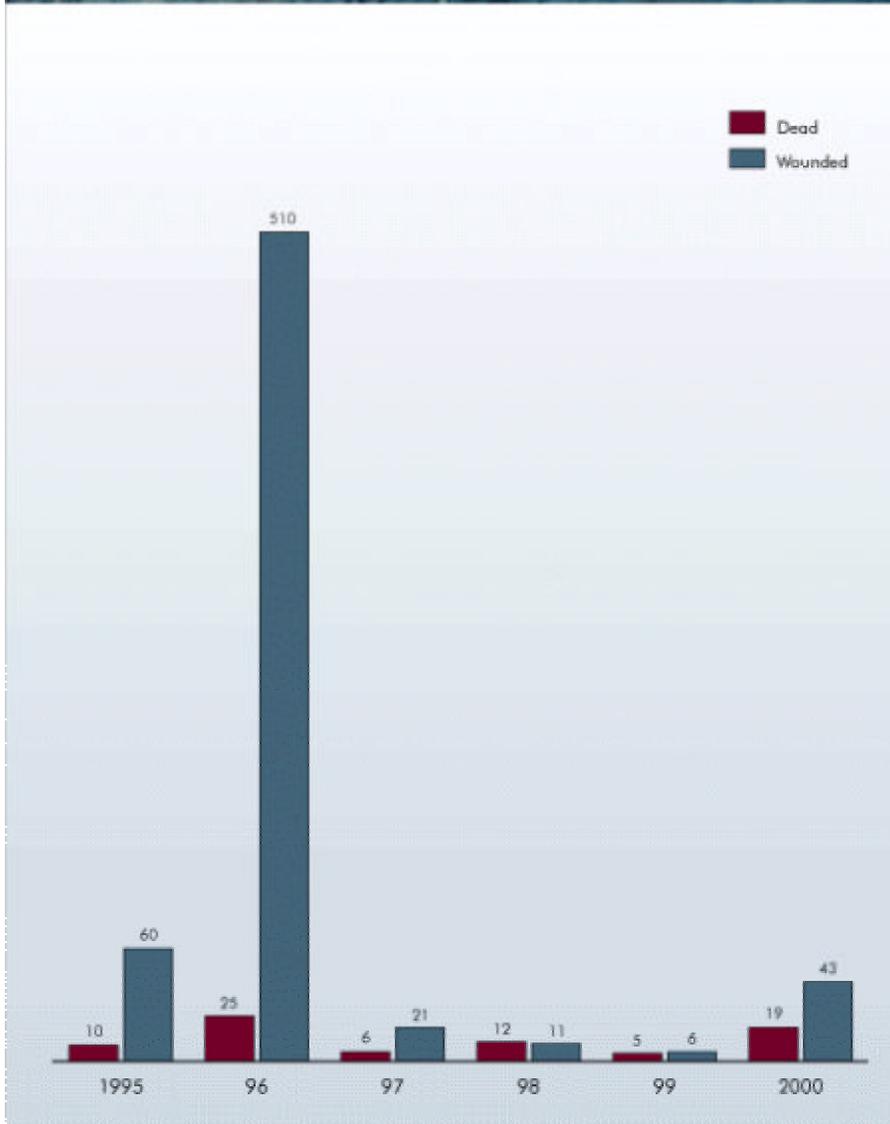


^a Includes attacks against US facilities and attacks in which US citizens suffered casualties.

Total US Targets Attacked



Total US Citizen Casualties Caused by International Attacks, 1995-2000



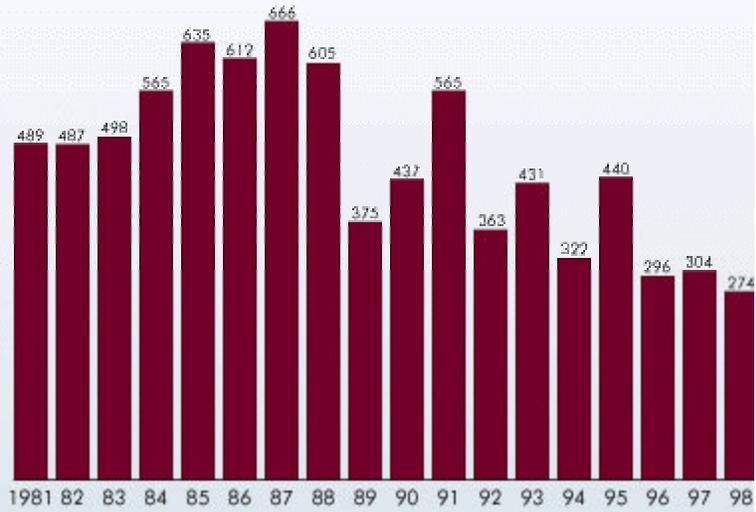


Total International Terrorist Attacks, 1981-2000

Patterns of Global Terrori

Appendix C Statistical Review

Total International Terrorist Attacks, 1981-2000



In past years, serious violence by Palestinians against other Palestinians in the occupied territories was included in the database of worldwide international terrorism incidents because Palestinians are considered stateless people. This resulted in incidents being treated differently from intraethnic violence in other parts of the world. In 1989, as a result of further review of the nature of intra-Palestinian violence, such violence stopped being included in the US Government's statistical database of international terrorism. The figures shown above for the years 1984 through 1998 have been revised to exclude intra-Palestinian violence, thus making the database consistent.

Investigations into terrorist incidents sometimes yield evidence that necessitates a change in the information previously held true (such as whether the incident fits the definition of international terrorism, which group or state sponsor was responsible, or the number of victims killed or injured). As a result of these adjustments, the numbers given in this report may vary slightly from numbers cited in previous reports.

