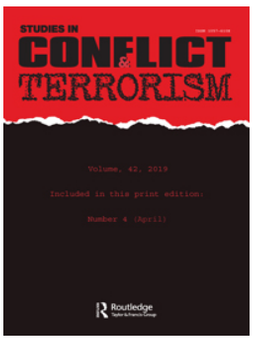

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It Comes with the Territory: Why States Negotiate with Ethno-Political Organizations

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ABSTRACT

Given that minority ethno-political organizations are generally weaker than states yet seek to change their policies or remove the ruling regime from power, why would negotiation occur? States prefer to ignore or repress such organizations, which typically have little to offer in return amidst negotiations that can legitimize them while delegitimizing the state. When a challenging organization establishes governing structures and controls movement in part of a state's territory, however, it can easily inflict significant economic and political costs on the state while also possessing a valuable asset to exchange for concessions. An organization with territorial control cannot be ignored, while the state will have a strong incentive to negotiate before the state loses more face, the group gains more legitimacy, neighboring states are more likely to invade, and the international community is more likely to formally recognize any facts on the ground as a new status quo. Our analysis of 118 organizations in the Middle East and North Africa from 1980–2004 reveals that territorial control is the most important determinant of intrastate negotiation. In regards to existing scholarship, this suggests that a certain type of successful violence works—not all violence and not only nonviolence—while certain types of strong organizations—those that control territory—are more likely to reach negotiations with the state than weak ones.

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Amid multiyear insurgencies challenging their regimes, Ukrainian Prime Minister Arseny Yatsenyuk and Syrian President Bashar al-Assad proclaimed, respectively, "We will not hold direct negotiations with Russian terrorists," and "As with any sovereign state, we will not negotiate with terrorists."[1] Similar statements were once made by political leaders in Israel and Nigeria regarding Hamas and Boko Haram. After the Israelis vehemently refused to negotiate with Hamas for over 15 years, they negotiated truces with the organization via third parties in 2008 and again in 2014, while recent reports raise the possibility of secret negotiations over a Palestinian state in Gaza and Sinai that has the backing of numerous Israeli politicians.[2] The Nigerian government initially responded to Boko Haram by ignoring it for years, then killing its leader and many of its members while declaring the organization "crushed," before finally negotiating with it in 2014.[3]

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What explains these shifts in policy, when states conduct negotiations with organizations that they previously avoided and claimed would never happen? Why have states negotiated with some organizations that seek to overthrow them or change their policies—such as the Irish Republican Army (IRA), the Palestine Liberation Organization (PLO), the Revolutionary Armed Forces of Columbia (FARC), the Liberation Tigers of Tamil Eelam (LTTE), the Turkish Communist Party (TKP), Hezbollah, and the Polisario Front—but not others—such as the Weather Underground, Saudi Hezbollah, the Red Brigades, Komalah, the Kurdistan Peoples Democratic Party (KPDP), and the Baader Meinhof Group? Although the former collection of well-known organizations may make it seem like state–organization negotiation is quite common, other scholars suggest that fewer than a third of insurgencies have successful negotiations, while we find that negotiations occur in only 8 percent of the years that ethno-political organizations challenge their governments.[4] Nonetheless, negotiations are often a necessary step to policy change, be it the end of discriminatory laws or the establishment of a newly autonomous region. It is important for scholars and policymakers not only to understand when states negotiate, but also which organizations they are likely to talk to and why.

Existing scholarship suggests that the key factors driving negotiation are the existence of a "ripe" hurting stalemate and an organization's strength and tactics—whether it is strong or weak and violent or nonviolent. In this study we find that territorial control explains the greatest variation in the emergence of negotiations between states and organizations. When an organization challenges the state without controlling any territory, we argue that it has a limited ability to coerce concessions and little to offer the state, which views the struggle as an imminent victory rather than a stalemate. Negotiation can lead to a loss of face, granting an organization legitimacy, setting precedent that incentivizes future challenges, and showing weakness in front of neighboring state rivals. All else equal, the state prefers not to negotiate with opposition groups. When an organization is able to control territory, however, it creates a hurting stalemate that is ripe for (attempted) resolution for a number of reasons.[5]

When a challenging organization establishes governing structures and controls movement in part of a state's territory, it can easily inflict significant economic and political costs on the state while also possessing a valuable asset to exchange for concessions. An organization with territorial control cannot be ignored, while the state will have a strong incentive to negotiate before the state loses more face, the group gains more legitimacy, neighboring states are more likely to invade, and the international community is more likely to formally recognize any facts on the ground as a new status quo. Additionally, we suggest that organizations controlling territory are better able to overcome the main culprits of bargaining breakdown—information issues, commitment problems, and issue indivisibility.

By concentrating on factors that influence the likelihood of negotiation, we add to the scholarship that has addressed the preconditions of intrastate bargaining. The vast majority of the extant literature focuses solely on violent groups, such as those fighting formally recognized civil wars[6] and those using terrorist tactics.[7] Because of scholars' propensity to focus on violent organizations, a number of studies speak only to negotiated settlements that bring about the end of civil violence.[8]

We seek to build on previous work by assessing the likelihood of all types of intrastate negotiation involving organizations employing all types of violent and nonviolent strategies.[9] This allows us to formulate and test hypotheses about all ethno-political groups that challenge their home states. Our analysis of 118 organizations in the Middle East and North

Africa from 1980–2004—coupled with an in-depth examination of the Iraqi Kurdish movement from World War I to the present—reveals that territorial control is the most important determinant of intrastate negotiation. In regard to existing scholarship, this suggests that a certain type of successful violence works—not all violence and not only nonviolence—while certain types of strong organizations—those that control territory—are more likely to reach negotiations with the state than weak ones.

This argument fits perfectly with the cases of Hamas and Boko Haram, which had no negotiations with Israel and Nigeria until after they controlled territory in Gaza and northeast Nigeria, respectively. It also helps explain why Great Britain, Israel, Columbia, Sri Lanka, and Morocco negotiated with the IRA, the PLO, Hezbollah, the FARC, the LTTE, and the Polisario Front—they controlled territory—but the United States, Saudi Arabia, Italy, Iran, Iraq, and Germany did not negotiate with landless organizations like the Weather Underground, Saudi Hezbollah, the Red Brigades, Komalah, the KPDP, and the Baader Meinhof Group. Time will tell in Ukraine and Syria, but our findings suggest that negotiations are more likely while rebel groups control significant parts of each country, and those groups who hold territory are far more likely to be the ones invited to talks.

