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# Effectiveness of ADR in Counter-Terrorism Cases as an Alternate Justice System

**Muhammad Anwar Shaheen**
Advocate Supreme Court of Pakistan
*Ph.D. Scholar Peace & Counter Terrorism Studies*
*M.Phil. Criminology & Criminal Justice System*
Minhaj University Lahore
Email: muhammadanwarshaheen@gmail.com
ORCID: 0009-0008-9427-2524
**Husnain Hameed Awan**
*Ph.D. Scholar Peace & Counter Terrorism Studies*
*M.Phil. Criminology & Criminal Justice System*
Minhaj University Lahore, Pakistan
Lecturer-Department of Criminology
Faculty of Social Sciences, The University of Lahore, Pakistan
Corresponding Author- husnain.hameed@crim.uol.edu.pk

**Abstract**

*International study and experience have shown that Alternative Dispute Resolution (ADR) is becoming a more prominent means of solving violent conflict, insurgencies, and disputes of a terrorist nature around the world. The conventional approach to counter-terrorism, based on military action, punitive action against the perpetrators and the use of coercive state power has been unsuccessful in bringing lasting peace to long-term conflicts. In this article, the author provides a critical evaluation of the effectiveness of alternative dispute resolution (ADR) processes in counter-terrorism situations, such as negotiation, mediation, reconciliation, restorative justice and transitional justice. It examines the theoretical underpinning of ADR in peace and conflict studies and assesses its implementation in the real-world context through case studies from around the globe such as Northern Ireland, Colombia, the United States–Iran conflict, and the Israel–Palestine peace process. The study suggests that although prosecution of terrorism is essential for serious forms of terrorism, relying solely on retributive justice often contributes to cycles of violence. An approach that focuses on ADR can help to prevent escalation of violence, promote political reintegration, help to de-radicalize, and help to tackle root causes of extremism. The article draws a conclusion that the form of integrating security enforcement with structured negotiation and restorative methods is more sustainable long-term solutions to the conflict over terrorism.*

***Keywords:*** *Alternative Dispute Resolution; Counter-Terrorism; Peace Negotiations; Restorative Justice; Conflict Transformation; Transitional Justice; Mediation; Political Settlement; Criminal Accountability; Peacebuilding; Deradicalization; Pakistan.*

## 1. Introduction

Terrorism is a multifaceted threat to national security, criminal justice, political stability, and international peace. It also has a social, public fear dimension, polarisation, displacement, institutional mistrust and damage to state-community relations, that are not only immediate consequences of individual attacks but are recurring ones. These are not only immediate but also recurring consequences of individual attacks, such as public fear, social polarisation, displacement, institutional mistrust and damage to state-community relations. As a result, governments use a variety of counter-terrorism tools, such as intelligence-based operations, surveillance, arrest and prosecution, detention, and in some situations, military force. These measures may be required for the prevention of imminent attacks, disruption of operational networks and protection of potential victims. Prevention of violence, however, and the creation of sustainable peace go hand in hand but are distinct goals.

However, a security operation alone can affect an armed organisation without addressing the complaints, political disagreements, or conflicting stories that fuel a conflict. Likewise, the prosecution of individuals may achieve legal accountability without taking into consideration the political context of the development of organised violence. Peace and conflict studies, then, differentiate between short-term responses to violence and longer-term efforts to transform relationships and institutions. Galtung's version of peace, however, refers to the absence of direct violence, but also involves the reduction of structural and cultural violence [1]. The term is significant in the context of longstanding political conflict, especially when combined with terrorism.

Alternative Dispute Resolution (ADR) provides tools for the management of potentially adversarial relationships outside, or in addition to, the traditional adjudicative context. Dialogue, conciliation, mediation and negotiation can offer a means of communication between conflicting parties. Reconciliation, restorative justice and transitional justice could also be used to engage with communities to deal with harm, recognise victims' experiences and to heal broken relationships. The peaceful approaches discussed in peace and conflict scholarship includes ways of dispute management and creating conditions for peaceful coexistence [2, 3].

However, for the purposes of counter-terrorism, the concept of ADR must be precise. A disagreement between two consenting adults is not a conflict based on intentional attacks on civilians or serious criminal actions or ideological violence or armed groups demanding political concessions. Cooperation with an armed group does not necessarily mean that the group is legitimate; but a negotiated settlement does not necessarily mean justice for the victims. Nor do all terrorist groups have the will and authority (nor the internal cohesion and ability) to enter into negotiations with the government.

The central question, rather, is not whether negotiated and restorative mechanisms should be substituted for conventional counter-terrorism measures, but when can they complement counter-terrorism and the criminal justice system. This separation enables the dialogue not to conflate peace

processes with criminal proceedings.

