



**CENTRE OF EXCELLENCE
DEFENCE AGAINST TERRORISM**



Terrorism, Counterterrorism, and Conflict Resolution: Building Bridges

Dr. Harmonie Toros

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ABOUT THE AUTHOR



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INTRODUCTION

For decades, conflicts involving terrorist violence were considered beyond the realm of conflict resolution practices such as conflict prevention, peacemaking through negotiations and dialogue, and peacebuilding and reconciliation. Terrorism was a form of violence that policymakers believed could only be countered through law and order or military responses.

Recently however there has been an increasing interest from governments and academics alike in the potential for conflict resolution practices in terrorist conflicts. Examining successful examples such as the peace process in Northern Ireland or in South Africa has become a key part of the study of contemporary terrorism. This research project aims to offer an analysis of how conflict prevention, peacemaking, and peacebuilding frameworks can be applied to conflicts marked by terrorist violence based on rare primary research undertaken by the author and an in depth analysis of the growing research on these questions.

As will become evident throughout this report, examining the potential for a conflict resolution approach to terrorism does not only mean examining the potential of policy responses that have so far largely been ignored, but also means adopting an approach to terrorist violence grounded in conflict analysis and conflict resolution perspectives. Prior to examining what this entails (in Section 3), it is important to first discuss what is meant by “conflict resolution.”

This report understands conflict resolution as “formulating, applying and testing structures and practices for preventing, managing, ending and transforming violent and destructive conflict” (Ramsbotham, Woodhouse and Miall, 2011: 62). It thus includes three phases: conflict prevention, which aims to avoid violence; peacemaking, which is aimed at stopping the violence without entrenching the underlying causes of the violence; and peacebuilding which aims to “produce an environment that ensures security, justice, and well-being for all, and one in which conflict resolution can be self-sustaining” (Bercovitch and Jackson, 2009: 89).

It is important to note from the start that these phases nearly always overlap and need to be conceptualized as practices that have to be engaged with simultaneously. Conflict prevention often needs to continue after peacemaking has begun to avoid an escalation in violence, while peacebuilding needs to start even before the resolution of violence to ensure that agreements are built on solid ground.

Most importantly, all three phases of conflict resolution are based on the “core assumption [...] that aggressive win-lose styles of engagement in violent conflict usually incur costs that are unacceptably high not only for the conflict parties but for world society in general.” As such, winning is not aim of conflict resolution practices, peace is. Conflict resolution thus becomes “a search for ways of transforming actually and potentially violent conflict into peaceful processes of political and social change” (Ramsbotham, Woodhouse, and Miall, 2011: 62).

Based on this understanding of conflict resolution (from here on CR), this report will begin by examining how such an approach impacts on how we understand terrorism and counterterrorism (Section III). It will then examine the three phases of conflict resolution and their potential application to conflicts marked by terrorist violence (conflict prevention in Section IV; peacemaking in Section V; peacebuilding in Section VI). Finally, in Section VII, the report will specifically examine the potential role of the North Atlantic Treaty Organization (NATO) in such CR practices, before offering specific policy recommendations in Section VIII. In each section, the paper will not only examine the relationship between terrorism and the CR practices, but also the relationship between counterterrorism and the practices as counterterrorism is profoundly affected by the adoption of a CR approach.

As mentioned above, this report is based on a thorough review of the research surrounding the use and potential use of CR practices in conflicts marked by terrorist violence as well as extensive primary research carried out by the author in numerous case studies, in particular in Northern Ireland and in Mindanao in the southern Philippines (see Toros 2008, 2012; Toros and Tellidis, 2014; Tellidis and Toros, 2015).

TERRORISM AND COUNTERTERRORISM: A CONFLICT RESOLUTION APPROACH

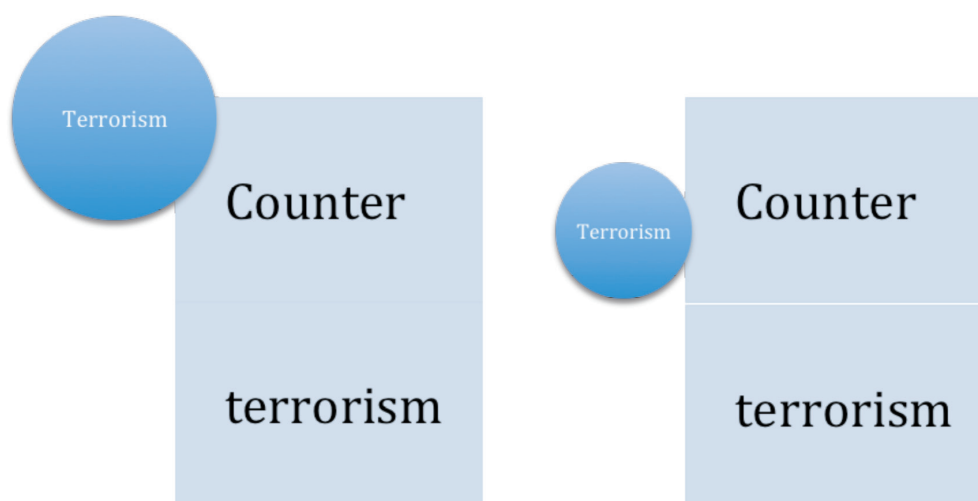
Most research and policy guidelines on terrorism begin with a discussion of the difficulty of defining terrorism and the broad range of definitions available not only in academic research but also in national and international law (see in particular the work of Schmid and Jongman, 1988, 2005; but also Jackson, 2008 on the use of engaging with the definitional debate). Debates continue to rage on whether terrorism needs to necessarily target civilians and whether it can only be carried out by non-state actors. In this research, terrorism will be understood as “the threat or use of politically motivated violence, aimed at affecting a larger audience than its immediate target, that is broadly deemed illegitimate” (Toros, 2012: 28). Counterterrorism is understood as the police, military, judicial and extrajudicial responses aimed at eliminating or reducing terrorist violence in any given context. Both of these definitions are intentionally broad and are based on the consideration that most scholars, policymakers, and practitioners would likely accept such an understanding.

More important however than offering a broad understanding or definition is a discussion of how a *conflict resolution approach* to terrorism and counterterrorism impacts on our understanding. Indeed, a CR approach, although not entirely capable of overcoming this definitional quagmire, offers an innovative path toward understanding terrorism - and counterterrorism - and arguably succeeds in sidelining this potentially stagnant debate. It succeeds in doing this by engaging with terrorism as a form of violence that *is part of* a broader conflict. Terrorism thus becomes a strategy¹ *used in conflicts* by actors who believe it is the best strategy to adopt at a given time. Thus, from a CR perspective, terrorism cannot be understood outside of the conflict of which is it part and can only be analyzed by scholars and engaged with by policymakers within this broader context.