This article consists of four main sections. First, we will present the logic behind competing theories that attempt to explain the greatest variation in intrastate negotiations. Second, we will present our analysis of these theories using the Minorities at Risk Organizational Behavior (MAROB) dataset. Third, we will analyze our argument using a longitudinal study of the Iraqi Kurds, a representative case with extensive variation in territorial control, negotiation, and a host of other factors across time, space, and multiple organizations within the same movement. Finally, we will conclude with a discussion of the implications of this study for scholarship and policy.

Why States are Unlikely to Negotiate with Ethno-Political Organizations

The vast majority of ethno-political organizations directly challenge the state by seeking policy change and/or regime change, and their desire to maximize their own power often comes at the expense of the ruling regime. Given their relative weakness and the general necessity of negotiation to generate political change, these organizations are almost always willing to talk to the regime.[10] Therefore, the key to understanding when and why negotiation occurs lies with states, as ruling regimes often stand to lose more than they do to gain from talking with organizations who have challenged their policies, their power, and even their very existence.

First, negotiation is a two-sided affair whose goal is mutually beneficial concessions. The regime's position of power means that it has much to give, whereas weaker organizations have comparatively little to offer in return. The main concession such groups can offer is the cessation of their violence or protests, but the regime may be able to stop them itself through repression or indifference.[11] In either case, a hurting stalemate is lacking.[12] Second, the simple act of negotiating with a nonstate organization grants it a degree of legitimacy, which strengthens the organization and makes it harder for the regime to ignore or sideline it in the future.[13] Third, talking to those who aim to challenge or overthrow the regime can lead to a loss of face and related audience costs, especially if the regime has previously proclaimed that it "will not negotiate with terrorists" or "protestors."[14] Fourth, whether concessions are granted or not, negotiating with an organization sets a precedent for the future that may embolden other would-be challengers to assert themselves in order to gain similar benefits.[15]

Fifth, the reputational costs of looking weak in the face of domestic challenges extend beyond the state's borders, as neighboring regimes may try to exploit the regime's apparent vulnerability. Sixth, the rallies and bombings that most organizations can employ to pressure states to do something that otherwise is not in their interest—negotiate—are not costly enough to coerce change.[16] Finally, states generally lack information on the capability of nonstate groups, who may be pursuing indivisible issues like regime change while having little credibility to negotiate and guarantee a deal.[17]

States thus prefer to avoid negotiation, a fact clearly demonstrated by previous studies, in which less than a third of state–organization dyads resulted in successful talks.[18] Why, then, does the state ever choose to negotiate with an ethno-political organization? The answer lies with organizations whose effective violence yields territorial conquest.

How Territorial Control Reverses Incentives and Makes Negotiation More Likely

Table 1 shows the specific mechanisms through which territorial control by an organization alters the incentives of the state. This key shift in the status quo toward a hurting stalemate means that the state now desires change—not just the organization—which means the state is more likely to pursue negotiation to secure it.

Once an organization controls part of a state's territory, the costs to the state of negotiating are overtaken by the costs of not negotiating.[19] First, if an organization controls territory within the state's borders, it generally has a degree of legitimacy, and it is difficult for the regime and its citizens to ignore it. Control of territory is vital to state sovereignty. Every day that the state is not ruling and protecting part of its

Table 1. Summary of the Impact of Territorial Control on Negotiation.

Mechanism	No Territorial Control	Territorial Control
Organizational Carrots	Small: An organization has little to offer the state beyond a cessation of its protests or violent attacks	Large: An organization that controls territory has something of great political and economic value
Organizational Sticks	Small: The attacks and protests of most organizations are rarely enough to coerce a state to negotiate	Large: State loses significant revenue each day and faces a significant military threat
Legitimacy	A state will hesitate to negotiate with an organization and grant it legitimacy through talks	An organization that controls territory already has legitimacy and is impossible to ignore
Loss of Face and Audience Costs	States will try to avoid a loss of face from negotiating with "terrorists" they said they would not talk to	A state that does not control its own territory faces a greater loss of face daily than it would in negotiations
Setting Precedent	States do not want to set precedents by speaking to organizations that challenge them, thus incentivizing others to do the same	It is difficult to control territory, so the precedent is less dangerous, and the state must also worry about the international norm of recognizing facts on the ground
Weakness in Front of Neighbors	States do not want to look vulnerable in front of neighboring states who might exploit them	A state that does not control its territory is more vulnerable to foreign intervention or invasion
Private Information, Issue Indivisibility, and Credible Commitment	States have little information on the goals and capability of groups who may seek their destruction and have little credibility to make a deal	The state knows that groups that control territory are capable, control a divisible issue for negotiation, and are more likely to have sufficient strength to credibly ensure a deal

country, it loses legitimacy in the eyes of its citizens and neighboring states.[20] Any loss of face a state would endure by talking to a challenging organization is overwhelmed by the loss of face it experiences with the loss of its territory, not to mention the threat posed by neighboring states exploiting this new foothold for intervention or an invasion.

Second, although states may want to build stingy reputations to discourage future challenges,[21] negotiating with groups that control territory does not set as dangerous of a precedent, because the barriers to such conquest are too high for most organizations. While states may want to build a reputation as a repressive regime to encourage less dissent, we argue that the reputational argument does not apply because the vast majority of organizations are unable to hold territory. Furthermore, if there is any precedent a state should be concerned about in this situation, it is the international norm of recognizing and codifying facts on the ground.[22] Territorial control is a central pillar for establishing statehood according to international law (e.g., the Montevideo Convention of 1933), and the trend toward peacekeeping over peacemaking means that the longer the organization holds the territory, the more likely that yesterday's change becomes tomorrow's status quo.[23]

Third, the economic costs the organization imposes through territorial control are significant. Each day, the state loses revenue from taxes, natural resources, and foreign investment, the last of which is likely to take a significant hit due to the instability that a loss of sovereignty portends. The organization can draw on these resources to make a significant "contribution to organizational capabilities,"[24] which also allows it to threaten more significant costs to coerce the state and sustain a "hurting stalemate."[25] Many states can afford to do nothing in the face of scattered protests and terrorist attacks, but few can fail to respond to the conquest of their territory and a direct threat to their continued rule.