This paper reflects an analysis of theoretical frameworks and a selection of international experiences on how ADR can help in countering terrorism. It takes into account the Northern Ireland peace process, the Colombian agreement with the Revolutionary Armed Forces of Colombia (FARC), South Africa's Truth and Reconciliation Commission, United States–Iran nuclear diplomacy, Israel–Palestine negotiations, and the Afghanistan negotiations. There are variations among the legal status of these cases, the political goals, the participants, and the results of these cases. What is valuable about them is not that they are all comparable counter-terrorism programmes, but that they are all ways of addressing the opportunities and challenges of dialogue, negotiated commitments, reconciliation and accountability.

The article is a call for the use of ADR as a complementary tool to a broader approach to legal security, criminal justice, victim protection, institutional change, and peacebuilding.

**2. Research Methodology and Analytical Scope**

This research article is qualitative, literature based and comparative. It is based on the books, edited volumes, scholarly work, international guidance and documentation provided in the reference list. The analysis is structured on three related aspects: the theoretical aspects of ADR, its capacity to contribute to the management of conflicts linked to terrorism and legal and practical constraints.

Selected peace processes / diplomatic negotiations are discussed comparatively and patterns are identified. These encompass the conditions in which dialogue can be conducive, the processes by which negotiated arrangements can be an effective way to lessen violence, the connection between political participation and armed mobilisation, and the challenges of reconciliation and accountability.

The cases are purposefully selected as they represent various kinds of negotiation and post-conflict settlements. Examples of negotiations between governments and armed political organisations include in Northern Ireland and Colombia. The case of South Africa and systemic political violence typology show how transitional justice and reconciliation can proceed. United States–Iran diplomacy is a case study in negotiation and verification in a security dispute, and Israel–Palestine is an example of how to keep negotiations alive with persistent violence and political conflict. The failure of Afghanistan to implement this agreement on selected security goals does not necessarily mean it is not a failure of the agreement.

The analysis is interpretive and not empirical. It will not claim to measure the statistically separate impact of ADR on the number of terrorist incidents, recidivism, or public attitudes. Nor does it take it upon itself to conclude that a decline in violence after the negotiations was primarily due to the negotiations. Other factors such as military pressure, political change, international involvement, institutional capacity, and strategic calculations could also affect outcomes. The article thus examines the conditions and limitations under which, and not always, negotiated settlements can help with conflict management.

Another restriction is related to the breadth of the source material. The article does not add any references but uses those provided. Therefore, its findings by comparison are not a complete, case-by-case examination of all historical cases, but rather analytical.

## 3. Conceptual Understanding of ADR in Counter-Terrorism

### 3.1 Meaning and Scope of ADR.

The term ADR is commonly understood to include processes by which parties attempt to resolve or manage a dispute in a manner other than through a formal determination by a court. Negotiation provides a direct communication between the parties and offers a chance to talk through potential agreements. In mediation, a third party helps the parties communicate, but does not have the power to make decisions about a final settlement. Conciliation also aims at resolving conflicts and finding mutually agreeable solutions. Arbitration is different because the rules of arbitration allow for an authorised third party to render a decision that is binding upon the parties.

Historically, within the domestic legal framework, ADR has been linked to civil, commercial, family, and other types of disputes, which could be settled by consensual processes. However, terrorism-related conflicts often have public safety, criminal liability and conflicting political claims issues, as well as rights issues for those not represented at the negotiating table. Therefore, it is important to use ADR in a way that is appropriate.

In this article, ADR is used broadly, with the focus on peacebuilding, to refer to negotiation, mediation, political dialogue, ceasefire negotiation, reconciliation and restorative processes as appropriate. These are not all in the procedural sense ADR. The institutional nature, scope and impact of truth commissions, transitional justice institutions and political settlements are different. Their inclusion is appropriate since they can be used in addition to negotiated processes for the resolution of violent conflict, rather than as a substitute for standard ADR processes.

The approach that Jeong takes to the concept of conflict management and its resolution offers some understanding of how adversaries attempt to manage conflicting interests and find ways of arranging matters to minimize conflict. [4] The goal in counter-terrorism can be initially restricted, such as securing a ceasefire, getting hostages released, allowing humanitarian access or creating conditions for further dialogue. More discussions and institutional changes may be needed to reach a comprehensive peace deal.

There are three differences of significance. First of all, dialogue with an armed organisation does not mean the recognition of the legality and legitimacy of its violence. Secondly, there is a distinction between political and criminal responsibility for individuals. Thirdly, reconciliation does not necessarily involve victims forgiving the offenders or granting them impunity.

It is important therefore to view ADR as a range of potentially complementary processes that are fit for a particular conflict, between particular parties and in relation to particular legal interests.