As we will see in the report, this approach has direct repercussions on how we understand the potential for conflict resolution responses. Indeed, if terrorism is understood as a strategy used by a group in a conflict, it opens up the possibility that such actors may be willing and/or capable to engage in other strategies to achieve their goals. It also accepts that actors in conflicts are rarely if ever unitary or single-faceted. As such political actors engaged in terrorism or counterterrorism are understood as complex actors potentially made up of numerous different factions that have different approaches and levels of engagement with violence. Just as the state is not a single unitary actor, neither are non-state groups using terrorist violence.

Based on this approach, the understanding of counterterrorism also changes. Indeed, counterterrorism is not longer simply a response to terrorism that understands the conflict as such

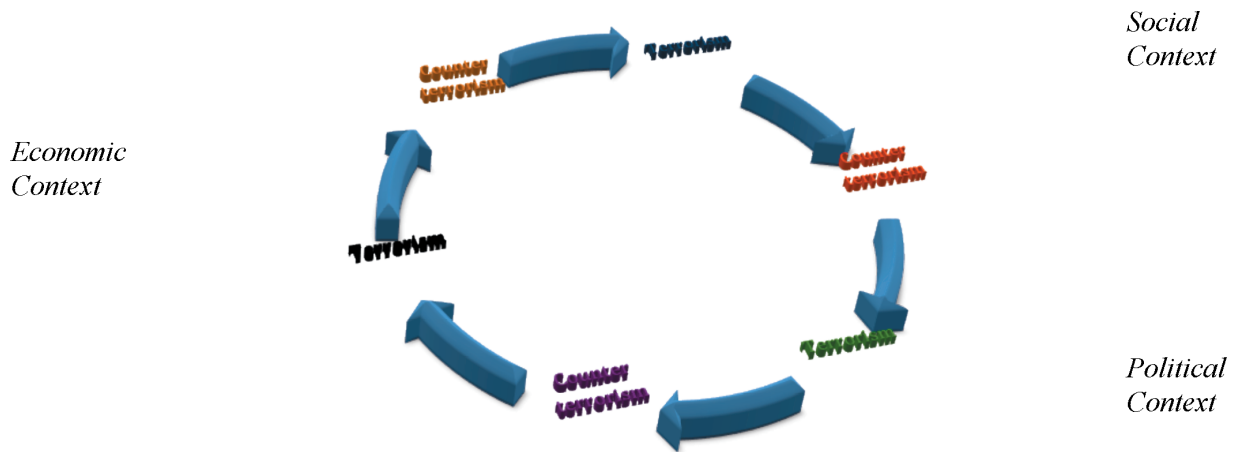
Figure 1



¹ Terrorism is often qualified as a tactic rather than a strategy. Ken Booth and Tim Dunne (2012: 20) clearly make this distinction: “Terrorism is not a tactic, if this term is used in its proper military sense, namely what is planned in face-to-face engagements with a target. Suicide bombings and hijacking are different types of tactics that terrorists employ in contact with their targets, but terrorism itself is a strategic doctrine guiding such acts. A strategic doctrine is a coherent body of ideas about the use of violent means to further political ends. Terrorism, like other strategic doctrines, can employ different tactics and combinations of weapons.”

in which counterterrorism responds to terrorism but does not affect terrorist violence except by possibly reducing or eliminating it, but rather is understood as being in a constant dialogue with terrorist violence as such

Figure 2



In the figure above, terrorism and counterterrorism are constantly transforming each other (denoted by the change of color) along with being constantly affected by the social, economic and political context that surrounds and informs the violence.

The aim of this report thus becomes to examine the effect of conflict resolution policies on conflicts marked by terrorist violence rather than simply on terrorism and counterterrorism. As will become clear in the following pages, this change of perspective has a powerful impact on the potential for conflict resolution practices - from conflict prevention to peacemaking to peacebuilding - in such conflicts.

CONFLICT PREVENTION

Conflict prevention is essentially a misnomer: Its aim is not to prevent conflict, but to prevent violent conflict (Bercovitch and Jackson, 2009: 89). Indeed, most conflict resolution and transformation scholars agree that conflict in itself is a necessary condition for change in any social structure and therefore, crucially, for any kind of progress (see in particular Lederach, 2003). Thus conflict prevention is often understood as occurring when “violence is still not the dominant expression of the problem” (Wallensteen, 2012: 281). Its aim is to “reduce the potential for violence, make it an unreasonable option, and create conditions that encourage peaceful resolution of political differences (e.g., deal with underlying injustices and inequalities that make people resort to violence” (Bercovitch and Jackson, 2009: 89).

Scholars often divide conflict prevention in two parts: direct conflict prevention, also called preventive diplomacy, and structural conflict prevention (Wallensteen, 2012, see also Bercovitch and Jackson, 2009). The former is actor-oriented, aimed at avoiding their turn to violence, the latter is issues-oriented, aimed at addressing the underlying structures or “root causes” of the conflict. In large-scale conflicts such as interstate or intrastate wars, conflict prevention can mainly be engaged with prior to the break out of widespread violence as once it breaks out the chance for direct conflict prevention has passed, while the possibility of engaging with issues is greatly reduced by the violence.

This is not necessarily the case in conflicts marked by terrorism, as the violence is often geographically and socially delimited and large sections of the population may live relatively unscathed by violence, both terrorist and counterterrorist. In these cases, structural conflict prevention in particular can continue once violence has begun with the aim of preventing violence from spreading and reducing the appeal of the violent actors. Indeed, once the violence has started the goal of conflict prevention strategies by states and other actors becomes to address the underlying grievances of the conflict to “drain the swamp” of support of the insurgent group (SAM, 2014), thus isolating it and preventing it from renewing itself through recruitment. This report shall thus examine conflict prevention measures both prior and during the outbreak of terrorist violence.

In the academic literature, conflict prevention in such conflicts is advocated for strategic reasons - it is the best way to defeat insurgency - but also for ethical reasons - it is the duty of the state to attend to grievances of its citizens (Pape, 2005, Crenshaw, 1991, Wilkinson, 2001, Weinberg and Davis, 1989, Wardlaw, 1989). It is a strategy aimed at winning the “hearts and minds” of the violent actor’s constituency (Elworthy and Rifkind, 2006, Germani and Kaarthikeyan, 2005, Parekh, 2002), and to discredit the latter for using violent means against a state that is willing to accommodate the grievances of the group.

What kind of measures this involves is very context-based. In an ideological struggle, conflict prevention can mean an increase of civil liberties or an improvement of workers’ rights. In a conflict over minority rights, it can include measures by the state such as an increase in language rights or the establishment of greater regional autonomy. The case of Sud Tyrol in Northern Italy offers an interesting example of the latter worth examining in detail.

