The following text is an edited transcript of Professor Fisher's remarks at the November 13 meeting.

Afghanistan: Negotiation in the Face of Terror

Roger Fisher

Whether negotiation will be helpful or not depends upon what our purpose is. In Afghanistan the United States has several purposes; for some of these negotiation is relevant and for some it's irrelevant. For example, some want to use our action in Afghanistan to send the message to states potentially harboring terrorists that it's a very risky business. Bombing Afghanistan sends a message to the world: Don't mess with us or you will suffer. We are very definitely trying to change their thinking, but not through negotiation.

The second purpose of our military action is to make terrorism difficult. Here, the goal of the United States has been, and I presume still is, to make it physically more difficult for terrorists to succeed in inflicting damage on the United States and on others.

To achieve this purpose, the war has been directed toward destroying al-Qaeda's training bases and driving the Taliban from Kabul, presumably to make it more difficult for

them, as a government, to organize or to harbor terrorists. The United States is also, I believe, trying to find Osama bin Laden and either capture or kill him, to eliminate the brains, inspiration, and leadership that we believe are behind the events of September 11th.

In the United States, we are making terrorism more difficult by, for example, improving security in airports and in buildings. This strategy is comparable to the first Chinese military program of defending itself by building the Great Wall of China, a very passive defense to deter invaders. It definitely made it more difficult

The strategy of making terrorism more difficult is not designed to influence others: It's not a negotiation. I suppose if we should capture bin Laden, a subordinate purpose might be to punish him in order to deter future terrorists. However, since the worst terrorist actions on September 11th were taken by people engaged in suicide bombing, such punishment is unlikely to be an effective means of discouraging people from being punished later on. It would be more likely to make bin Laden a martyr than to deter future terrorism.

These are self-help measures that physically affect the future. It doesn’t affect anyone’s mind. It's like keeping your money in a safe instead of passing a law against bank robbery--a physical means of changing things. That's not

negotiation.

The third purpose: threatening and then carrying out U.S. military action, may be, and I think it has been, a way to influence a near-term decision by Afghanistan's then Taliban government. Negotiation is very much an effort to influence a decision that someone makes. In view of the withdrawal in the last 24 hours of Taliban forces from Kabul, this morning has been a busy day for me, figuring out what to say now.

Let me first look back at the role of negotiation during the last weeks, and then look forward to where we might go from here. Time and again, starting on the 12th of September, the Taliban offered to negotiate. They made various statements: We'll negotiate, we'll talk, we'll have discussions, and each time President Bush has said, in one way or another: No negotiation and no discussion. When the U.S. threatened the bombing, one stated purpose was to influence, persuade, or coerce the Taliban government to make the decision we wanted them to make.

Our failure to influence the Taliban was due, at least in part, to our failure to talk and to listen, directly or indirectly, to the Taliban. As far as I know, the Taliban did not then know, and even today do not know, exactly what decision the United States wanted. We told them that they should seize and turn over Osama bin Laden. If my surmise is

correct, the Taliban would have asked themselves: If we say "yes" to that, what's the next thing? The U.S. would then say to close the al-Qaeda in Afghanistan, then turn over bin Laden's colleagues, and then the names of and intelligence about the people he's trained here and where they are now.

Once the Taliban announced that they were giving in, the United States was likely to keep asking for more and more The Taliban didn't know who the U.S. wanted and to whom they were to turn them over. They also didn't know the consequences. Were those wanted by the US going to walk off Afghan territory and be shot, since President Bush said he wants bin Laden dead or alive? How much on-site verification does the United States want? For how long? Would bin Laden be tried? In what kind of a court? Very early they said, "We want an Islamic judge on any court that tries him." (That was before we started talking about what kind of court it might be.) Who would be the defense counsel? Would the case be tried in New York City? Not a very neutral court.

It's crucial, I believe, for those we try to influence to know exactly what decision we want and what happens if they say "yes." That's just as important as what happens if they say no. It took months of negotiation to persuade Moamar Qadaffi, the head of Libya, to turn over the two men accused of bombing the Pan Am flight that blew up over

Lockerbee, Scotland. The deal that succeeded was to have the suspects tried by a Scottish court sitting in the Netherlands. It took months of negotiation to get this agreement.

In 1980, I got involved in trying to influence the government of Iran to release the diplomats being held hostage in the U.S. Embassy in Iran. Lloyd Cutler, the White House counsel to President Carter, asked if I might be helpful. Through students, I got on the phone with the Ayatollah Beheshti, in Tehran. He spoke excellent English, incidentally, which was very handy.

I said, “What do you want? Why are you holding these hostages?”

He said, “The United States has never recognized this government. The Shah is dead. We want to be recognized as the government of Iran. And, we want the Embassy closed.”

I said, “Don't you want diplomatic relations?”

He said, “Not until we invite you back. Will the United States accept this?”

I said, “I have no authority to speak for the United States, I speak to the United States. I'm happy to relay questions and ideas to them. I have no authority to commit the United States in any way.”