### 3.2 ADR and the Criminal Justice System

The traditional criminal justice system prescribes criminal responsibility, as defined by law. It serves to safeguard public interests, impose individual responsibility and offer means of punishment and other legitimate consequences. The immediate goal of ADR is often different, including to reach an agreement, to lessen confrontation or to restore communication.

These goals may overlap, but not exactly. Negotiation can help to ensure a ceasefire while criminal investigations are ongoing. A political settlement can set up mechanisms for disarmament and reintegration, and continue legal action for prosecutions of severe crimes. Restorative practices can be

used to facilitate communication of the impact of the harm, but cannot replace the criminal process where public prosecution and accountability are essential.

The more appropriate conceptualisation is thus complementarity, not replacement. A negotiated deal can help facilitate the process of moving from state-sponsored violence to legitimate political engagement in certain contexts. In some, it can be confined to humanitarian measures or to conflict prevention. Even when an organisation keeps on planning attacks, when they refuse any real commitments, or when an organisation uses dialogue only to regroup, security enforcement is critical.

## 4. Theoretical Foundations of ADR in Peace and Counter-Terrorism Studies

### 4.1 Conflict Transformation Theory

Conflict transformation is a theoretical lens that seeks to explain why conflict reduction is not necessarily a solution to conflict. Galtung classifies violence as direct violence and structural violence, and cultural violence. Structural violence refers to the deprivations or unequal access to opportunities that are a result of a social arrangement, while direct violence pertains to observable acts of harm. Cultural violence is when certain elements of culture can justify and/or normalise direct and structural violence [1].

This approach implies that a CT-centric strategy will not address other aspects of conflict. When violence continues to exist alongside political exclusion, discrimination, institutional distrust or competing historical narratives, settlement enforcement can be ineffective in achieving lasting results. But claims of grievances do not constitute a justification for terrorism. Injustice is felt by many, but not experienced by them. You can feel injustice and have a grievance but not be responsible for deliberate attacks.

One way that ADR can help in conflict transformation is to provide avenues for conflict to be spoken and handled without violence. Clarifying incompatible demands through negotiation, helping to communicate through mediation, and the creation of institutional structures for future disagreements through political negotiation. These processes can also provide opportunities to mend longstanding conflicts.

Conflict transformation is not an event, but a process that will take longer. A ceasefire can stop the violence now but lasting peace depends on on-going implementation, trust in the ceasefire, the integrity of the institutions set up to implement it, and the availability of peaceful ways to settle up new conflicts. The wider peace and conflict literature also highlights the link between conflict management / peacebuilding and social change in the context of conflict [2, 3, 6].

### 4.2 Restorative Justice Theory

Restorative justice refocuses the discussion from punishment to consideration of the harm that was done by the offence and the responsibilities of those involved in repairing the harm. Zehr's account highlights the need to acknowledge victims, promote real accountability and engage affected communities as appropriate [7].

Restorative principles can be applied to victim-support programmes, community reconciliation, rehabilitation and to carefully designed reintegration processes in the context of terrorism. These can allow for recognition of the implications of violence and expectations for lawful action. They can also support communities that have been impacted by fear, displacement, loss and long-term disruption.

But restorative justice is not simply about getting an apology or getting an agreement between the wrongdoer and the person who was wronged. Participation should be voluntary and take into account power differentials. Victims should not be forced into participation, forgiveness, reconciliation, or anything else for political stability. Likewise, the victim's needs cannot be overshadowed by the political agenda of negotiation parties.

Lederach's research on peacebuilding emphasizes the need for relationship building and the creation of mechanisms that can support reconciliation in divided societies [8]. With careful use, this approach implies that post-conflict reintegration should be a mix of accountability and feasible avenues for legitimate engagement. It does not mean that all those who were involved in the conflict should be granted immunity, or that all victims must be willing to embrace reconciliation.

Restorative principles are therefore most helpful when they enhance good practice in recognising harm, in re-integrating the responsible party, and in supporting community recovery, while also not detracting from vital legal protections.

**4.3 Theory of Negotiation and Ripeness of conflict**

Theory of negotiation can help to understand why a prolonged group of people involved in violent acts consider an agreement at the end of the day. The idea of a mutually hurting stalemate [9] is that if both parties understand that their goals can be achieved only with difficulty through further conflict, then negotiations are more likely to take place.

Peace does not necessarily follow a stalemate. Parties can be committed to a military victory, misjudge the costs of further violence or assume that the other side will break down. Frequently, disagreements on internal matters, distrust, conflicting political goals, and doubts about future compliance can thwart agreement even when negotiations start.