CASE STUDY 1: CONFLICT PREVENTION IN SUD TYROL

Sud Tyrol is a region within Italy bordering with Austria that historically was part of the Austro-Hungarian Empire until its defeat in 1918. It is populated by a vast majority of German speakers - nearly 90 percent in 1900, still some 70 percent in 2001 (Pallaver and Fasser, 2012: 73). The regime of Benito Mussolini launched an “Italianization” campaign in the area, including a purging of German-speaking public officials from the administration, the banning of education in German, and government-sponsored migration of nearly 100,000 Italians (Carla, 2014: 68). Although Italy promised to reverse the policies in post-World War II era, agreements were largely not implemented leading to growing resentment among the German-speaking population and the creation of the South Tyrolean People’s Party (*Südtiroler Volkspartei* or SVP), a widely supported party that rejected violence and favoured autonomy to independence (Pallaver and Fasser, 2012; Carla, 2014), and the militant Committee for the Liberation of Sud Tyrol (*Befreiungsausschuss Südtirol* or BAS). BAS carried out a series of bomb attacks, culminating in the 1961, mostly aimed at state infrastructure and at avoiding casualties (Pallaver and Fasser, 2012). The United Nations took interest in the conflict and brought Austria and Italy together to

negotiate a settlement. Italy also started an internal process of dialogue with the SVP that eventually led to Second Autonomy Statute in 1972, granting greater autonomy to the region. The Italian state also chose not to seek particularly harsh sentences against the arrested leaders of the BAS - by not charging them with "plotting against the unity of state" or "against the constitution" which carried life sentences - and transferred prisoners to cities close to the region. Thus, the decision of the Italian state to engage with the "root causes" of the conflict and address the grievances of the German-speaking population arguably avoided an escalation of the conflict. Indeed, although a group of BAS continued their struggle and temporarily escalated it, they lacked in support from the broader constituency and were soon marginalized (Pallaver and Fasser, 2012: 90). The Second Autonomy Statute "settled the conflict, remarkably reducing separatist tendencies and ending violent attacks. Since then Italian and German-speaking groups have cohabited more or less peacefully" (Carla, 2014: 68). This can be seen as an example of successful conflict prevention engaged at the start of a conflict to avoid a further escalation of violence. Importantly the Italian state did not break all contact with political parties within the German-speaking movement and thus was able to maintain an understanding of the broader constituency's demands and expectations.

Conflict Prevention also aims to convince the armed actors themselves that violence is not necessary. Leonard Weinberg and Ami Predahzur in their work on the fluid link between political parties and violent groups argue that insurgent groups function in competitive environments and have to decide whether they are likely to lose support by continuing violence in the face of state accommodation (Weinberg and Predahzur, 2003). Ted Gurr and Jeffrey Ross also defend this argument, stating that once it becomes apparent that "dominant groups are prepared to accommodate some demands of an aggrieved minority, terrorism becomes a less attractive strategy" (Ross and Gurr, 1989: 409). Authors point to Canada as an example of the effectiveness of conflict prevention, with Ross and Gurr (1989) arguing that the increased autonomy granted to Quebec in the 1960s and 1970s was key in transforming the French separatist movement from a violent to a non-violent one.

This is why it is particularly important to examine the impact of counterterrorism policies on conflict prevention to ensure that the former is not exacerbating the conflict and pushing non-violent actors toward violence *contra* conflict prevention. Excessive violent and repressive responses by state actors have repeatedly swelled the ranks of groups using terrorist violence, most famously with the 1972 killings by British paratroopers of 14 unarmed civilians during a protest march in Northern Ireland in the predominantly Catholic city of Derry/Londonderry (Steele in Taylor, 1998). A more recent example is the response of the Iraqi government and international actors to growing resentment in Fallujah, which is worth examining in closer detail.

CASE STUDY 2: A MISSED OPPORTUNITY IN FALLUJAH?

Numerous scholars and international non-governmental organizations (INGOs) point to Fallujah as a missed opportunity for conflict prevention and a case in which a particularly repressive counterterrorism approach arguably escalated terrorist violence rather than reduce it. The International Crisis Group (ICG: 2014) argues that in places like Fallujah and Mosul, Da'esh has gained ground because "the Iraqi state maintained a presence there that was simultaneously corrupt, repressive and flimsy." More importantly with regards to conflict prevention, it appears that many of those who turned to Da'esh in 2014 had two years previously sought to express their anger overall non-violently, seeking a dialogue with governmental and international actors (Fontan, 2015). Aside from calling on the Iraqi government to end anti-Sunni policies and on then Prime Minister Nouri al-Maliki to resign, Victoria Fontan notes how they issued press releases and "sent numerous invitations to the UN office in Baghdad as well as other NGOs to come to visit Fallujah, and never received any acknowledgement of these invitations (Fontan, 2015: 174). As the international community ignored the "Occupy Fallujah" movement, the government chose to brand all protesters as "terrorists," rejecting any possibility of accommodation with the non-state groups (see also Rogers, 2014). As the Institute for the Study of War argued, it was "convenient for Maliki to portray the protest sites as 'hearts of darkness'" (Lewis, 2014), launching a particularly repressive counterterrorism campaign that included mass arrests and the detention of the wives and mothers of protesters until

the latter turned themselves in (Fontan, 2015). One could thus argue that a combination of repressive counterterrorism and the refusal to engage in any form of conflict prevention contributed to rise in violence in Fallujah and to the decision of local tribesman to join Da'esh in its battle against the Iraqi government and its allies (see also Rogers, 2014, Cordesman and Khazai, 2014).

One must not however overestimate the potential for conflict prevention in conflicts marked by terrorist violence, which may be particularly resistant to conflict prevention. Martha Crenshaw (2005) points out insurgent groups are small and not necessarily as dependent or linked to a constituency as parties in a larger-scale civil war. Furthermore, insurgent groups once underground isolate themselves and often lose touch with their constituencies (Crenshaw, 2005, Wilkinson, 2001). In some cases maintaining the group intact can become the ultimate goal of the group, replacing the original grievances (Crenshaw, 2005, Weinberg and Davis, 1989, Wilkinson, 2001). Others warn that accommodation may lead to an increase in violence as the groups fear that their "raison d'être" is being undermined by the government policies (Ross and Gurr, 1989), although there is little widespread evidence of this.

Thus, although the relationship is complex and there should be no expectations of automatic results if engaging in conflict prevention measures in conflicts marked by terrorist violence, the analysis offered above presents theoretical arguments and empirical evidence that conflict prevention can have an impact on the rationale for groups engaging in violence, on their relationship with their constituency, and on halting a potential escalation of violence. It also highlights the important link between conflict prevention and counterterrorism and how the latter has to be thought of part of a broader response that understands terrorism as part of a broader conflict.