Ayatollah Beheshti said that Iran didn’t want the New York courts to try its financial claims. He argued “The

Shah has a lot of money, some of it belonging to the government, some of it possibly to the family. The Iranians don't trust the New York courts." I said, "What do you trust, Iranian courts in Tehran?" He said "No, but how about arbitration at the Hague? Would the United States accept that?" I said, I'd ask them. Iran wanted more, including and end to the sanctions that had been imposed on Iran.

I asked "How can I persuade the U.S. to do this?" He said that the Iranians felt they'd been punished enough, and that further sanctions would begin to de-stabilize the whole area which would be against U.S. interests.

I said I could try that out. There was a lot of discussion. I was a middleman with no authority to negotiate, but only to ask questions and to carry ideas back and forth between the two sides.

My notion of negotiation is not limited to formal talks. No one was suggesting that the President go over and sit down with some leader from the Taliban. My suggestion to those who, like myself, favored discussion was to have somebody designated by the Secretary General going back and forth to see if he could come up with something he could recommend to both sides.

When anyone tries to influence another's decision, that's a negotiation.

Where does fear of negotiations come from? What is the phobia that caused President Bush to say, "No negotiation, no discussion?" Is he afraid of conferring status on the Taliban? Well, if they're big enough to fight a good-sized war against, they're big enough to talk to. Is the President afraid they'll persuade us to give in? My assumption is always that I am more likely to persuade them than they are to persuade me. If they tell me something I didn't know, I'd learn something. I'd benefit from talking.

The notion that negotiation is risky comes from the idea that negotiation is about making concessions. This is wrong. Negotiation is talking *and* listening, understanding what the other side wants and having a chance to persuade them.

Looking back, you can ask whether mistakes were made. But no one can doubt that as we go forward a lot of negotiation will be going on. And it's going to be more difficult than it was two weeks ago. With whom do we negotiate? It will be a multi-party negotiation of the most complex and difficult kind. We want some decisions made. By whom? Taliban leaders? We'll say, "Please stay out of Kabul, and we (and who exactly are 'we') may negotiate a place for you in the future government."

And then we're going to have to consider who is going to be the interim police for Kabul. Security forces? Turks?

Indonesians? Egyptians? U.N.? The Secretary-General? Pakistan? The ex-King of Afghanistan has some influence. Should he set up a *loya jirga,* a traditional grand assembly of tribal chiefs, elders, and intellectuals to build a consensus to form a transitional government?

My best advice, at the moment, is to have somebody volunteer, or have the Secretary-General ask somebody to volunteer, to pursue what I call a one-text process. This is the process that President Carter used at the first Camp David meeting: A neutral third party talks to everybody who's relevant, and says: "What do you care about? What are your interests? What do you really need? Your hopes, your wants, your fears, your demands, what are they?" He listens to their views and prepares a first draft. Then he goes around with the draft to each party and says, "What interest of yours is not taken care of in this draft?" He gradually goes around with draft number 2, draft number3, and so forth.

I think at Camp David it was draft number 23 that President Carter finally said was the best he could do. He had it printed up. He went to Prime Minister Begin and said, "Here's my final draft. No more changes, it's yes or no. It's ready for you to sign. Yes or no."

President Carter told me that Begin said, "What about Sadat?" Carter told him, "You get to go first." Begin

said, "Do I have to go first?" Carter said, "I think your going first will be more persuasive. I think the document is nearer your ideas than they are to Sadat's. But if you're not going to sign it, there's no point in my taking it to Sadat. If you won't sign it, I won't take it to him. So you'd better sign it, if you want me to go forward." And so Carter persuaded Begin, with whom he had built up a fellow grandfather type relationship, to sign the draft.

Then he went to Sadat, explained it to him, and said, "I know it's not what you want; it's not my first idea, but it's the best I can do. It's yes or no. If you say no, it's over; if you say yes, there are some loose ends, but we can go on and solve those."

According to President Carter, Sadat said: "We? What do you mean, *we* can go on and solve those? Are you prepared to stick with this yourself and try to do some more?" He got a promise from President Carter to continue to work with him, and, considering the alternative--that his refusal to agree would look bad for Egypt and great for Israel--he signed it.

Now, it's in our interest to have someone volunteer to try and do this in the current crisis. zzin Vietnam, local residents—-the North Vietnamese and Vietcong--cared more about their country than we did. And we Americans cared more about casualties than they did. I see a certain

similarity with the problem in Afghanistan. The people there care more about their country than the American public does. We lost the Vietnam war.

I also fear that if we keep investing more and more, it will push the goal posts further away. Already people are saying "Well, while we're here we've got to clear up Iraq, and other terrorist countries like North Korea." There is a risk that we will keep pushing, and finally push the goal posts so far away that they will be beyond our reach.

Finally, when my wife and I were living in Paris, in 1948-49, working on the Marshall Plan, the United States was the most popular country in the world; you could travel anywhere and you were welcomed everywhere. Now we're the most hated country in the world. Part of the reason for our popularity was our international approach. Programs such as the Marshall Plan, Point 4 Program, technical assistance around the world, A.I.D., then later the Peace Corps showed that we cared about the world. We helped found the United Nations. And there were no terrorist acts against the United States.

One way to stop terrorism is to make us look like a better country, not just with commercials on television, but by really doing our part. There are countries that need help far more than we need more money and more profits.