Territorial conquest does not simply shift the costs of negotiating; it also creates potential benefits. As noted above, organizations generally have little that the state wants beyond the ability to stop their violence and protest, which states would prefer to stop themselves without negotiating. A state's territory is a valuable asset it would like to get back. The state could attempt to take it back by force, but that is less likely and certainly more costly than simply stopping protests or scattered attacks. States are likely to at least broach the potential for a deal via negotiations after their unilateral attempts to prevent territorial capture have failed.[26]

Finally, the key issues that often inhibit negotiation—private information, issue indivisibility, and the commitment problem—all become less of a challenge to bargaining after an organization captures territory. An organization must be significantly powerful to capture state territory, and so the amount of private information about its capability decreases. Territory itself is generally a divisible issue that parties can negotiate over and potentially partition. Furthermore, stronger groups with territory tend to have greater credibility to make a deal and resist or repress those in their movement who dissent.

In sum, states lose more each day by not negotiating with an organization that holds territory, whereas the reverse is the case for landless groups. This yields our core hypothesis.

H1: States are more likely to negotiate with organizations that control territory.

Alternative Explanations: Violence, Nonviolence, and Popularity

Although there are comparatively few studies that explicitly focus on explaining variation in the onset of negotiation, there is a large and growing body of literature that analyzes when and why organizations achieve political success, which often involves negotiations with states. The best competing arguments for territorial control emerge from two key debates on tactics and power: whether violent or nonviolent methods and whether fringe or dominant organizations are more effective at generating concessions.

In the literature on rebellion and revolution, scholars embrace the assumption that the most effective way to redress grievances necessarily involves the use of violence.[27] Although scholarship on terrorism is more contentious, a number of studies provide evidence that terrorist tactics increase the likelihood of political concessions.[28] Thomas in particular argues that organizations that use terrorist tactics during civil wars possess an asymmetric "power to hurt" that can shift the balance of power and make them more likely to enter negotiations with, and receive concessions from, the state.[29]

A large amount of literature on political conflict emphasizes the ineffectiveness of violence and the effectiveness of nonviolent strategies in achieving success.[30] Violent organizations may be more likely to be perceived as pursuing maximalist objectives, further decreasing any incentives for the state to negotiate with them.[31] In contrast, nonviolent protest reduces barriers to participation, which can lead to larger organizations that are more difficult for the state to ignore or label as "radicals."[32] Nonviolent campaigns can also be successful if repression by the state backfires, arousing more sympathy for the cause and generating international pressure on the state to negotiate.[33]

Before a state decides whether to enter negotiations with an organization, it must first consider if the organization can guarantee that the terms resulting from negotiation will be upheld.[34] According to credible commitment theories of conflict, negotiations may not be initiated if one of the bargaining parties believes that the other may renege on the agreement or be unable to enforce its terms among its constituents. Spoilers that oppose the proposed negotiation and employ violence to generate animosity and mistrust thus constitute one of the greatest impediments.[35] Since most spoilers are by definition part of the same ethnic group or movement as one of the bargaining parties, a dominant organization that has nearly full support from its constituents can drastically reduce concerns of spoiling.[36] In cases of state-organization negotiation, an organization can thus signal to the state its ability to credibly commit by dominating the support of its movement. Ironically, both those who argue that nonviolence and terrorism are effective partially base their claims on the idea that each tactic can make an organization more appealing, thus making negotiations more likely.[37]

Alternatively, given that states would like to concede as little as possible, we might expect that they would instead prefer to talk to fringe organizations that would demand less and coerce less effectively. Talking with the state can also hurt an organization's legitimacy within its movement, but less popular groups may be more willing to take this hit because of the potential to be elevated far above their current subordinate position. Smaller ethnic groups have historically found themselves elevated to positions of prominence due to cooperation with states,[38] while states may themselves seek out smaller, less popular organizations to negotiate with in order to divide movements.[39] Finally, some suggest that spoiling is

more likely to succeed if the negotiating group is stronger, providing yet another reason that states may negotiate with fringe groups.[40] Thus, it is clear that scholars have divergent expectations about how organizational popularity influences a group's chances of reaching negotiations.

Analysis

In order to test the possible factors that impact why certain organizations achieve negotiations with the state while others do not, we use the MAROB dataset. The dataset has yearly data on ethno-political organizations in the Middle East and North Africa from the year 1980 to the year 2004.[41] Thus, we should be cautious about making inferences beyond the Middle Eastern and North African minority ethno-political organizations. Apart from regional qualification, for an organization to be in the dataset it must claim to represent a Minorities at Risk (MAR) group. In order for an ethnic group to be considered a MAR group, it needs to have at least 100,000 members in a country and it must account for at least 1 percent of the population in that country. The group's identity must contain both an ethnic and political component, meaning that the group must use its identity to mobilize for political action or benefit politically. Additionally, an ethnic group is included as a MAR group if it is subject to discrimination by the state based upon its identity.[42] The MAROB data codes all organizations that claim to represent MAR groups and have managed to survive for three years or longer. By accounting for both violent and nonviolent groups and focusing on all types of negotiation, we are able to build on the extant intrastate negotiation literature and investigate the characteristics that affect the likelihood that the state will enter negotiations with an organization. The data is coded at the organization-year level of analysis. Table 2 shows descriptive statistics for the variables we use in this study.

Our dependent variable, measuring the occurrence of active negotiation between the state and an ethno-political group in a given year, is a binary measure created from the orgsuccess variable in MAROB. We code cases in which a state is negotiating, has made partial concessions, or has made full concessions to a group as 1s and all other cases as 0s.[43] This variable measures the degree to which an organization has been able to negotiate or reach agreement with its home state. We include both mediated and unmediated negotiations in this measure, and the topics of talks can vary from logistics of future meetings to sincere attempts to reach agreement over an organization's primary grievance. Additionally, although some

Table 2. Descriptive Statistics.

