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Clint Watts | August 17, 2015 10:00am

Should the United States negotiate with terrorists?

Editor's Note: Clint Watts argues in his August 16 piece on Lawfare that the United States should not negotiate with the Nusra Front, al-Qaida's official affiliate in Syria, as it currently stands, but rather should seek to fracture Nusra and then negotiate with its splinters as an alternative approach for building capable ground forces to battle the Islamic State.

In July, President Obama dropped a policy bombshell, announcing that the U.S. government would communicate and negotiate with hostage takers—many of whom today happen to be terrorists. Negotiating with terrorists over kidnappings remains a tactical exchange, one that does not significantly alter the broader conflict between the two parties. At the strategic level, the United States remains staunchly in the macho mantra of "We'll never negotiate with terrorists!" During the heyday of the Global War on Terrorism, ripe with venom after the fall of the twin towers on 9/11, this position seemed noble and just. But 14 years later, the al-Qaida that perpetrated the atrocities of September 11 hardly exists aside from Ayman al-Zawahiri and a few remaining disciples. The dwindling number of al-Qaida affiliates show fewer ties back to the original perpetrators of these attacks.

Meanwhile, the United States has grown weary from war and seeks to counter terrorists with fewer boots on the ground and a lighter footprint globally via an increasing reliance on regional and local partners with varying capabilities and commitments to U.S. objectives. This counterterrorism transition occurred alongside a protracted Syrian civil war, leading to the steady rise of the Islamic State, which draws on the largest migration of foreign fighters in history. The threat was deemed great enough that the administration shed its reluctance to be involved in new conflicts in the Middle East and is leading an international coalition tasked with repelling their advances in Iraq and Syria. But successes against the Islamic State have the unfortunate side effect of empowering their jihadi rival, the al-Qaida-affiliated Nusra Front, creating a separate and equally difficult challenge for the Obama administration.

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Preferring a military- and intelligence-heavy counterterrorism strategy yet not wanting to deploy significant numbers of troops, the United States initiated a program to train and equip "moderate" Syrian rebels capable of toppling the Assad regime. A year later, a mere 60 trainees, labeled Division 30, have completed the program. Even worse, this U.S.-backed Division 30 had hardly arrived on the battlefield before being overtaken by Syria's chaos: Al-Qaida's Nusra Front has attacked the newly-minted Division 30 and allegedly captured the group's leader. Rapidly creating a capable U.S. proxy force seems impossible and deploying large-scale military force objectionable. Is there a middle ground for the United States?

For those countries with terrorists inside their borders, negotiation with terrorists has been a necessity rather than an option. During the 1990s, the Algerian government directly negotiated with the Armed Islamic Group (GIA), offering amnesty and facilitating defections. Somalia's government, indirectly backed by the United States, has recently fractured al-Shabab by accepting terror group member defections including those from many key al-Shabab leaders. Recently, the United States began negotiations with the Taliban, whose status as an insurgent or terrorist group remains murky, which led to the Bowe Bergdahl prisoner swap for five Afghan Taliban prisoners held at Guantanamo Bay.

Early in the Syrian civil war, Nusra stuck hard by al-Qaida's side, working with Zawahiri's envoys to bring Islamists under their command in Syria. However, the always-troublesome Islamic State overtook Nusra by force, absorbing many of their foreign fighters and oil fields and killing al-Qaida liaisons. Amidst Nusra's decline vis-à-vis the Islamic State, Nusra's al-Qaida connections brought U.S. airstrikes, and the group now publicly appears on a different tack, recognizing that the costs of al-Qaida membership outweigh the benefits. During the fall of 2014, while the Islamic State was making headlines for gruesomely executing Western aid workers it had captured, Nusra released UN peacekeepers in Golan without incident and publicly sought removal from Terror Watch Lists. In May of this year, Nusra leader Abu Muhammad

al-Julani firmly pushed during an interview with Al Jazeera that its focus is on toppling the Assad regime and that Nusra would refrain from attacking the West.

Charles Lister of the Brookings Institution has also noted potential fractures inside Nusra's leadership, due in part to the perception by other Syrian Islamists "that Jabhat al-Nusra was walking down 'the wrong path'…displaying too much of al Qaeda's transnationalism and extremism than would be acceptable within the Syrian revolution." Aron Lund has also written recently that "the Nusra Front is clearly caught up in some sort of ideological and factional struggle." The U.S.-led coalition has no viable ground force in Syria, and Nusra might be amenable to breaking with al-Qaida provided the right incentives.

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Should the United States negotiate with the Nusra Front as a way to secure a more viable ground force to use against Assad and the Islamic State and, ironically, kill al-Qaida's advance in Syria?

No. And also yes.

The United States should not negotiate with Nusra as it currently stands, but rather should seek to fracture Nusra and then negotiate with its splinters. Negotiating with Nusra today, with its continued commitment to al-Qaida and publicly taking guidance from Ayman al-Zawahiri, is by direct extension a negotiation with the terrorist group that perpetrated 9/11. Negotiating with al-Qaida signals weakness to a terrorist group the United States has decimated over the past decade and that has been overtaken by the Islamic State. Elimination—not acceptance—of al-Qaida, Zawahiri, and Julani remains the only option. Meanwhile, negotiation with those intent on defeating Assad but lacking an alternative to Nusra's transnationalism might be an alternative approach for building ground forces.

How might this occur?

First, the U.S. coalition would sustain or increase the pace of airstrikes against Nusra, continuing to target the al-Qaida leaders who are advising Nusra on the ground in Syria (often referred to as the Khorasan Group). Second, in conjunction with increased airstrikes on foreign operatives, the United States should overtly emphasize that airstrikes on Nusra are a direct result of Nusra's al-Qaida connections. Third, the United States should redouble its efforts to quash international financing of Nusra, particularly working with the Saudis and Qataris who have reportedly been providing substantial donations to the al-Qaida affiliate. Fourth, the United States should indicate to these same partners that it might be receptive to allowing international donations and possibly even military support to those local Syrian factions focused on fighting President Assad and willing to break ranks with Nusra's senior leader Julani. Fifth, if and when a significant faction breaks ranks with Nusra, the United States should allow funding of the breakaway group along with some sort of amnesty declaration for those who publicly disavow Nusra and al-Qaida. Finally, the United States should adopt the splinter group as a viable proxy ground force more capable of ending the Syrian civil war than the failing train-and-equip system currently in place.

This approach, if executed effectively, would serve two purposes: 1) splintering al-Qaida's most promising affiliate in its most important theater at a time when it continues losing global appeal to the Islamic State and 2) fixing a key piece of the U.S. strategy to defeat the Islamic State and end the Syrian civil war. The United States has successfully decapitated terrorist groups, but the spread of jihadi militancy more broadly continues amongst the wide-ranging security vacuums left in the wake of the Arab Spring. Ultimately, negotiation and amnesty programs with extremist groups must enter the U.S. counterterrorism repertoire if reluctance to military deployment continues.

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