PEACEMAKING

What if conflict prevention, coupled or not with counterterrorism policies, does not work? Numerous states have found themselves in precisely this situation over the past decades, offering some changes to accommodate the demands of the broader constituency of an armed group while cracking down on the terrorist violence and its perpetrators with little effect on the ending the violence or resolving the underlying conflict. In such cases, many states have often reluctantly turned to peacemaking: engaging in negotiations and dialogue either directly with armed groups or via intermediaries.

This goes directly against the injunction commonly put forward by states, as well as some academics, that “we don’t negotiate with terrorists.” Indeed, most states have at some point publicly stated such a policy of non-engagement. There are numerous arguments used to support this position, which can be summed up as the following:

Democracies must never give in to violence, and terrorists must never be rewarded for using it. Negotiations give legitimacy to terrorists and their methods and undermine actors who have pursued political change through peaceful means. Talks can destabilize the negotiating government’s political systems, undercut international effects to outlaw terrorism, and set a dangerous precedent. (Neumann, 2007: 128)

Therefore, there are three main objections. First, such talking would inspire more terrorism (Crelinsten and Schmid, 1993: 311; Clutterbuck, 1993: 263; Alexander, 2002: 8; Pape, 2005: 240; Byman, 2006: 403; Cronin, 2009: 35). Second, it would delegitimize the state and legitimize the armed group and terrorist violence as a means of achieving political gains (Wilkinson, 2001: 80; Byman, 2006: 406; Pruitt, 2006: 381; see also Spector (1999: 310) for an analysis of this argument). Finally, terrorists cannot be trusted as they are criminals and intrinsically untrustworthy and/or because they do not represent a constituency and cannot be held accountable (Weinberg and Davis, 1989: 178; Bapat, 2006; Byman, 2006; see also Spector (2003: 616) for an analysis of this argument).

Each of these objections, although having some validity, is based on an oversimplified understanding of the relationship between negotiations and violence, and most importantly, fail to understand terrorist violence within its broader context as part of a conflict. Regarding the first objection, as analyzed by Carolin Goerzig (2010), there is little empirical evidence to back up the claim that negotiations lead to more terrorist violence. Such an objection is also based on the assumption that armed groups understand talking as a concession made for their violence, rather than as one made for an end to their violence. A “major ingredient in a positive strategy is to make it quite plain that dropping violence will be rewarded” (Goerzig, 2010: 5). One means to put this strategy into practice was put forward by Sir Quentin Thomas (Interview, 2007), a top British civil servant in Northern Ireland at the time of the peace process, that if negotiations start before a ceasefire is declared “there can only be one item on the agenda which is how we are going to bring it about.” In such a manner, it is the end of violence that is being rewarded rather than violence itself.

Violence can have a profound impact on negotiations. Armed groups have in the past miscalculated their capacity to impact on negotiations by pursuing strategies of violence to increase their leverage - a particularly striking example being the IRA bomb in Warrington in 1993 which killed two boys aged 3 and 12 that made the British government raise its price for negotiations from a two to three-week suspension of violence to a three-month suspension, effectively delaying the start of the peace process by a year (Toros, 2012). Counterterrorism measures can also have a profound impact on the possibility of negotiations or the ongoing talks. In the Philippines, while government negotiators were presenting a peace plan negotiated with the Moro Islamic Liberation Front (MILF) to the cabinet and parliamentary leaders, the military were preparing a surprise offensive against the MILF stronghold (Santiago, Interview, 2007). The attack prompted MILF leader Salamat Hashim to declare an “all-out jihad” against Philippine forces, leading in turn to six bombings within four weeks including some directly aimed at civilians that left dozens dead (ICG, 2004: 7).

It is important to note the start or end of violence are rarely marked by clear watersheds. Indeed, violence often trickles on after a ceasefire and, aside from in spectacular cases such as a large bomb attack, it is sometimes difficult to decide when it has been broken. In the case of Northern Ireland, punishment beatings and in some cases murders attributed to the IRA continued after the peace agreement was signed in 1998 and throughout further negotiations over its implementation, and the

British government and other political parties often decided not to interrupt the process despite the violence believing that keeping the negotiations alive was more important than demanding a full respect of the ceasefire (Attwood, Interview, 2007). Despite these important caveats, the point remains that negotiations do not necessarily lead to an increase in terrorist violence.

The second objective often raised surrounds the question of legitimacy (see also Toros, 2008, 2012). It is based on the notion that states are the only bearer of the legitimate use of force and accepting to negotiate with non-state actors also using force both undermines state legitimacy and legitimizes those using terrorist violence. The main problem with this argument is that it again fails to contextualize terrorist violence, which often occurs in a political landscape of contested legitimacy. Thus, the South African Apartheid state had little to no legitimacy within black communities while the African National Congress (ANC) had considerable legitimacy; the British state has very little legitimacy among the Catholic/Nationalist/Republican community in Northern Ireland; and the Spanish state has little legitimacy within nationalist Basque communities (Renner and Spencer, 2012; Tellidis and Toros, 2015). Thus, terrorism exists within a contested landscape of legitimacy and entering a negotiation may decrease an actor's legitimacy within some communities but it may increase it within others.

The third argument - that non-state armed groups are untrustworthy and that it is difficult to gauge their exact influence within a community - revolves around the tenuous relationship between armed groups and broader constituencies. The argument is based on the following:

Terrorists groups are not legitimate representatives of a physical territory or population. They lack formal accountability to any constituency and thereby may not abide by international law, norms or principles, and may not act as reliable negotiation partners who faithfully implement agreements. The leadership of non-state armed groups is not democratically elected. (Spector, 2003: 616)

All of these objections are strong valid objections. Importantly, however, they are also valid for numerous states that governments and intergovernmental organizations are forced to negotiate with on a regular basis. Furthermore, although not democratically elected, non-state armed groups may have informal legitimacy within communities and thus are held accountable to them (see further discussion in Toros, 2012).

All three objections are thus serious but not insurmountable: There is no a priori reason why negotiations in conflicts marked by terrorist violence should be ruled out. What are the potential advantages of such talks and, importantly, what are the specificities that terrorism brings to peacemaking? The potential of negotiations is a drastic reduction of violence, the reaching of an agreement, and eventually the resolution to the underlying conflict. It is worth looking at the Northern Ireland peace talks in detail as they are widely seen as emblematic of the potential benefits of "negotiating with terrorists."