Variable	Min.	Max.	Median	Mean
Negotiation	0	1	0	0.09
Territorial Control	0	2	0	0.22
Militancy	0	1	1	0.64
Terrorism	0	2	0	0.17
Domestic Protest	0	5	0	0.47
Organizational Popularity	1	3	2	2.03
Religious	0	1	0	0.26
Nationalist	0	1	0	0.52
Polity 2	−10	10	−2	−1.8

ethno-political groups have formal political wings that compete in elections, we do not include parliamentary talks in our measure of negotiation. Because of the difficulty in assessing actors' intent based on observational data, all types of bargaining including strategic or insincere negotiation are included in our dependent variable.

Our primary independent variable of interest, territorial control, is the ORGST9 variable from MAROB. It is an ordinal measure from that ranges from 0 to 2 and is coded as follows: 0: Not used as a strategy; 1: Organization controls movement through territory, but does not establish governing structures or maintain infrastructure; 2: Organization sets up governing structures and/or maintains infrastructure. Examples of groups coded as 2s on territorial control in our sample include the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) in Iraq from 1992–2002, Polisario in Morocco from 1980–2004, and National Unity Party in Cyprus from 1980–2003. Organizations such as Fatah in Lebanon in the 1980s and the Kurdish Workers Party (PKK) in Turkey from 1984–1991 and 1996–2004 are coded as 1s on territorial control. We also collapse this measure to a dummy variable as a robustness check. To account for organizations with militant wings, we use a binary measure of militancy—the orgmilitant variable in MAROB. To include terrorist activities, we use ORGST7 from MAROB, an ordinal measure of terrorist tactics that is coded 0 if not used as a strategy, 1 if one to ten times in a given year, and 2 for any cases of more than ten terrorist incidents in a given year. To address the complexity of violence resulting in territorial control, we interact the measure of territorial control with the militancy or terrorism variables in each model that we estimate.

We measure domestic protest using the ordinal variable, domorgprot, from MAROB. It measures the occurrence of protest on a six-point scale, with nonzero values ranging from verbal demonstrations to mass demonstrations. To measure organizational popularity, we use orgpop, an ordinal variable ranging from 1 to 3 that is coded as follows: 1: No support/fringe group, 2: One of several competing organizations with support from group, 3: Dominant organization. We also control for ideological concerns by including dichotomous measure of religious and nationalist ideologies. Each is coded 1 if an organization uses it as a guiding ideology.[44] Finally, we control for regime type using the Polity 2 measure from the Polity IV dataset.[45]

Since our data are coded yearly by organization and our dependent variable of the occurrence of state–organization negotiation in a given year is a binary variable, we use logistic regression in all model specifications. To determine if our data analysis suffered from any multicollinearity problems, we tested it using a variance inflation factor (VIF) test, finding no problematic evidence. For all models, we estimate standard errors clustered by organization to account for potential heteroskedasticity. Table 3 contains six models that we argue constitute the determinants of negotiation.

Model 1 is the full, original specification that we argue represents the causes of state–organization negotiation, while the rest of the models presented serve as robustness checks to illustrate the stability of our primary finding. In Model 2, we use a binary measure of territorial control rather than the ordinal measure. In Model 3, we substitute terrorism for militancy to better engage with arguments specific to the effects of terrorist tactics on the likelihood of negotiation. In Model 4, we lag our measure of territorial control one year to assure that our observation of territorial control precedes observed negotiations. Model 5 is an autoregressive specification in which we add a lagged measure of negotiation to Model 1.

Table 3. Logistic Regression of Active Negotiation.

	Baseline	Binary Terr.	Terrorism	Lagged Terr.	Lagged Neg.	Fixed Effects
(Intercept)	−5.99*	−6.67*	−5.18*	−6.04*	−5.79*	−2.05
	(1.12)	(1.50)	(1.32)	(1.18)	(0.99)	(2.05)
Terr. Control	2.18*		1.59*		1.67*	1.98*
	(0.35)		(0.30)		(0.35)	(0.32)
Militancy	−1.87*	−1.77*		−2.02*	−1.42*	−0.27
	(0.64)	(0.66)		(0.68)	(0.55)	(0.62)
Domestic Protest	0.41*	0.44*	0.39*	0.43*	0.40*	0.40*
	(0.13)	(0.13)	(0.17)	(0.13)	(0.12)	(0.16)
Organizational Popularity	1.36*	1.64*	0.71	1.44*	1.19*	−0.27
	(0.51)	(0.68)	(0.56)	(0.53)	(0.45)	(0.55)
Religious Ideology	−0.81	−1.09	−0.67	−0.73	−0.73	−0.09
	(0.59)	(0.57)	(0.67)	(0.61)	(0.55)	(0.65)
Nationalist Ideology	1.15*	1.39*	0.71	1.16*	0.99*	0.92
	(0.47)	(0.50)	(0.50)	(0.47)	(0.43)	(0.59)
Polity 2	−0.05	−0.07*	0.05	−0.04	−0.04	0.16
	(0.03)	(0.03)	(0.03)	(0.03)	(0.02)	(0.09)
Terr. Control X Militancy	−0.93				−0.87	−0.27
	(0.53)				(0.49)	(0.74)
Terr. Control (Bi.)		4.40*				
		(0.71)				
Terr. Control (Bi.) X Militancy		−2.98*				
		(0.90)				
Terrorism			−0.03			
			(0.78)			
Terr. Control X Terrorism			-0.87			
			(0.53)			
Terr. Control (t-1)				1.95*		
				(0.23)		
Terr. Control (t-1) X Militancy				−0.61		
				(0.47)		
Negotiation (t-1)					1.89*	
					(0.37)	
Number of Observations	1135	1135	1135	1041	1041	1135

Standard errors clustered by organization
* $p < .05$, two-tailed test

Model 6 shows our results when including both country and year fixed effects to capture the impact of time and state invariant factors.[46]