Negotiations are more likely to occur when violence becomes costlier, when there is a downward pressure on political leaders to find an alternative, when there is recognition of limited power and authority, or when third-party assistance is available and credible. There needs to be a process in place that identifies how demands can be communicated and who can be empowered to represent them, how commitments can be monitored and how violations can be addressed in a potential settlement.

Hence, from a negotiation theory perspective, the opportunities and constraints of ADR. Dialogue meaningfully becomes strategic when stakeholders have an interest in finding a way to avoid violence, and have the capacity to follow through on the commitments they make. It works less well when organisations refuse to make compromises, there is lack of clear leadership or when organisations see violence as an end in itself.

**5. Measurement of the effectiveness of ADR in counter-terrorism**

The success of ADR cannot be attributed only on an agreement being reached or negotiations being conducted. A more comprehensive evaluation takes into account the results of the outcomes, the time period of them, the distribution of their advantages, and their outcomes for justice and security.

**5.1 Reduction of Violence**

Advance negotiated ceasefires and political settlements can help to defuse immediate violent escalation, provide space for immediate humanitarian response, and enable opportunities for future negotiations. Recent scholarship on ceasefires focuses on their role as instruments to de-escalate

violence and open the way to negotiation [12]. But a ceasefire is not the end of the road, it is only a temporary solution, it is not a solution to the causes of conflict.

The questions which are relevant are whether violence is reduced, whether commitments are kept, whether civilians are made safer, and whether institutions are able to respond effectively to renewed violence. An agreement without monitoring of the agreement, clear obligations and credible consequences for violations may not be durable.

**5.2 Political Reintegration**

There may be a negotiated process to allow for the participation of an armed organisation or its eligible members in legal political activity. Political reintegration can offer an institutional pathway towards realising demands previously met by violence. Northern Ireland and Colombia are examples of how the relationship between negotiations and political participation and wider institutional arrangements can be a key consideration [14].

But disarmament doesn't automatically result in political participation. Reintegration needs credible rules, public trust in these rules, organisation change and protection from re-imprisonment. There is also a risk that former combatants will be socially excluded or deprived of the opportunity to pursue a legal means of livelihood. Reintegration programmes need to go beyond lip service to reintegration.

**5.3 Addressing Grievances and Institutional Weaknesses**

Negotiation can provide opportunities to discuss issues of political exclusion, contested representation, security-sector issues and institutional distrust. The relevance of conflict transformation theory is that conflict, if it is to be addressed in a way that leads to durable peace, cannot be treated as simply an individual isolated event, but rather the conditions that make conflicts possible should be considered [1, 2].

However, not all grievances can or should be resolved with accommodations to armed groups. Political demands need to be evaluated in light of constitutional principles, equal citizenship, public safety and rights of affected communities. The best justification for ADR is that it offers a legal mechanism for settling differences without resorting to violence, but with the assurance that violence is not rewarded.

**5.4 Humanitarian and Confidence-Building Benefits**

Even when a full settlement is still far off, some form of negotiation can yield some small but valuable gains. They can range from local ceasefires, prisoner-related arrangements, seeking out missing persons, humanitarian access and communicating during crises. These can help alleviate on-the-spot pain and provide proof that will lead to more discussion.

There is a need for clear definition and monitoring of confidence building measures. Any deal that aims to curb violence in one place and causes it to escalate in another is not overall success. Likewise, a peace agreement that secures the safety of those who have power but does not include those who were victims and those who are affected could create an unstable peace.

There is, therefore, a multi-dimensional aspect to effectiveness relating to security improvements, political settlement at a longer-term horizon, victim protection, accountability, and the prevention of renewed violence.

## 6. Comparative International Experiences

### 6.1 Northern Ireland Peace Process

The Northern Ireland conflict, or 'Troubles' as it is known, was played out between the republicans and loyalists, the British security forces and political parties that had conflicting constitutional and national identities. The failure to resolve political aspects of the conflict through security operations was evident over the past decades.

The Good Friday Agreement of 1998 was a negotiated agreement that included power-sharing, institutional cooperation, constitutional changes and security and transition from conflict. Its meaning is that it established a relationship between political participation and institutional means which would enable the resolution of disagreements without resort to organised violence [14].

It shows that dialogue with armed movement representatives can be a part of a broader settlement process without the state's relinquishing public security responsibilities. It also shows us how a political agreement does not automatically mean that anything happens. It is durable if it is implemented, institutional co-operation, public acceptance, and political actors operate within agreed arrangements.

It is not acceptable to apply the Northern Ireland experience as an example of how all terrorist groups can be negotiated. Political identities, representative organisations, institutional arrangements and opportunities for negotiated compromise were all part of the conflict. The broader message is that negotiations can work when a viable political solution is in place and when the negotiators can put the promises into practice.