CASE STUDY 3: NEGOTIATING THE GOOD FRIDAY AGREEMENT

The peace process that led to the Good Friday Agreement in 1998 has come to epitomize the potential for success in dialogue with "terrorists." Indeed, many of the key actors involved in the process, from Prime Minister Tony Blair, his chief of staff Jonathan Powell, to Sinn Fein leader Gerry Adams have written about the importance of the all-party talks to bring violence to an end (Adams, 2004; Blair, 2010; Powell, 2008, 2014). It is important when examining the process to understand that contacts were ongoing since the emergence of the provisional Irish Republican Army (IRA) in 1969, with high-level meetings taking place as early as 1972. An increase in the frequency and relevance of contacts - initially done in secrecy - began in the late 1980s early 1990s when arguably both the British government and the IRA recognized a stalemate (see Toros, 2012 for an in depth analysis of this case). Many factors were central to the success of the process. Most importantly however is arguably the inclusion of non-state armed actors from both sides of the divide in the process. There are few who would argue against the fact that including the republican movement (with its complex relationship between Sinn Fein, a legal political party, and the IRA, an illegal armed group) was essential to peace. As noted by Paul Murphy (Interview, 2007), British Minister during the negotiations: "You couldn't achieve peace in Northern Ireland with-

out talking to Sinn Fein.” Indeed, some believe that the actual agreement reached could have been written without the contribution of Sinn Fein and that it was a very similar to the Sunningdale Agreement in 1973 reached by all legal parties. For Murphy, what made the 1997 talks was the talks between all the parties to the conflict. “It was that process of breaking down the barriers which was so very important to what happened afterwards” (Murphy, Interview, 2007).

There is considerable research on negotiations and dialogue in long-standing and entrenched conflicts which cannot be covered in this report (see for example the work of I. William Zartman, Christopher Mitchell, John Paul Lederach among many others). What needs to be examined however are some of the specificities that asymmetric terrorist violence bring to the main negotiations frameworks and understandings. Much of this will of course be conflict specific - contextualizing peace frameworks is one of the greatest challenges faced by scholars, policymakers and practitioners alike in all types of conflict. There are however at least two general points that need to be highlighted: how terrorist violence has the potential to affect the start of negotiations and in particular the concept of reaching a Mutually Hurting Stalemate (MHS) for a conflict to be ripe for negotiations; and the need for secrecy at the start of talks. Each will be examined in turn.

The concept of MHS was primarily developed by I. William Zartman (1995) to signify the moment in which both sides realize they cannot achieve their aims through further violence. Importantly, it is not the “objective fact” of a stalemate, but the perception of one that counts. Zartman (2003: 24-25) warns that this can entail considerable violence: “To ripen for resolution at least those conflicts that have not been managed early, one must raise the level of conflict until a stalemate is reached, and then further until it begins to hurt, and then still more, to ensure the perception of pain, and then still more yet, to create a perception of an impending catastrophe as well. The ripe moment becomes the godchild of brinkmanship.” This perception can be particularly problematic in conflicts marked by terrorist violence due to the inherent asymmetry of such conflicts. It is difficult for state leaders and officials - keeping in mind the considerable military superiority of the state - to accept that they are unable to defeat a small group of what they often consider to be criminals and social outcasts. It may also be difficult for non-state armed groups to perceive a stalemate, since they would need to distinguish between their inherent position as the militarily weaker party and a position in which victory through violence is impossible. This does not mean that a MHS is impossible in conflicts marked by terrorist violence but rather that such specificities - along with the many emerging from the political, economic, social and historical context of the conflict - have to be taken into account.

The second key particularity of talks in contexts of terrorist violence is the potential need for secrecy at the start of the negotiation process. Many cases of negotiations between states and non-state armed groups have begun in secret, often with state officials publicly denying the existence of such talks. British Prime Minister John Major famously told Parliament that it would “turn his stomach” to speak to Sinn Fein, while his government was secretly engaged in such talks (Dixon, 2001: 236). States often feel they need deniability. In the Israeli-Palestinian peace process, indeed both sides felt the need to have “credible deniability” at the start of the Oslo process, so that if it was revealed both leaderships could deny having any knowledge of it (Agha et al, 2003).

One of the key reasons for the need for secrecy is that many states - and at times non-state actors - engage in a process of “villainization” of their counterpart (Spector, 1997). Such villainization is reserved for “high-salient” enemies who are viewed as “symbolizing the antithesis of a country’s core values and beliefs” (Spector, 1998: 46). Importantly for the purposes of this report, “one of the major consequences of villainization is the closing off of the negotiation option and the peaceful settlement of disputes” and can often lead to an escalation of violence from the “villain” at least in the short term (Spector, 1998: 47). A key element in the villainization process is the labeling of groups as “terrorists” and their inclusion in national or inter-governmental lists of terrorist organizations. This process and its effect on peacemaking is worth looking at in detail.

CASE STUDY 4: THE EFFECTS OF LABELING AND PROSCRIPTION

Several conflict resolution scholars and practitioners have examined the effects of proscription or banning of terrorist groups by states and international organizations (see in particular Bhatia, 2005, Haspeslagh, 2013, and Haspeslagh and Dudouet, 2015). Many states, including key Alliance powers such as the United States and the United Kingdom, as well as international and intergovernmental organizations (the United Nations, the European Union) have list of “terrorist organizations.” Some lists are of individuals, leading to specific sanctions, travel bans, and freezing of assets, others of organizations, and others include both. “All the lists operate on the same principle: they are aimed at disrupting armed groups’ activities such as their freedom of movement or fund-raising ability” (Haspeslagh, 2013: 194). The placing of a group on such a list can however also have a severe impact on the possibility of negotiations and on ongoing negotiations. Some proscriptive regimes, such as the one in the United States, makes “explicitly illegal to provide ‘expert advice’, ‘service’ or ‘training in human rights enforcement or peaceful conflict resolution’ to armed groups that are listed as foreign terrorist organisations, and as the US law is extraterritorial, it also applies to non-Americans” (Haspeslagh, 2013: 193). This has led several conflict resolution NGOs and practitioners to have to stop all contact with proscribed groups, “making the achievement of successful peace processes much harder” (Haspeslagh, 2013: 205). The listing of a group during a peace process can also be problematic, as can be seen with the case of the European Union’s listing of the LTTE in Sri Lanka (Council of the European Union, 2006), which limited the group’s “capacity to read diplomatic messages and to adjust their behaviour in consequence” as well prompting the LTTE to “reject an EU-supported mission monitoring the 2002 ceasefire, which was part of the reason the peace process collapsed” (Haspeslagh, 2013: 198).

When state or intergovernmental actors decide to negotiate with villains, this requires a “devillainization” process - a process which involves risks to political capital for state or intergovernmental actors. “At a minimum, they can be accused of being hypocritical; they turn the demons of last week into the legitimate and respectable partners of this week. At its worst, leaders directing a devillainization campaign can be accused of being appeasers and traitors” (Spector, 1998: 49). Thus, the villainization of actors engaged in terrorist violence and potentially their listing as terrorist groups can have a profound impact on the possibility and development of negotiations.

