

## NEGOTIATING WITH TERRORISTS

By

Gary Noesner

In January of this year, the State Department was asked whether the United States would consider releasing from jail two convicted terrorists in exchange for Americans being held hostage recently by Algerian terrorists. In response, the State Department spokesperson firmly repeated that “the United States does not negotiate with terrorists.” This strong statement of unwavering resolve sounds good on the surface, but is it really helpful to the process of securing the safe release of American hostages? An aggressive Algerian military response to resolving this incident left 37 hostages dead.

The United States has long embraced the belief such a policy protects our citizens from being taken hostage. The theory is that by denying any potential gain to the terrorists, they will see the futility of taking Americans hostage and then refrain from doing so. This approach may sound logical, but experience has repeatedly shown it has not worked. Americans continue to be frequently taken hostage around the world despite this policy.

The problem arises from the misunderstanding of the term negotiate. Many embrace the false belief that negotiations are synonymous with capitulation or acquiescence, and are therefore unacceptable. Correctly understood, negotiation is simply a dialogue between parties attempting to resolve a disagreement. While some may erroneously infer that negotiation means making substantive concessions, it does not. All agree that our government should not make substantive concessions which reward terrorists for their actions, including the release of prisoners. However, this tough stance does not require repeated public declaration that we will not negotiate, nor should we let this unequivocal phrase inhibit our willingness to open a channel of communications with terrorists in an attempt to save lives. President John F. Kennedy said it best: “Let us never negotiate out of fear. But let us never fear to negotiate.”

Many years ago I was involved in a case in which several Americans were taken hostage by a terrorist group in Latin America. Instead of opening a dialogue as recommended, the employer insisted on repeatedly and emphatically declaring it would never pay a ransom, believing the kidnappers would then simply release the hostages. Instead, the terrorists killed all three hostages, seeing no further reason to keep them alive. Opening and maintaining a dialogue would have kept them alive, at least long enough to consider other options.

As the former Chief of the FBI’s Crisis Negotiation Unit, I know that law enforcement hostage negotiation is a highly successful tool employed with great success in many dangerous situations. The premise of negotiation is that by engaging in dialogue, we can better understand our

adversaries and attempt to positively influence their behavior. Competent negotiation promotes a dialogue that helps defuse and de-escalate any incident, and almost always achieves better outcomes, even with terrorists. Mistaken belief that you cannot, or should not negotiate with terrorists often becomes a self-fulfilling prophecy, usually with lethal consequences. Terrorists are not immune to the influence of competent negotiations. Buying time through negotiation dialogue helps stabilize an incident, promotes better intelligence gathering, allows additional resources to be assembled, and better planning for any tactical action that may be required later. It can also achieve a peaceful outcome. When necessary, successful tactical intervention is best undertaken after significant planning and preparation, and as a last resort.

An effective response to terrorist hostage taking requires a wide array of tools to be employed at different times. Adhering to a one size fits all “no negotiation” stance closes the door to pursuing creative approaches to saving lives. With no prospect of dialogue, terrorists often start killing hostages, which can trigger an ill-conceived tactical intervention that usually results in an even greater loss of life. We should keep in mind that there is a great deal of space to maneuver between total capitulation to demands and an outright refusal to negotiate. The recent tragic loss of life in Algeria shows the consequences that result when a government decides it needs to quickly respond with force alone.

Despite the U.S. government's stated policy, FBI negotiators confronting terrorists holding hostages on a hijacked plane at JFK airport would indeed attempt to open a dialogue, not doing so would be reckless. Their efforts to secure the safe release of hostages in exchange for food for example would be appropriate, whereas releasing terrorists from jail would not. They understand the difference and so should our government decision makers. Our “no negotiation” rhetoric can cause confusion and uncertainty, even among our own officials who must manage these incidents.

Government officials should avoid saying we will not negotiate with terrorists, and instead correctly and simply state when necessary what U.S. policy has always really been, that we will not make substantive concessions to terrorists. We should otherwise be quiet, as nothing more need be said.

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Gary Noesner retired as the Chief of the FBI's Crisis Negotiation Unit following a 30 year career. He was heavily involved in numerous prison riots, right-wing militia standoffs, religious zealot sieges, terrorist embassy takeovers, airplane hijackings, and over 120 overseas kidnapping cases.

In 2003 he became an international kidnap risk consultant. He speaks to groups and has appeared in numerous television documentaries about hostage negotiation, terrorism, and kidnapping. He was interviewed on NPR's Fresh Air in 2010. His book: *Stalling for Time: My Life as an FBI Hostage Negotiator,* was published by Random House on September 21, 2010.

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