We find strong support for our primary hypothesis, H1. The coefficients on the territorial control measures across all specifications indicate that it has a positive and statistically significant impact on the likelihood of negotiation when the variable with which we interact it takes on a value of zero. After examining the marginal effect of territorial control across all values of militancy, or terrorism in Model 3, we find that territorial control nearly always has a positive and statistically significant effect regardless of the presence of a militant wing or terrorist tactics.[47]

Our findings also suggest that nonviolent tactics are more effective at coercing negotiation than violent tactics. Across all models including a measure of militancy, we find that it has a statistically significant and negative marginal effect on the likelihood of negotiations. Therefore, our analysis provides compelling evidence that the presence of a military wing decreases an organization's chances at reaching the bargaining table. Using Model 3, we find that the marginal effect of terrorism when organizations do not control territory is indistinguishable from zero, while the marginal effect of terrorism when organizations succeed in controlling territory is negative and statistically significant. This finding conflicts with

Thomas's conclusion that terrorist tactics increase the likelihood of intrastate negotiation.[48] It is important to note that our sample includes several organization-years in which nonviolent organizations maintain control of territory. Instead of using violent tactics to pursue change, these groups use peaceful demonstrations as their primary mode of contention. Across all specifications, domestic protest has a positive and statistically significant impact on the likelihood of state–organization negotiation. Thus, our analysis suggests that groups that employ domestic protest as a strategy have an increased likelihood of reaching the bargaining table, while organizations that use violent tactics are less likely to reach negotiations with the state.

We find that organizational popularity has a statistically significant effect in four of the six models. This suggests that states are indeed more likely to negotiate with popular, cohesive organizations that are able to make credible commitments—regardless of the added costs of negotiating with such groups. We find neither of our ideological control variables to be consistently statistically significant, leading us to conclude that ideology is of little importance in a state's decision to open negotiations. Similarly, we find regime type to have no significant impact on the likelihood of state–organization negotiation onset.

To assess substantive effects, we analyze the predicted probability of observing negotiation based on changes in the independent variables for which we find statistical significance. The plots show the results of estimating the likelihood of negotiation while holding all other variables at their mean. Each grey bar shows the estimated probability for a given value, while the black bands indicate confidence intervals—the widest black band represents a 90 percent confidence interval, the second widest band a 95 percent confidence interval, and the thinnest band a 99 percent confidence interval. All confidence intervals are created using a multivariate random normal simulation, as the coefficient estimates are asymptotically normally distributed.

Figure 1 shows the predicted probability of negotiation based upon changes in territorial control. When values of this key variable increase, we see the most impressive change in predicted probability compared to our other independent variables. When moving from Territorial Control = 0 to Territorial Control = 2, we see an increase in predicted probability from about 2.5 percent to about 41 percent. It is also important to note the degree to which the confidence intervals do not overlap across values of the variable, indicating a fair amount of certainty in this effect.

Figure 2 shows the predicted probability of negotiation based upon changes of our other statistically significant predictors of negotiation. Plot (a) shows the change in predicted probability of negotiation in the presence and absence of a militant wing—we see a probability change from about 12.5 percent to about 1.5 percent when moving from Militancy = 0 to Militancy = 1. Plot (b) shows the predicted probability of negotiation across possible values of organizational popularity. The odds of an organization reaching the bargaining table jumps from about 1 percent to about 13 percent as the variable increases from its minimum to its maximum value. Finally, plot (c) shows the predicted probability of negotiation across possible values of domestic protest. We see the likelihood of negotiation rise from around 3.5 percent when domestic protests are not used to about 22 percent for groups using mass demonstrations. While the effects of these predictors are statistically significant and have modest substantive effects, each is dwarfed by the change in predicted probability across values of territorial control.

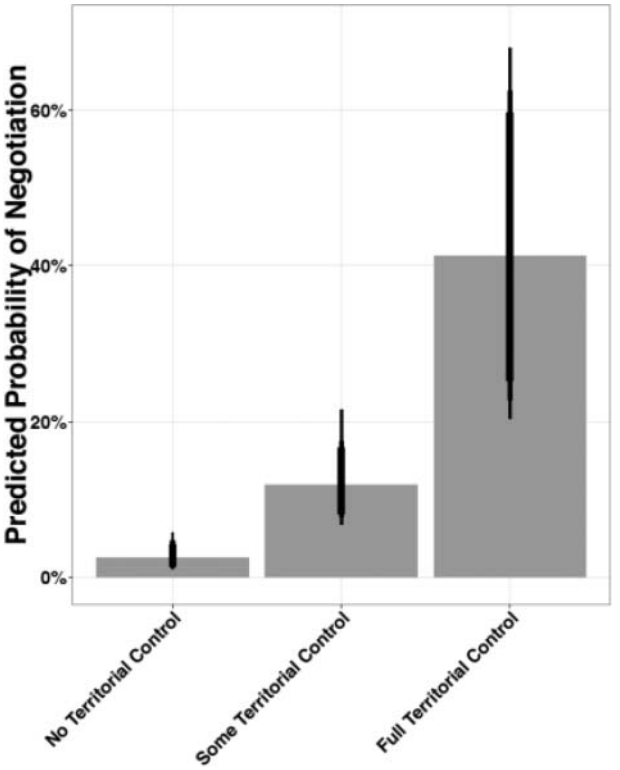

Figure 1. Predicted probability of negotiation based on changes in *territorial control*.

We argue that territorial control is one dimension of group strength, and organizational popularity is another manifestation of this concept. To assess which dimension of strength drives the onset of negotiation, we examine the predicted probability of state–organization negotiation across levels territorial control and organizational popularity. Our model predicts a higher probability of negotiation for fringe organizations and full territorial control than those with dominant popularity and a lack of territorial control. We also find that fringe organizations with limited territorial control are more likely to reach negotiations than groups with an average level of popularity and no territorial control.[49] Our results strongly suggest that the magnitude of the effect of territorial control is greater than that of organizational popularity.