Negotiations are not a panacea. They often fail, as was the case in many conflicts involving terrorist violence such as the conflict opposing the Colombian government and the FARC or in the Basque conflict. Indeed, actors opposed to talks point at the military or police defeat of non-state actors as being more successful than any attempt at peacemaking (Bew, Frampton and Gurruchaga, 2009). In the case of ETA, Bew Frampton and Gurruchaga (2009: 254) argue that various attempts at negotiations not only failed to solve the conflict, but “might actually have served to stimulate further violence.” Indeed, ETA effectively declared a unilateral end to armed struggle at a time when the Spanish government refused any negotiations with the group (Elajabarieta, 2015). Past talks had “fed the hopes of ETA that it could finally force a negotiation process, from which it might secure political gains to retrospectively justify the violence of the previous decades” (Bew, Frampton, and Gurruchaga, 2009: 254). Putting an end to such talks may have helped ETA realize that they had to call an end to armed struggle to be able to take part in the political conversation.

However, understanding terrorism as a strategy used within a broader conflict brings us to ask the question of whether ending terrorism necessarily means a resolution of the conflict. Edward Azar (1990) pioneered the notion of a Protracted Social Conflict, arguing that the start and end of direct violence should not be understood as the start and end to a conflict, which often goes through phases of more or less violence. As such, the end of ETA violence does not necessarily mark the end of the Basque conflict and Basque nationalist activists continue to advocate for a discussion on the future of the Basque country (Elajabarieta, 2015). Similarly, the complete military defeat of the LTTE in Sri Lanka through a massive military campaign does not mean an end to the Tamil conflict where the question of the devolution of power remains a point of contention. It is here where the understanding of terrorism *as conflict* has a deep impact on the how success and failure of policies are decided.

PEACEBUILDING

Peacebuilding just as many processes in the field of conflict resolution is a contested process seen at first by many as the natural progression to peacemaking that ensures long-stability and prosperity but increasingly questioned by scholars as a dangerous imposition of liberal peace aimed more at ensuring Western security than true local peace (see in particular the work of Mac Ginty and Richmond, 2007, 2013). Roger Mac Ginty (2006: 3-4) also warns that peacebuilding as undertaken by international organizations, large donor governments as well as international NGOs can at times be reduced to “ticking boxes; counting heads and weapons, amending constitutions, and reconstructing housing units” rather than undertaking a thorough review of the political and social structures - including the international ones - that led to the conflict in the first place.

Peacebuilding is also a very broad agenda - ranging from electoral reform, to Disarmament, Demobilization, and Reintegration (DDR), truth commissions or amnesties, and reconciliation. In cases of international terrorist violence, John Paul Lederach argues that building peace requires the transformation of the “political and social life” that bred such terrorism through a dialogue that involves “whole regions, peoples and world views” (Lederach, 2001). Such an agenda is far too broad to be covered in this report. It is thus important, while keeping the above broader goal firmly in mind, to highlight here some of the principle specificities engendered by conflicts marked by terrorist violence. Two main areas of concern will be examined here: the lack of reintegration planning in conflicts marked by terrorist violence and its dangerous repercussions, and the need to engage in a public “devillainization” process as examined above for a peace process to garner the broad support needed for an agreement to be implemented.

One of the first policies usually undertaken under the aegis of “peacebuilding” is Disarmament, Demobilization and Reintegration of armed combatants. Indeed, there is a considerable literature on the challenges of DDR and past best practices (see for example the work of Alpaslan Ozerdem, 2015). In the case of actors involved in terrorist violence, however, the reintegration part of DDR has been largely overlooked. “The focus is more on disengagement from terrorism rather than the reintegration of ‘terrorists’ and their supporters into society. In other words much of the research so far examines the ways out of terrorism rather than the possibilities of reentering into society” (Renner and Spencer, 2012: 13). Thus, in Northern Ireland ex-combatants were released from prison on license but little was planned to help them reintegrate into paid employment and some avenues opened in other conflicts - such as their integration in the security services - were explicitly barred (Toros, 2012; see also Breen-Smyth, 2012). This has potentially dangerous repercussions for the resolution of the conflict and overall levels of violence in post-agreement societies. Numerous ex-combatants particularly on the loyalist/protestant side but amongst the IRA as well turned towards criminality or continued to use violence after the ceasefire and peace agreement (see for example the survey work of Jarman, 2004).

Aside from not engaging in widely used post-agreement practices such as DDR, states and other actors have been tempted to dismiss broader reconciliation agendas as “the relatively small size of a terrorist organization [...] makes an engagement less pressing. The asymmetrical power relations in the conflict may led to the conclusion that compromise is not necessary to end the conflict” (Renner and Spencer, 2012: 7). On the contrary, however, it is precisely the asymmetrical nature of conflicts marked by terrorist violence which may make peacebuilding and reconciliation in particular more difficult. Indeed, large sections the population may have been left relatively unscathed by conflicts marked by terrorist violence particularly if such violence is geographically limited. They have however been witness to powerful villainization policies in which non-state armed groups and their constituency are often presented as evil, irrational, and most of all beyond reconciliation. This leads to a difficult situation in which the electorate may be strongly opposed to a peace process as they have not suffered intensively from the conflict and thus are unable to recognize the stalemate. Indeed, just as the villainization can be an obstacle to the start of negotiations, “it might also prevent us from considering the outcome of a reconciliation process as desirable, namely a reconciled society that includes the former ‘terrorists’ among its members” (Renner and Spencer, 2012: 8). One such case can be found in the peace process between the Philippine Government and the Moro Islamic Liberation Front (MILF) over the future of the southern region of Mindanao.

