# The efficacy and moral considerations of negotiating with terrorist groups, violent militias and mercenaries

CHRIS MCCARTHY, AUG 19 2011

There is a moral dilemma posed in philosophy that supposes an apprehended man has planted several bombs in crowded areas ready to go off shortly; thousands could die. The authorities are unsuccessful at inducing him to divulge the location of the bombs. One exasperated official suggests using torture. The question posed is whether it's morally justifiable to torture the man, or his innocent wife, if that's the only way to elicit the information to save thousands of lives. Do the ends justify the means?

The high-octane drama of TV-shows like *Spooks* suggest security and intelligence services face such stark dilemmas on a regular basis and if they do we'll probably never know. State leaders do, however, confront similar challenges on a regular basis, typically with higher stakes and in the gaze of a domestic and international audience.

When is it justified for governments to negotiate with terrorist organisations, mercenaries, violent militias, and aggressive rogue states? Do the ends justify the means; are there moral absolutes; or does the political maxim *never say never* apply even to the most barbaric groups?

By looking at President Obama's overtures to Hamas, America's shifting strategy with Iran, Somali pirating, the dissolution of the IRA, and negotiations with the Afghan Taliban, I will examine the moral and practical questions governments face when pursuing lasting peace in situations where both state and non-state actors have used violent means to achieve their ends.

**America, Israel and Palestine: the intractable conflict**

Within five months of tripping over the oath of office on a cold January in Washington, President Barack Obama was back to his eloquent best before another mass crowd under a warmer sky. Obama's presence in Cairo on 4 June 2009 was described by *The New Times* as a "bold overture to the Islamic world,"[1] and the president went further in his criticism of Israel than any previous occupier of the Oval Office, calling for an end to settlement construction in the West Bank and describing the condition of the Palestinian people as intolerable.

It was in his overtures to Hamas, the Palestinian political organisation responsible for many fatal attacks on Israel, that Obama drew most fire. The president called on Hamas to "renounce violence and recognise Israel's right to exist" if it wants to play a role in unifying the Palestinian people.[2]

Fox News ran the headline: *Obama Overture to Hamas Suggests Inevitability of Terror Group's Dominance Among Palestinians.[3]* Factually correct (Hamas is considered a terrorist organisation by the United States) but critically misleading. Hamas successfully won 76 of the 132 seats in the Palestinian parliament following legitimate elections in January 2006.

Obama's verbal commitments during the infancy of his presidency, which spoke of a renewed vigour to achieving a two-state solution, have amounted to little tangible progress on the ground. Tensions escalated earlier this year when

alleged Palestinian militants killed five Israeli settlers of the same family in the West Bank and Israel has resumed air strikes in Gaza in response to attacks near Eliat on Thursday when at least eight Israelis were killed by gunmen suspected to have come from the Gaza Strip.[4]

Had Obama's first year in office yielded more positive results in resolving a 60-year old conflict, would Fox news still find his approach to Hamas so repugnant? Does refusing to communicate with groups like Hamas achieve anything?

### Case by case and the efficacy of multilateral agreements

There is no template structure for how to deal effectively with pariah states, para-military groups or designated terrorists organisations. In some situations different responses to the same problem produce the same result.

In March 2009 President Obama made a video appeal to the Iranian people calling for a "new beginning" between the two countries built on honest engagement and mutual respect.[5]  The tone was markedly different to the George W. Bush administration, which included Iran in the infamous *axis of evil*. The results, thus far, however, have been dispiritingly similar.

Less than 12 months on from his olive branch, Obama was deploying a different kind of stick. Following reports that Iran had enriched uranium to 20% for use in a medical research reactor[6], Obama pledged to develop a "significant regime of sanctions" at the UN, saying the international community was "unified around Iran's misbehaviour in this area." Uranium enriched to 90% is required to build a nuclear bomb.

China's obduracy to fresh sanctions – owing to growing Sino-Iranian trade relations fueling buoyant Chinese economic growth – neutered their effectiveness and compromised international resolve. We have seen similar action from China before at the climate talks in Copenhagen. Deliberately obstructive, the Chinese delegation was accused of blocking a meaningful cut in emissions for developed countries to preserve its booming coal-based economy.[7]

Both cases are instructive examples of the ineffectiveness of multi-lateral agreements when not all stakeholders are agreed on what course of action they are taking and to what end. Iran's belligerence to any efforts to curtail its nuclear enrichment program is a product of personalities, ideology and historical distrust of the West. Their trade position with China, however, provides them with a strong guarantee that threats of sanctions will not materialise into a crippling reality.

### Striking a balance

The most difficult decision to make when considering how to engage in dialogue with groups such as Hamas is striking a balance between total isolation and conditional discussions. With the former one risks a *cause célèbre,* a rallying point for disaffected individuals already ostracised and neglected by their government or the international community. Pursuing the latter, on the other hand, often spawns a tirade of criticism from moderate, legitimate organisations that claim the *de facto* legitimacy deferred upon the group by opening discussions, legitimises their prior acts of violence.

In some cases the repercussions of engaging with a group using force or intimidation to accomplish their goals are such that they will always remain outcast from civil society. The case of the British couple, Paul and Rachel Chandler, kidnapped by Somali pirates in October 2009 and released over a year later, highlights this position.

Pandering to pirates' demand will only encourage a spate of similar acts. Sending two-dozen warships to patrol the Somali coast, as the international community did in response to the problem of pirating, may be a temporary and expensive deterrent but it will do nothing to tackle the root problem.