By analyzing predicted probabilities, we find that territorial control is the fundamental predictor of state–organization negotiation. However, it is even more striking to explore the effect of territorial control when it is combined with the effects of domestic protest and organizational popularity—the two other positive predictors of negotiation in our analysis. Figure 3 shows a heatmap indicating the predicted probability of negotiation across all possible combinations of values between the three variables. The shade of each cell indicates the predicted probability of negotiation, where white cells have values of 0 percent and black cells take on values of 100 percent. The darker the cell, the more likely we are to observe negotiation in such a case. At the extremes, we see values of below 1 percent when all variables take on their minimum value and about 98 percent when all measures take on their maximum value.[50] The clear trend of the plot indicates the previously presented notion that the probability of negotiation

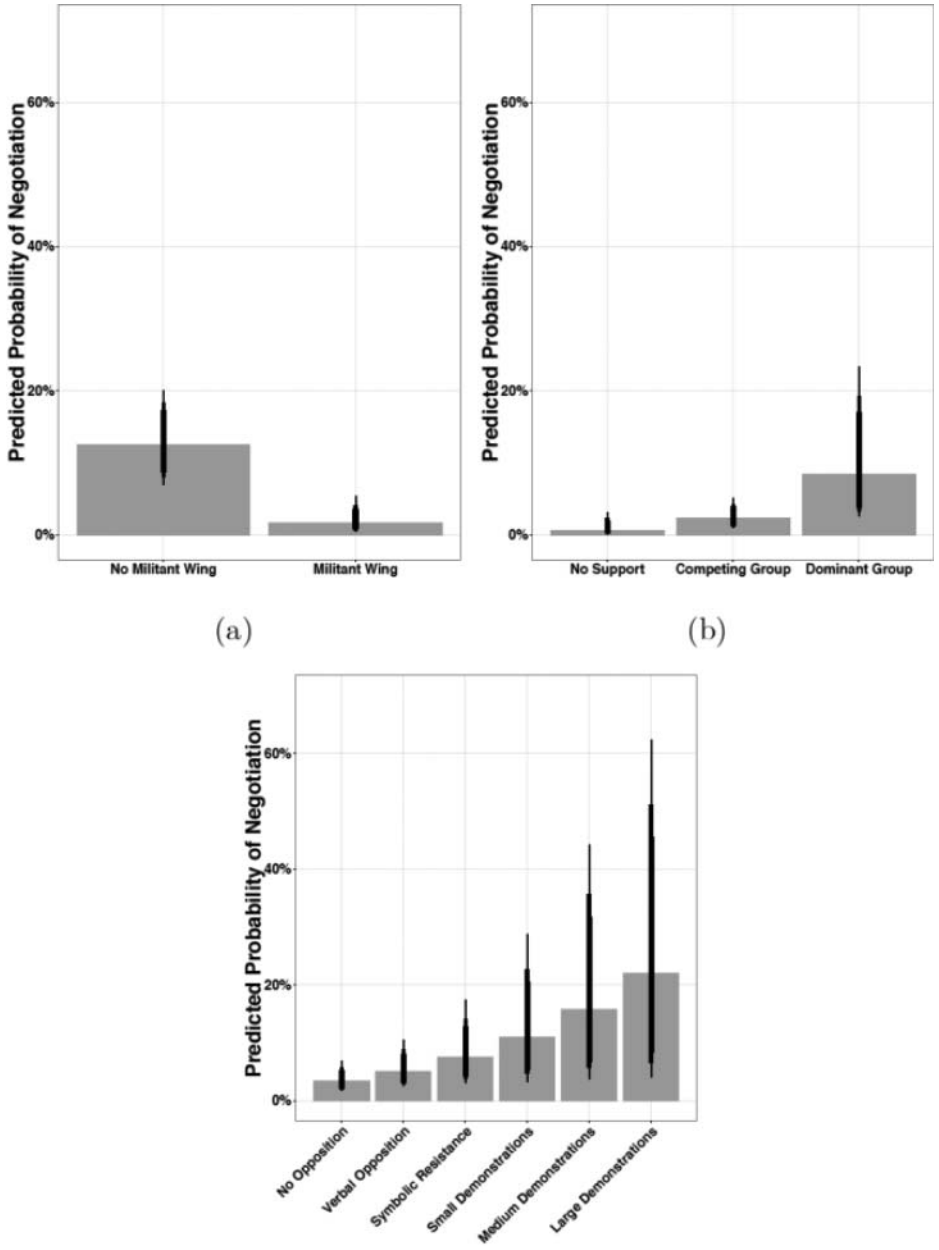

Figure 2. Predicted probability of negotiation based on changes in (a) militancy, (b) organizational popularity, and (c) domestic protest.

increases as all three of these variables increase. However, the overwhelming effect of territorial control is even more evident in this plot. The right-most third of the heatmap—indicating Territorial Control = 2—is almost entirely darker than the other two thirds, regardless of the values of domestic protest or organizational popularity. Thus, we conclude that territorial control is the most important organizational determinant of state–organization negotiation.

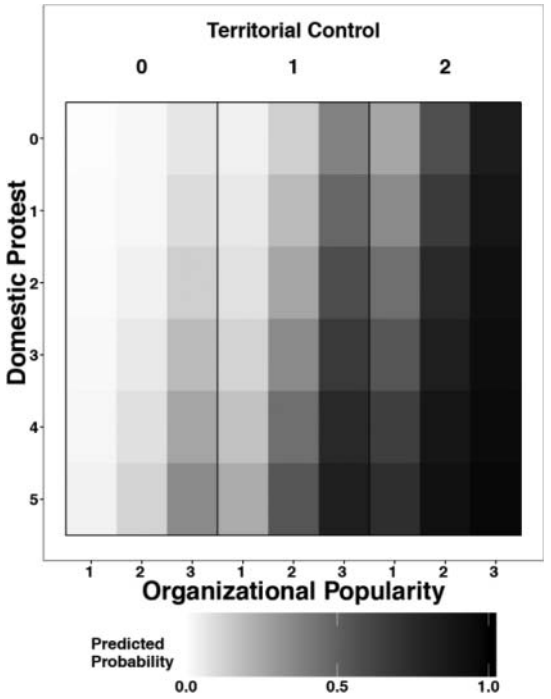

Figure 3. Predicted probabilities of negotiation based on changes in territorial control, domestic protest, and organizational popularity.