CASE STUDY 5: PEACE AGREEMENT WITHOUT RECONCILIATION

Mindanao has been in conflict for centuries with the post-1945 period marked by repeated phases of widespread violence opposing forces of the central Philippine government in Manila backed by local Christian groups and various configurations of non-state armed actors demanding greater autonomy for the once-Muslim majority region of Mindanao. Large sections of Mindanao have in fact never been under government control and are largely controlled by non-state armed groups such as the MILF. In the latest incarnation of the conflict, mainly opposing Philippine government forces and the MILF, peace agreements were reached several times in the past two decades but thwarted by political forces external to the peace process. It is arguable that one of the reasons for this is that violence is mostly localized in Mindanao and thus large sections of the Philippine population and their political representatives did not feel the need to compromise. Indeed, a first agreement reached between government negotiators and the MILF which established Mindanao's "right to self-determination" was rejected by the Philippine Cabinet although President Gloria Macapagal Arroyo herself had previously given government negotiators the go-ahead to strike such a deal (Afafe, Interview, 2007; Iqbal, Interview, 2007; Montesa, Interview 2007, see Toros 2012 for an in depth analysis of the peace process). Thus, after years of negotiating, the deal was rejected by political leaders who were unwilling to accept the peace agreement reached by their very own negotiators. A peace agreement "requires spending a lot of political capital - it is not a popular decision" (Montesa, Interview, 2007). Worse still, another breakthrough agreement - the Memorandum of Agreement on the Ancestral Domain - reached between government negotiators and the MILF in 2008 was scuttled by the Philippine constitutional court, which petitioned by local Christian leaders, declared it unconstitutional and forbid the government from signing it. This led to a renewal of violence but also "had damaging political implications because it hardened the positions of all stakeholders on critical elements of a final peace" (ICG, 2012). A peace agreement was finally reached by with a new president, Benigno Aquino III, who set out to "consult and reassure potential spoilers" and was willing to risk "his popularity and considerable political capital" to achieve peace (ICG, 2012).

Peacebuilding thus requires the inclusion into the process of broad sections of society, including sections of society that have been left relatively unscathed by violence in a conflict marked by terrorist violence. In such cases, it is difficult to help these sections of the population understand that the parties have reached a Mutually Hurting Stalemate and are ready for a peace agreement. This is particularly problematic when the broader population has been witness to a villainization strategy that has ruled out the possibility of any peace with non-state armed actors.²

As noted at the start of the section, peacebuilding as carried out by international organizations and other actors has come under increasing criticism from local actors as well as scholars. The principle concern is that a one-size-fits-all model is being imposed on regions throughout the world with little concern for local specificities or for the social costs of widespread reforms (see Richmond and Tellidis, 2012 on the relationship between liberal peace and terrorism). Peacebuilding can therefore be a source of renewed conflict if it follows a top-down model - a danger an international organization of Western nations such as NATO needs to be particularly weary of. Thus, conflicts marked by terrorist violence must be understood as conflicts when peacebuilding is undertaken but states and other actors have to account for the extreme asymmetrical nature of the conflict and its impact on peacebuilding strategies.

² It is important to note that peacebuilding is closely linked to conflict prevention as it aims to prevent a renewal of violence. Thus, the integration of former armed actors into mainstream political and social structures and the maintenance of continuous dialogue with opposition parties is arguably just as important in a post-agreement climate as it is a pre-escalation climate.

A ROLE FOR NATO?

NATO considers that “terrorism poses a direct threat to the security of the citizens of NATO countries, and to international stability and prosperity more broadly and will remain a threat for the foreseeable future” (NATO, 2012a: 1). Indeed, NATO invoked its self-defence Article 5 for the first time in its history in response to the attacks on the United States on September 11, 2001. By 2006 at the Riga Summit, NATO leaders declared that terrorism, along with the spread of weapons of mass destruction, “are likely to be the principle threats to the Alliance over the next 10 to 15 years” (NATO, 2006).

As exemplified by its Military Concept Defence Against Terrorism (MC472) and Defence Against Terrorism, Programme of Work (DAT POW), the Alliance’s response to terrorism has been primarily focused on: preventing attacks via the protection of troops, civilians, and key infrastructure through defensive measures (“anti-terrorism”) and “offensive military action designed to reduce terrorists’ capabilities” (“counter terrorism”); identifying key threats (“Network Engagement”); post-attack “Incident” or “Consequence Management”; and military cooperation (NATO 2011, 2012a). Its engagement has thus been primarily via military and intelligence means, including such projects as developing means to protect large aircraft from man-portable air defence systems, the training of Special Forces in IED incidents, and protecting harbors and ports (NATO, 2015).

However, MC472 also mentions that in discussions among NATO members, a “common theme ... has been that military action alone will not be enough to deal with the terrorist threat and that military operations should be coordinated and implemented in a coherent manner with diplomatic, economic, social, legal and information initiatives” (NATO, 2011). The concept does not elaborate on this theme but the Alliance has also developed research into “human factors in the defence of terrorism” via the Science of Peace and Security Programme (NATO, 2012b). This is based on NATO’s Strategic Concept adopted by heads of state and government in Lisbon in 2010 which “commits the Alliance to prevent crises, manage conflicts and stabilize post-conflict situations” (NATO, 2010: 1).

There is a space therefore for the Alliance to develop a conflict resolution approach to terrorism. Indeed the Strategic Concept highlights NATO’s role in international crisis management more broadly. The document states that NATO will:

- “continually monitor and analyse the international environment to anticipate crises and, where appropriate, take active steps to prevent them from becoming larger conflicts” (i.e. conflict prevention)
- “where conflict prevention proves unsuccessful, NATO will be prepared and capable to manage ongoing hostilities ... including [via its] unparalleled capacity to deploy and sustain robust military forces in the field” (i.e. peacekeeping)
- “when the conflict comes to an end ... NATO will be prepared and capable to contribute to stabilisation and reconstruction” (i.e. peacebuilding) (NATO, 2010: 6).

One can thus see how NATO’s current framework allows for it to engage in conflict prevention, peacekeeping, and peacebuilding in conflicts. This raises two key questions. First, whether and how does the above framework apply to conflicts marked by terrorist violence? Second, is there a role for NATO in peacemaking in conflicts marked by terrorist violence, which the Strategic Concept does not call for? Each of these questions will be answered in turn.

Similarly to most member states, the Alliance has overall yet to engage with terrorist violence as a conflict. Aside from the brief mention of “social, economic and diplomatic aspects” and the “human factors in the defence of terrorism” mentioned above, most actions envisaged by NATO with respect the terrorism are, as illustrated above, either military or intelligence-led. Indeed, the Strategic Concept itself when focusing on NATO’s engagement with terrorism states that it will

enhance the capacity to detect and defend against international terrorism, including through enhanced analysis of the threat, more consultations with our partners, and the development of appropriate military capabilities, including to help train local forces to fight terrorism themselves (2010: 5).

There is no mention of conflict resolution strategies when directly focusing on terrorism.

What would an alignment of NATO's counterterrorism policies with its conflict management goals entail? Fundamentally, this would entail adopting conflict resolution approach to terrorism as outlined in this report. It would require examining the political, social, and economic context of terrorist violence and understanding the latter as *a symptom* of a broader conflict. Engaging in conflict prevention for example would thus require the Alliance to enact policies that engage with the very fabric of a nation's political, social and economic system, while engaging in peacebuilding would involve helping form such deep structures. Counterterrorism would thus become one element of NATO's broader conflict management policy, itself broadened to adopt a conflict resolution framework.