Kidnapping is a lucrative trade for impoverished Somalis[8] and this is critical for understanding the distinction between organisations seeking purely monetary gain and those whose actions are linked to a broader struggle for political or societal inclusion.

Those demanding something more than financial reward will not be dissolved with the cold shoulder treatment. Their aspirations are often tied up with decades or even century-old injustices (perceived or otherwise) and they will pursue their goals with a dogged resilience born of a genuine belief that their cause is just and legitimate.

## Justifying the unjustifiable

We are then left with the question of how we justify engaging with organisations that have committed reprehensible acts and how we open dialogue without angering moderate groups to the extent that they withdraw themselves from discussions. The answers to those questions can only be provided on a case-by-case basis. No two situations will be the same; no two dynamics will perfectly replicate one another.

The tentative peace we have in Northern Ireland today would not have been achieved without Sinn Fein sat around the negotiating table, despite its links to the Provisional IRA and a roll-call of violence that stretches back to 1971.[9] Such an approach would not be suitable, however, for tackling groups like Al-Qaeda, whose membership is the preserve of the fanatical and whose ideology and aims are obdurate to compromise.

In a similar vein to the dynamic in Northern Ireland, some individuals and sections of the Afghan Taliban insurgency – a body of individuals with disparate aims that lacks coherent leadership and is poorly resourced – on the other hand, will be more amenable to negotiation. The insurgency is not a defined army. Its membership is made up of individuals from across different strata of society, including business and agriculture.

The Taliban's *raison d'etre* is not solely about ISAF leaving Afghanistan; their emergence in the early 1990s was to do with the power vacuum left when Soviet forces left in 1989 and not in response to a Western troop presence. Their purpose has mutated since then and the presence of British and American troops provides them with a rallying call but the Taliban won't disband when ISAF leaves. Only a political solution in Afghanistan can produce a lasting peace and that requires engaging with the more moderate wings of the Taliban.

## No rulebook

There is no definitive rulebook on how violent organisations such as Hamas need to be handled. Each example highlighted here – Iran (state actor), Somali piracy (mercenaries), the Taliban (a disparate movement with moderate and extreme factions), Hamas and Northern Ireland (political organisations with terrorists wings) – illustrates a different dynamic that requires a different response. The answer to how we engage with such groups is entirely dependent on what is being sought and how much popular legitimacy the group commands.

Whether the ends justify the means is an impossible question to answer decisively; how unpalatable are the means and how desirable the ends? In the fictional US TV drama *The West Wing,* liberal President Jed Bartlett wrestles with the dilemma of whether to act on intelligence suggesting the foreign minister of another state is threatening to blow up the Golden Gate Bridge. In a tense exchange with his chief of staff, Leo McGarry, the president clings to the principle of moral absolutes before Leo's firm rebuttal soon brings the conversation to an end: "This is justified. This is required." Ultimately the president finds himself unable to disagree.

***Chris McCarthy***, *currently at KCL's War Studies Department, holds an MSc in International Public Policy from UCL and a BA in History from Durham University. He has a particular interest in humanitarian intervention, international development and US presidential history. He also writes regularly on great historical speeches.*

## Bibliography

### Books

Evans, Graham, and Jeffrey Newnham, *The Penguin Dictionary of International Relations* (London, 1998)

### Websites

*http://www.cnn.com/2010/WORLD/europe/01/28/uk.afghanistan/index.html*

*http://www.foxnews.com/politics/2009/06/04/obama-overture-hamas-suggests-inevitability-terror-groups-dominance*

*http://www.guardian.co.uk/world/2009/mar/20/barack-obama-video-iran*

*http://www.marklynas.org/2009/12/23/how-do-i-know-china-wrecked-the-copenhagen-deal-i-was-in-the-room*

*http://news.bbc.co.uk/1/hi/world/americas/8082862.stm*

*http://news.bbc.co.uk/1/hi/world/middle_east/8507168.stm*

http://www.bbc.co.uk/news/world-middle-east-14587101

*http://news.bbc.co.uk/1/hi/events/northern_ireland/paramilitaries/162714.stm*

*http://www.nytimes.com/2009/06/05/world/middleeast/05prexy.html*

*http://www.usatoday.com/news/world/2009-11-18-somali-pirates-us_N.html*

***Magazines***

*The Week (Issue 752)*, 6 February 2010, p.11.

[1] http://www.nytimes.com/2009/06/05/world/middleeast/05prexy.html

[2] http://news.bbc.co.uk/1/hi/world/americas/8082862.stm

[3]          http://www.foxnews.com/politics/2009/06/04/obama-overture-hamas-suggests-inevitability-terror-groups-dominance/

[4] http://www.bbc.co.uk/news/world-middle-east-14587101

[5] http://www.guardian.co.uk/world/2009/mar/20/barack-obama-video-iran

[6] http://news.bbc.co.uk/1/hi/world/middle_east/8507168.stm

[7] http://www.marklynas.org/2009/12/23/how-do-i-know-china-wrecked-the-copenhagen-deal-i-was-in-the-room

[8] http://www.usatoday.com/news/world/2009-11-18-somali-pirates-us_N.htm

[9] http://news.bbc.co.uk/1/hi/events/northern_ireland/paramilitaries/162714.stm

---

**About the author:**

Chris McCarthy is an Associate Editor of e-IR. He is currently at KCL's War Studies Department and holds an MSc in International Public Policy from UCL and a BA in History from Durham University. He has a particular interest in humanitarian intervention, international development and US presidential history. He also writes regularly on great

historical speeches.