### 6.2 Colombia and the FARC Peace Agreement

In Colombia, the long-lasting armed conflict was characterized by the presence of the FARC, state security forces, other armed actors, political violence, kidnapping and widespread damage to civilian communities. The struggle to resolve the conflict triggered challenging issues of demobilisation, political engagement, accountability and recognition for the experiences of victims.

The 2016 Colombian state – FARC Peace Agreement contained provisions on disarmament, political participation, rural issues, victims and transitional justice. Its method was aimed at the linking of the end of organised combat with broader institutional and social arrangements.

The Colombian experience is important because it shows the problems of peace that can occur in the context of accountability. Negotiated transitions involve decisions on how to deal with the former combatants, the rights of the victims, and the implications of serious wrongdoings. When there is no plausible reintegration pathway, leaving former fighters with a "choice of staying in armed networks. On the other hand, a perceived lack of accountability for the arrangements could lead to decreased trust and impact the rights of victims.

This agreement failed to bring an end to all violence or to all of the underlying issues. The agreements process itself and the continued presence of other armed actors provide a good example of why an agreement needs to be evaluated with the continuing outcomes of security and justice measured in a different way than the signing of a document. The wider peacemaking literature corroborates this approach to assessing negotiated settlements in terms of their political context, institutional pledges and implementation [14].

In the case of Colombia, the conclusion is therefore tentative: Negotiation, if it is going to be possible, can help to open up a pathway out of armed conflict, but its success will rely on credible implementation, the meaning of reintegration and arrangements that take into account both peace and justice.

**6.3 South Africa's Truth and Reconciliation Commission**

The transition from apartheid was a different challenge in South Africa. Institutions and relationships were torn apart in society as a result of systemic political oppression and violence. The shift demanded a choice on behalf of those who would have to confront the mistakes of the past and treat the victims in a way that would bring healing while also preventing the return of conflict on a massive scale.

The T.R.C., led by Archbishop Desmond Tutu, put a particular focus on public testimony, on recognition of harm, and on creating a historical record. Its strategy was based on the idea of giving amnesty to those victims under a specific legal mechanism, not on the obligation to forgive the perpetrators [15].

The South African experience is not a direct example of the use of ADR in terrorism cases. It is best described as a model of 'transitional justice.' Its significance is that it shows that societies that come out of a prolonged history of political violence do not necessarily rely exclusively on truth-seeking and reconciliation processes for accountability.

The model also has some restrictions. Public recognition does not necessarily heal all of the wounds, nor does it ensure full reparations or meet the expectations of all of the victims. Reconciliation may not be fully achieved if there is ongoing inequality in communities or if they think there is inadequate accountability.

The lesson for counter-terrorism is not the wholesale implementation of some sort of amnesty for terrorist crimes. Instead, truth-seeking and restorative processes can help to lead a way out of violence if they work within a clear framework of legal rules, take account of the interests of the victims.

**6.4 United States–Iran Negotiations**

The relationship between the United States and Iran has been characterized by long-standing tensions, security concerns, sanctions, and conflicts concerning Iran's nuclear program. The Joint Comprehensive Plan of Action (JCPOA) signed in 2015, was the result of multilateral diplomatic negotiations, and included restrictions, monitoring and verification of Iran's nuclear program. The technical aspect of the agreement focused on the activities of the International Atomic Energy Agency (IAEA) for verification and monitoring [16].

The case is significant for counter-terrorism only in the context of an example of security diplomacy. It was not an ADR settlement of the prosecution of terrorism, and did not settle other aspects of the bilateral relations between the two states. It would, therefore, be appropriate to consider it as a direct counter-terrorism issue to be treated accordingly.

Its analytical relevance is in demonstrating that mutual mistrust and disagreement can be overcome in order to negotiate a solution to a delimited security issue. Technical commitments and verification may lead to more believable agreements by establish mechanisms to ensure compliance, not just political assurances.

The experience, meanwhile, demonstrates how fragile negotiated options are in facing domestic political shifts and clashes over implementation. Resolution of one issue doesn't necessarily resolve disputes on other issues. Its general message is that a comprehensive reconciliation between adversaries cannot be achieved through negotiation; it can only address a particular security issue.

**6.5 Israel–Palestine and the Limits of Negotiated Peace**

The Israel-Palestine conflict is a prime example of the challenges that can arise in the pursuit of sustainable negotiations in an area where territorial claims, national identity, security concerns, political representation, displacement and competing historical narratives are all contested.

The Oslo process set the groundwork for recognition and interim measures between Israel and the Palestine Liberation Organization. In 1993, the Declaration of Principles on Interim Self-Government Arrangements was agreed upon as an important diplomatic step towards a negotiated political process [17].