Before we examine the implications of this more closely, it is important to specify that considering the deep intervention this would require, NATO would be unable to engage in any such action *within* the Alliance as it would clearly counter the organization's principles of non-intervention into domestic matters of member states. Indeed, MC472 clearly states that "although nations have the primary responsibility for the defence of their populations and infrastructures, there is a role for the Alliance *if* a nation requests support" (NATO, 2011, my emphasis). Each member state can therefore engage in a conflict resolution approach to domestic conflicts marked by terrorist violence individually, but NATO would only likely take on such an approach in a state outside the Alliance. It is in the latter case that adopting a conflict resolution is likely to offer the greatest benefits.

What would such a CR approach specifically entail for NATO? The following is an initial list of how the Alliance's policies may be affected by adopting conflict resolution as the main framework of its engagement with terrorism:

- Rather than examining the threat of or beginning of terrorist violence solely as a "security" issue, a CR approach leads to an analysis of such threats/violence as the symptom of a broader conflict which needs to be addressed. This may require the structural transformation of the political, social and economic system in the host state.
- When drawing up a counterterrorism strategy using police, military and intelligence, a CR approach requires an analysis of how such measures will impact on the broader conflict to avoid that they lead to the exacerbation of existing grievances.
- From a CR perspective, avenues for dialogue should be left open with all parties. This means that counterterrorism strategies should refrain from villainization campaigns in which non-state armed actors are represented as being beyond negotiations. The strategic advantages of listing an organization as "terrorist" (i.e. travel restrictions, sanctions, etc) should be weighed against the impact such listing has on the potential for future negotiations.
- NATO would expand its collaboration with other international organizations such as the United Nations and the European Union beyond their security/counterterrorism units (such as the UN Counter-Terrorism Committee and the Counter-Terrorism Implementation Task Force and the EU Counter-terrorism Coordinator) to units working in conflict resolution (such as the UN Department of Political Affairs, UNDP, the UN Peacebuilding Fund and the EU Mediation Support Unit among others).³
- The Alliance would ensure that its participation in peacebuilding would reflect its commitment to the principles of liberty, democracy, human rights and the rule of law outlined in the Strategic Concept, but primarily act in support of local needs and aspirations.

As can be seen from this list, adopting a CR approach would impact NATO policies and its practices. *At its core, this would mean aligning the Alliance's counterterrorism strategy with its broader conflict resolution agenda outlined in the Strategic Concept.* Such an alignment would focus particularly on the conflict prevention and peacebuilding phases of conflict resolution as the

³ The US example of setting up the "J Bureau" which brings together the bureaus of Conflict and Stabilization Operations, of Counterterrorism, and of Democracy, Human Rights and Labor among others is an interesting example of bringing counterterrorism officials into close collaborations with officials working in conflict prevention, resolution, and peacebuilding (US State Government, 2015; see also SAM, 2014). One needs to ensure however that such a collaboration is aimed at developing a conflict resolution approach to terrorism and counterterrorism rather than a counterterrorism approach to conflict.

Strategic Concept does not address peacemaking. Indeed, there are good reasons by a NATO involvement in peacemaking may be difficult.

Unlike the United Nations which can claim to represent all nations of the world, NATO is a Western Alliance aimed at preserving the security of Europe and North America. As such, it cannot take on the role of impartial mediator in a conflict as it cannot disassociate itself from its member states. NATO is unlikely to be particularly effective as a power mediator either as such a role would require a leeway for action at short notice (such as offering incentives to the parties or threatening sanctions) that would be difficult to obtain considering the Alliance's decision-making structures. NATO's participation as a third-party mediator in conflicts marked by terrorist violence is therefore unlikely. In conflicts directly involving NATO, the role of the Alliance in negotiations is also complex. Political negotiations and agreements are in fact more likely to be carried out with NATO member states directly than with the Alliance as an organization. Nevertheless, NATO can play a role in refraining from actions that impede negotiations.

Overall adopting a conflict resolution approach to terrorism and counterterrorism requires incorporating the latter into NATO's broader mission of peace. This represents a reversal of the trend visible in most national governments as well as international and regional organizations since September 11, 2001, in which conflicts have broadly been examined via a counterterrorism lens.

POLICY RECOMMENDATIONS

1. Engaging in a conflict resolution approach does not guarantee an end to terrorist violence but neither will it automatically undermine the legitimacy of states or intergovernmental actors.
2. Terrorism and counterterrorism need to be understood as strategies and counterstrategies that are part of a broader conflict and should not be tackled as isolated forms of violence. A conflict resolution approach requires constant contextualization.
3. NATO's Strategic Concept offers an initial grounding for a conflict resolution approach to terrorism with its commitment to prevent and manage conflicts, to stabilize post-conflict situations and to the "principles of individual liberty, democracy, human rights and the rule of law" (NATO, 2010: 2).
4. Conflict prevention can help avoid the turn to terrorist violence, can lead to a de-escalation of such violence or the marginalization of violent groups among broader social movements. Importantly, it requires that counterterrorism be incorporated in a broader response strategy that seeks to avoid a counterproductive escalation of violence.
5. Conflict prevention is more likely to succeed if states and other parties avoid the isolation and marginalization of non-violent opposition forces that are essential for engaging in a dialogue with their broader community and understanding the sources of the conflict.
6. A conflict resolution approach to terrorist violence is unlikely to be adopted by NATO within the Alliance as it requires a direct engagement and potentially a challenge to member states' political, social, and economic systems. Member states however can adopt a conflict resolution approach to terrorist violence within their states.
7. NATO can engage in a conflict resolution approach to terrorist violence in conflicts geographically located outside the Alliance.
8. Aside from leading to policies supporting conflict prevention and peacebuilding, a CR approach requires that NATO examine the effects of its counterterrorism strategy on the broader conflict to avoid exacerbation of underlying grievances or triggering a further escalation of violence.
9. There is unlikely to be any political space for the Alliance to actively engage in negotiations in conflicts marked by terrorist violence, whether geographically within or outside NATO. Such a role is more likely to be fulfilled by member states directly. The Alliance can however ensure that its policies do not hinder the possibility of peacemaking by avoiding campaigns of villainization of non-state armed groups.
10. NATO can ensure that Disarmament, Demobilization, and Reintegration (DDR) policies include reintegration programmes also in conflicts marked by terrorist violence.
11. Peacebuilding programmes in contexts where violence has been geographically circumscribed need to ensure support from the broader population to ensure its success.
12. NATO can ensure that its peacebuilding strategies are based on locally driven priorities and processes and do not lead to an increase in tensions due to opposition to top-down Western-led approach.
13. To further fulfill its potential as a conflict resolution actor, NATO can expand its collaboration with other international and regional organizations beyond the areas of security to include units working in conflict prevention, peacemaking, and peacebuilding.

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