The Kurds of Iraq: Territory and Strength Yield Negotiations, 1880–2017

The Iraqi Kurds provide extensive variation on our dependent and independent variables, as five different regimes abstained and engaged in negotiations over the course of a century with numerous Iraqi Kurdish organizations that varied in their ideology, tactics, strength, and territorial control. Longitudinal analysis of this representative group from MAROB allows for the process tracing of key causal mechanisms via tight within-case comparisons that isolate the causal impact of these variables on negotiations with the ruling regimes.[51]

The Ottomans, British, Hashemite monarchy, Baathist Republic, and current Iraqi government all loathed negotiating with the Kurds over their autonomy during the past century due to their own desire for a broader national identity and centralized state. Nonetheless, these ruling regimes talked again and again with strong Kurdish organizations that controlled territory because they were needed to stabilize the northeast region of the country and head off foreign and domestic threats.

The Early Kurdish National Movement: Negotiating with Empires and Monarchies, 1880–1958

After the emergence of a Kurdish national movement in the late nineteenth century, the resistance of the Turks and the European powers to an independent Kurdistan led to the fracturing of the group's population across the newly created states of Turkey, Syria, and Iraq, where they became oppressed ethnic minorities seeking equal rights, autonomy, and independence.

While fashioning the Mandate of Iraq out of the southeastern sector of the Ottoman Empire after World War I, the British found themselves forced to negotiate with Kurdish Sheikh Mahmud Barzani, who they believed was the only one who could maintain order in Sulaymaniyah and the neighboring mountainous region.[52] The decision to negotiate with Mahmud on multiple occasions "was no gesture of generosity on the part of the British," but rather was due to the territorial control and strength of the Kurdish leader.[53] Sir Arnold Wilson, the British political officer in Baghdad, reported that "In Southern Kurdistan, for one who opposed his appointment there were four others who professed to welcome it."[54] Mahmuds declared "Kingdom of Kurdistan" was short-lived, but his model of armed control of territory by a strong organization leading to negotiations with the state would be repeated countless times in subsequent decades.

Mullah Mustafa Barzani, who had fought with Mahmud, increased the prestige and membership in his own organization by attacking and capturing police stations in 1943.[55] Mullah Mustafa had "far too large a force for the Iraqi Army to dislodge or defeat—so Britain asked Mullah Mustafa to stop his insurgent tactics and negotiate, which he agreed to do," and he was promised concessions on Kurdish rights by Nuri al-Said, the prime minister of Iraq.[56] Although the Iraqi government would change hands and regime types many times over the subsequent decades, negotiations with Barzani's organization were a near constant.

The Republic of Iraq: Negotiations Before, During, and After Saddam, 1958–2017

A change in Iraq's regime type from a monarchy to a republic after a 1958 coup did not change the conditions that spurred negotiations between the Iraqi government and Kurdish organizations. Barzani returned from exile in Iran and the Soviet Union as the head of the Kurdistan Democratic Party (KDP). He led a revolt in the early 1960s and gained control of large tracts of Kurdish territory in northern Iraq.[57] The Iraqi government pushed for negotiations in 1962, which were sporadically held over the next few years, but to no avail. By 1964, the KDP had taken control of even more territory. The KDP's 4th Congress set up "virtual autonomy in about three-quarters of Kurdish territory, which was divided into five administrative districts, each with its own military governor and financial and judicial administration."[58]

The following year, Iraqi President Bazzaz opened new negotiations by offering the KDP a 15 Point Plan that fulfilled nearly all its demands concerning Kurdish nationality, representation, and language.[59] After squabbling over implementation for years, the KDP and Iraqi government signed an agreement on March 11, 1970 that changed the Iraqi constitution and granted Kurdish autonomy. Despite subsequent backtracking, it remains one of the most significant Kurdish political victories to date.

The key point for this study is not simply that negotiations occurred, but with whom. As predicted by H1, the negotiations consistently involved the KDP, whose extensive territorial holdings and 25,000 fighters made Barzani and the KDP "the undisputed cock of the walk" from the mid-1960s through 1975.[60] Barzani's organization was not the only one among the Iraqi Kurds, however. Ahmed Talabani had led a rival Kurdish faction for years, but his significantly weaker organization was not at the negotiating table on numerous occasions—including the most significant talks in 1970—even though it had the same objectives and hailed from the same group.[61] Despite its desire to withhold concessions, the Iraqi government consistently reached out to the organizations that had the strength to end the fighting and stabilize the territory.

As many scholars have noted, repressing the Kurds within one's own borders while supporting those of one's neighbors is a time-honored tradition among Turkey, Syria, Iraq, and Iran.[62] The Iraqi Kurds typify this issue, as their real and imagined Iranian support meant that the Iraqi government perceived Kurdish-controlled territory as a potential beachhead for its greatest rival. That rivalry came to a head in the Iran–Iraq War from 1980–1988, as the Kurds were front-line proxies in a broader struggle between new leaders Saddam Hussein and Ayatollah Khomeini. In response to Iran's 1983 offensives in the northern Kurdish areas, Saddam sought negotiations with the two strongest Kurdish organizations that controlled territory. The KDP ultimately turned him down due to a lack of "gestures of good faith" from Saddam, while Talabani's Patriotic Union of Kurdistan (PUK)—formed in 1979 and stronger than his earlier faction—agreed to a tactical cease-fire.[63] Negotiating with weaker groups like the KDP splinter KPDP would have provided Saddam no help in his struggle to control Iraq and defeat Iran, and so it was not a priority.