However, the fact that there was an agreement was not a resolution to the major disagreements. Progress was hampered by questions of territory, settlement, security, political status, refugees, and final status of the parties. Confidence in negotiations was also undermined by extremists' violence and political opposition. Levitt's study of terrorism and peace process negotiations points to the challenge of maintaining a process of negotiations in the midst of an attack aimed in part to disrupt political progress [11, 18].

This is a case in point – it shows that dialogue is not enough. The negotiations must be accompanied by credible implementation, effective institutional arrangements, protections for civilians and political leaders who will be able to maintain public support for compromise. Trust can erode when parties feel negotiations are not resulting in any real progress, and commitments are not being fulfilled, which can escalate violence.

The Israel–Palestine experience also illustrates the need to distinguish between negotiating an interim arrangement and achieving a durable political settlement. While ADR can offer a way to have a conversation about the demands that are in conflict, it cannot create lasting peace if it does not include substantive issues. Its contribution will, however, depend on the credibility, inclusiveness and implementation of the negotiated process.

**6.6 Afghanistan and the Limits of Security-Centred Agreements**

The difference between negotiating an arrangement to achieve specific security and military goals, and securing a comprehensive peace settlement can be seen in the Afghanistan conflict. Under the 2020 Afghanistan-U.S. Doha Agreement with the Taliban, commitments were made on withdrawal of foreign troops and assurances on security. It was not, on its own, a panacea for all of the conflicts between key political players in Afghanistan or for the creation of a stable and inclusive political system.

The larger lesson is that a deal between two key players can be ratified with other actors, communities and issues left unmet. Negotiations might affect the strategic position of the parties, but they do not necessarily solve the issues and concerns that feed the larger conflict.

This distinction is helpful to use in understanding the notion of conflict ripeness, as developed by Zartman: “Parties are more likely to be prepared to negotiate when they realize that they are losing money in continuing to fight, but they do not have to be motivated to agree to a comprehensive peace”

[9]. Likewise, the United Nations guidelines for effective mediation include the need to prepare, consent, include and implement the mediation process [19].

Afghanistan therefore highlights a central limitation of ADR: **an agreement is not equivalent to peace**. Its value depends on the scope of its commitments, the participation of relevant stakeholders, the protection of affected populations, and the existence of credible mechanisms for implementation.

## 7. Critical Limitations and Legal Constraints

### 7.1 Legitimisation and Strategic Manipulation

One of the issues is that negotiating could give political visibility or a sense of legitimacy to organisations that resort to violence against civilians. It is possible that if governments accede to armed groups, other groups will want to do the same.

This worry must not be ignored. The use of dialogue to secure political recognition, to restructure an organisation's power or delay security operations does not necessarily mean that the organisation is not aiming to use violence. It is not enough to simply join negotiations in order to demonstrate peaceful intent. But a refusal to communicate could also result in losing potential to gain humanitarian relief, avoid escalation and/or pursue a viable settlement channel. There is no such thing as a straightforward answer of "yes" or "no. Negotiations need to be set clear goals, defined commitments, monitoring and determination of the other party's willingness and ability to comply.

### 7.2 The Peace–Justice Dilemma

Tough choices will be needed on how to treat former belligerents, when to prosecute, and the linkage between political transition and accountabilities in the courts. If the arrangement does not take into account the victim's injury or offer adequate recompense, they have the right to consider it an injustice.

Meanwhile, a settlement which does not contain a disarmament, reintegration and transitional process away from violence might not be able to meet its initial peace goals. The difficulty is to prevent both extremes: to consider prosecution as the sole possible means of conflict management, and to use the peace as an excuse for unchecked impunity.

There are a number of ways in which societies can take action against past violence such as truth seeking, reparations, institutional reform and suitable criminal proceedings in the context of transitional justice. Experience in South Africa has shown the importance and challenges of reconciliation processes [15]. These mechanisms should be chosen based on their basis and suitability, not as a one-size-fits-all approach.

### 7.3 International Law and Human rights

The operation of the ADR in counter-terrorism should be guided by existing national and international laws. Failing to find political agreement does not necessarily mean that criminal responsibility will be lifted and or lawful conduct authorised.

Amnesties for serious crimes of international concern are a serious legal issue. The legality of specific amnesty systems will depend on the relevant legal provisions and the type of offences; not all offences in connection with acts of terrorism are of the same international legal nature. For this reason, it is too general to say that there is an international law against amnesty for any kind of terror offence.

Additionally, mediation should be attuned to human rights, participation and safeguarding of

affected populations. The United Nations Guidance for Effective Mediation is a useful international guidance on the conduct and structure of mediation processes [19]. Agreements must not legitimise attacks on civilians, compel civilians to reconcile and deny them legal protections for political ends.

**7.4 Fragmentation and the Problem of Representation**

Fragmentation within an armed organisation, inability of the leadership to control its members and opposition by competing factions to concessions can make negotiations more difficult. If other commanders/affiliated groups keep carrying on the violence, then an agreement signed by one representative may not be of much use.

The same issue applies if communities directly affected by the conflict are not included in the discussions. The political elite and the armed leaders might make an agreement that fails to represent the interests of victims, displaced persons, minorities, and other vulnerable groups.

However, effective ADR involves more than picking a mediator and setting up a conference. This involves defining who are the relevant actors, understanding their authority, identifying who will be impacted by the proposed settlement, and finding meaningful communication and implementation pathways. Inclusiveness doesn't have to mean that every armed group gets an "unrestricted veto," but it can weaken the outcome's legitimacy and sustainability to leave out key stakeholders.

**7.5 Measurement & Risk of Overclaiming Success**

It is hard to measure the success of ADR due to the interplay of various factors. A negotiated agreement can be one-way violence may decrease military pressure, organisational fragmentation, and political change are other ways violence may be reduced. On the other hand, there may be a lack of implementation and/or there might be excluded groups that continue to be active, causing violent incidents to persist after an agreement.

So a rigorous assessment must differentiate between immediate outputs and longer-term outcomes. A signed agreement is an output; a continuous decrease in the number of attacks, better protection of civilians, legitimate reintegration, and credible accountability are substantive results. Assessment should also look at whether violence has simply moved to another area or population.

This is especially true of ceasefires. They are capable of stopping or reducing the violence and give time for negotiations, but they do not necessarily solve the conflict. [12, 13] It is important that this be assessed not just in terms of the impact on violence, but also the sustainability of the political structures more generally.

**8. Pakistan and the Possibility of ADR in Counter-Terrorism**

The potential and constraints of ADR oriented approaches are explored in Pakistan's context. Throughout the country's history of militancy, sectarian violence, insurgency and terrorism, it is the security operations and criminal justice that effectively safeguards the lives of the citizens and the maintenance of public order. In parallel, continuity of peace must be given that attention to the institutions, community relations, political conflicts and social contexts that affect conflict.

The proposition of an ADR oriented approach means that not all militancy has a common cause and not all armed organisations are ready to accept a negotiation. Each group could aspire to a different set of goals, organize differently, interact with local community differently, and view the state differently. Some may be prepared to talk for tactical purposes, others may refuse to compromise. A

strategy should thus be tailored to the specific conflict and credible goals of engagement.

**8.1 Community Dialogue and Local Reconciliation**

If an issue is causing a conflict in the community, engaging in community dialogue could help resolve it, re-establish communication, and avoid incidents turning into violence. Where participation is voluntary and the outcome of the traditional and/or community-based mediation followed the law and respected the rights of the individual, it may be relevant.

But community reconciliation cannot be a process of imposing decisions upon vulnerable persons or an alternative to criminal justice. The power dynamics in the local context may impact who is represented, especially if there is limited influence for women, minorities, displaced communities, or if there has been serious violence. Therefore, any local process must take into account the need for appropriate safeguards as well as access to formal legal remedies.

**8.2 Rehabilitation and Reintegration**

Rehabilitation may be a way for eligible former militants to gain access to the legal and legitimate social participation. Programmes may range in content, depending on the individual situation, including psychological support, education, vocational development, engagement of the family, community help, and measures to minimize risk of re-engagement in violence.

These interventions are not to be confused with an amnesty or an alternative to prosecution. There must be clear eligibility criteria and a legal safeguard in place to determine eligibility for rehabilitation. Programmes must also be followed up to assess if participants continue to behave lawfully and if communities are able to assist in their reintegration.

Restorative principles can play a role in this process by acknowledging harm, clarifying responsibility and helping to restore the community [7, 8]. But the victim's participation needs to be voluntary and no victim should be compelled to meet, forgive or reconcile with a former offender.

**8.3 Negotiation and Security Enforcement**

If negotiations were to be considered, Pakistan would have to clearly outline the purpose of negotiating with an armed group. These could encompass an end to the hostilities at the local level, gaining access to the population for humanitarian efforts, allowing the surrender of persons or creating verifiable conditions for disarmament.

Any agreement must specify who is involved, what each party is expected to do, how it will be checked, and the consequences if it is not followed. Security institutions must be able to react in a legal way to a potential threat. A negotiation process should not render legal enforcement measures ineffective, or give armed groups free time to regroup.

Political dialogue can be useful in resolving issues that cannot be settled by security operations. However, the state still has obligations to defend civilians, conduct investigations into serious crimes and ensure that justice is served. This is not a matter of making tradeoffs between negotiation and lawful enforcement, but of combining these elements into an effective approach. It is not an issue of "negotiating or enforcing," but of combining them into an effective approach.