By the end of the Iran–Iraq War, the KDP and PUK each controlled about half of Kurdish territory, and "Other groups [could] only be active in Iraqi Kurdistan with the consent of either of these two parties."[64] An uprising against Saddam in the aftermath of the 1991 Gulf War fell short of total victory, as did Saddam's brutal counterattack, leading to a "ripe" hurting stalemate primed for negotiation. As Talabani noted, "We could not overthrow them [the Ba'athi forces], and they could not crush us. So we are both looking for another solution, which is a peaceful solution."[65]

Negotiations ensued, this time involving eight Kurdish parties. This was an exception that proved the rule, however, as Saddam did not suddenly become interested in treating with weak organizations. Instead, six small parties were tied to the KDP and PUK in the recently created Iraqi Kurdistan Front, which conducted the talks. Negotiations occurred due to the presence and willingness of the KDP and PUK to participate. Had there been no front, the weaker, landless parties would have been ignored, just as Saddam did not negotiate with smaller organizations that were not part of the front, like the Islamic Movement in Iraqi Kurdistan (IMIK).[66] Furthermore, had the KDP and PUK not fought to hold onto their territorial spheres of influence, Saddam would not have felt the need to talk with the Kurds, period. Why negotiate over something you can simply take?

After the exogenous shock of the U.S. invasion that toppled Saddam's regime in 2003, the new Iraqi government initiated negotiations with the same leading Kurdish organizations: the KDP and PUK. Groups like the KPDP, Kurdish Revolutionary Hezbollah of Iraq, and Workers' Communist Party of Iraq had no land, no power, and so no negotiations. When negotiations did occur with someone other than the top two parties, they involved the Kurdistan Islamic Union, which not coincidentally was the third strongest Kurdish party. Even as Iraq finds itself in the throes of a multiparty civil war with the Islamic State of Iraq and Syria (ISIS) and its neighbors today, negotiations continue between the Iraqi government, the KDP, and the PUK over the possibility of an ever more autonomous or even independent Iraqi Kurdistan.

Summary

Put simply, power talks to power. Over nearly a century and a half, the Iraqi government and its predecessors negotiated with the strongest Kurdish organizations that controlled the most territory (H1) regardless of their ideology and leadership, and despite changes in regime

type. Just as in our statistical analysis, the story of the Iraqi Kurds is more about organizational strength and effective violence to control territory than nonviolence, although the broader MAROB data confirm the latter's significance in other cases. The longitudinal analysis presented here provides additional evidence for the generalizability of our argument in the six decades before MAROB begins. Furthermore, it demonstrates the power of tight comparisons across the same group over time—as Baghdad negotiated with Talabani only after his organization strengthened and seized territory—and space—as the state negotiated with KDP but not its weaker, landless splinter, the KPDP.

Discussion

States have strong incentives to ignore, repress, or otherwise avoid talking to organizations that challenge their rule. The control of territory is the single most important factor in reversing the incentive structure and providing organizations with the necessary leverage to reach the bargaining table. Our quantitative and qualitative analyses of ethno-political organizations from the Middle East and North Africa provide strong evidence in support of this claim. In regard to existing scholarship, this suggests that a certain type of successful violence works—not all violence and not only nonviolence—while certain types of strong organizations—those that control territory—are more likely to be negotiated with than weak ones. For scholars and policymakers alike, our findings suggest that although territorial conflicts may be the least likely to be resolved,[67] they may also be the most likely to involve negotiations. Territorial capture by organizations is therefore a key way to create a hurting stalemate and increase the ripeness of the conflict for (attempted) resolution.[68] From an organizational perspective, territorial control represents a key asset if the organization is interested in coercing state concessions. There are many reasons why Morocco would prefer not to negotiate with the Polisario Front or why Iraq would not want to begin negotiating with the KDP. However, the power obtained through control of territory and the threat that it creates clearly pushes states to negotiate in a way unlike other behaviors or attributes of nonstate actors.

For policymakers, this study provides assistance in identifying which organizations are likely to find themselves at the bargaining table with allied and rival states. Despite claims from their prime ministers and presidents that they "will never negotiate with terrorists," our study suggests that rebels in Ukraine and Syria are likely to find themselves at the bargaining table if they continue to control territory in their respective states. States aiming to prevent negotiations with certain groups should therefore redouble their efforts to prevent these groups from controlling territory in the first place. When states are looking for organizations to do business with, our findings suggest that they will ultimately (and perhaps should from the outset) focus less on ideological "moderates" and more on strong organizations that control territory. This suggests that states must prioritize the avoidance of territorial control by such organizations to avoid costly negotiations.

Although this study has focused on host states, future research could analyze whether territorial control has the same impact on the incentives and support of foreign states for negotiations with ethno-political organizations. The fact that Iran, Syria, and the United States also focused on negotiating with the KDP and PUK suggests that our argument may travel. While the analysis of the MAROB data should restrict our inferences to ethno-political

groups in the Middle East and North Africa, there is potential for our argument to travel to other regional contexts. The striking effect of territorial control does not necessarily rely on any specific attribute to groups in the Middle East and North Africa region. Therefore, it would be useful to test our theoretical argument using data from different regions.

Future work could also make significant contributions by focusing on three key assumptions underlying this study. First, it is worth testing the notion that states hold the decision-making power in terms of negotiation. While we assume that the onset of talks is largely driven by a host state's preferences, it may be the case that powerful groups would choose to forego negotiation if they perceive a proportionally greater chance of military victory. Thus, one possible extension could be an investigation of dynamic relative capabilities and the timing of bargaining.

Second, even if territorial control is the most significant factor in driving intrastate negotiation, can and should all groups pursue this objective? Territorial conquest may be out of reach for small factions, while controlling territory gives an organization an address where it can be found and degraded, as ISIS is discovering at the moment. An analysis of the conditions under which organizations achieve territorial control would provide a powerful complement to this study, as would an assessment of the extent to which the size or type of territory controlled (e.g., economically or strategically valuable) impacts the likelihood of negotiation.

Finally, it is worth examining the assumption that negotiation is entirely dyadic in light of our findings on territorial control. As demonstrated in the Iraqi Kurdish case, a state is generally dealing with several different organizations that may or may not represent the same ethnic group or social movement. It would be interesting to further explore how a state chooses its negotiating partners from a set of groups, movements, and organizations, and whether or not this differs from its decision-making process when dealing with single groups and organizations.[69] In sum, while we hope to have clarified the conditions of intrastate negotiation, it is clear that this growing subfield has a number of areas for continued exploration.

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