If the process of ADR is to play a meaningful role in creating peace in Pakistan, there are a number of institutional conditions that are required: legal authority, capacity of mediators, coordination among relevant institutions, protection of participants, appropriate victim consultation, and monitoring of

negotiated commitments.

Transparency also matters. At times, incidents of complete disclosure of sensitive negotiations can jeopardize the immediate goals of such negotiations, but there is a need for public authorities to create clear guidelines on the legality and implementation of the agreements reached. Communities must be assured that settlements are not arbitrary, but in line with constitutional protections.

The question of Pakistan's experience thus needs to be balanced: Can negotiated and restorative processes lead to tangible results in public safety and political stability without compromising the rule of law and the rights of victims? No negotiation or enforcement should be assumed to be successful without a consideration of the consequences of that negotiation.

**9. Toward the Development of a Complementary Framework for Counter-Terrorism ADR.**

The framework that emerged from the preceding analysis is security, dialogue, accountability and peacebuilding, with a caveat that the answer to each conflict is different.

Set a clear objective for engagement. The aims and goals of negotiations should be clearly stated, with realistic goals such as; immediately stopping violence, ensuring the safety of civilians, disarmament, and establishing a roadmap for legal political engagement. Dialogue should not be seen as a goal itself.

Second, evaluate the parties' compliance ability and desire. It is important that decision-makers consider who is responsible for relevant members, whether the organisation has sound incentives to reduce violence and whether the commitments can be checked. This evaluation is in line with the notions of conflict ripeness and strategic incentives in negotiation theory [9].

Third, sustain legal responsibility. Proposed commitments should be specified in negotiated agreements and should not mean that the criminal responsibility is automatically lifted upon a peace agreement. Individual offenders will be treated in a consistent manner in accordance with the provisions of the law to be applied and the rights of the victims.

Fourth, introduce measures that are victim-sensitive and inclusive. There should be opportunities to hear and discuss concerns of a meaningful nature, for victims and affected communities, through appropriate channels. This should be at the individual's choice, protective, and sensitive to power issues. Restorative mechanisms should complement, not supplant, legal remedies [7, 8].

Number five, create monitoring and implementation processes. The responsibilities, where applicable, the time frame, methods for verification and procedures for alleged violations should all be detailed in agreements. Effective ceasefires and political agreements are more useful if the parties are aware of what they have to do and how they should be dealt with in the event of non-compliance [12, 19].

Sixth, link negotiated reforms with institutional change on a longer-term basis. To promote sustainable peace, people must be able to manage their disagreements once they have agreed on a peace deal. Violence may be mitigated by political inclusion, public-service provision, credible justice institutions and community recovery [1, 2].

The framework is not a one-size-fits-all solution. Humanitarian negotiations, a ceasefire, a political settlement, and a restorative process are all serve different purposes and have different legal implications. What they have in common is that they offer ways to manage conflict without only resorting to force, but also through clearly and responsibly established processes and legitimate

channels that are grounded in conversation.

**10. Conclusion**

Though it may be able to provide some useful tools for the resolution of conflicts involving terrorism, ADR imposes limits on what negotiation and restorative processes can do. As demonstrated in the international experiences explored in this article, dialogue can help to address confrontation, encourage political engagement, promote a path towards security, and help end organised violence. They also illustrate how negotiated agreements can be incomplete, fragile, and/or inequitable when implementation is not executed properly, important stakeholders are not included, and accountability is not carefully and appropriately addressed.

The possibilities and limitations are reflected in the theoretical frameworks of conflict transformation, restorative justice and negotiation [1, 7, 8, 9]. However, transitional justice should not be confused with criminal adjudication, nor should political negotiation be equated with ordinary ADR. The United States–Iran case highlights the more limited benefits of security diplomacy, and Northern Ireland, Colombia, South Africa, and Israel–Palestine are examples of negotiation, political settlement, and accountability dynamics.

The message for Pakistan is that dialogue is not an alternative to counter terrorism operations or prosecution of crime. Instead, lawful security measures, where appropriate, can be complemented by appropriately designed negotiations, community engagement, rehabilitation and reintegration. These processes must be clearly directed, have verifiable pledges, have institutional monitoring, have victim-sensitive safeguards, and adhere to the obligations of the law.

The most defensible approach is consequently a hybrid one: security enforcement to protect the public, criminal justice to establish accountability, negotiation to manage conflict, and peacebuilding to strengthen the conditions for a durable settlement. ADR cannot guarantee peace, but when carefully designed and lawfully implemented, it may contribute to reducing violence and building a more sustainable framework for security and justice.

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