

Report

“Dialogue with the Taliban”

October 8, 2013



**THE INSTITUTE OF STRATEGIC STUDIES,
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“Dialogue with the Taliban”

The Institute of Strategic Studies, Islamabad (ISSI), organised a panel discussion on 8 October, 2013 titled *“Dialogue with the Taliban,”* to examine policy options for negotiations with the Pakistani Taliban. The panel discussion was chaired by Ambassador (R) Ayaz Wazir, a former career diplomat and a member of the first Pak-Afghan Loya Jirga. The distinguished panellists included Brig. (Retd.) Mahmood Shah, defence analyst; Mr. Raza Rumi, Director Policy and Programmes, Jinnah Institute, Islamabad; Brig. (Retd.) Said Nazir Mohmand, Defence Analyst; and Mr. Babar Sattar, a lawyer and columnist.

Mr. Najam Rafique, Director Americas, ISSI, in his welcome remarks said that dialogue is not going to be an overnight process, and certain mechanisms and guiding principles would need to be put in place before any constructive dialogue with the Taliban. He highlighted the relevance of the discussion in the background of the resolution passed by the All Parties Conference (APC) in September.

The first panellist, Brig. (Retd.) Mahmood Shah, a prominent defence analyst who has first-hand knowledge of the demography, geography and political and security environment of Khyber Pakhtunkhwa (KPK) and the Federally Administered Tribal Areas (FATA), stated that negotiation is an issue of vital interest for Pakistan at this time, and both the federal and provincial governments must make a commitment to pursue it.

Brig Shah was of the opinion that dialogue is the best course of action for Pakistan at this point in time, but there are certain valid concerns on the part of the Pakistani government. Firstly, the Pakistani Taliban are not clear about their objectives and are putting forth a vague notion of Shariah. This non-clarity on their part is the primary reason why talks have failed thus far. Secondly, the government is concerned about a possible camouflaged agenda whereby the Taliban’s intent is to capture power.

However, he argued that the primary mandate of the newly elected government is to protect the people and this is an important consideration during negotiations. Moreover, negotiations must not be treated as a political slogan. If the government is to make a commitment to dialogue, it must take steps to actively commence negotiations and not just treat talk of negotiations as political rhetoric. Brig Shah was of the opinion that dialogue is the only way and, given the dire security situation in the country and particularly in KPK, the government will not be able to survive for another five years if it is unable to take control of the reins by initiating the difficult process of dialogue.

Finally, he elaborated on the caveat that dialogue is only a mechanism and not an end in itself; it is only part of a long-term solution whereby the end goal is to dismantle the terrorist networks and infrastructure that exist in Pakistan. As for the question of which mechanism to use for initiating and conducting dialogue, he suggested that the party in question could be tribal leaders, the army, the ISI or even the ulema.

The second panellist, Mr. Raza Rumi, offered an analysis of the other side of the argument in terms of constitutional illegality and Pakistan’s ideological split. He argued that under Article 256 of Pakistan’s Constitution, the Pakistani Taliban fall under the category of a constitutionally illegal private militia, as this Article clearly states that no private organisation must be capable of functioning as a military organisation within the sovereign territory of Pakistan. The fact that the Taliban have existed in Pakistan for a number of years is due to conscious policy choices that

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have been made by past and recent governments. He stated that the Pakistani Taliban are an organic problem and a product of the state’s decision to outsource military functions to private militias in Kashmir and during the Afghan jihad in the 1980’s. Such policy decisions have led to the current state of affairs in which, in Punjab alone, there are at least forty distinct militant groups of varying sizes and with different allegiances and theatres of operation.

In conclusion, Mr. Rumi stated that the number of Pakistani security forces that have been killed by the Taliban surpass the number of those lost in the major wars with India. There is therefore no doubt that the Taliban continue to pose a major threat to Pakistan’s national security. However, as far as negotiations are concerned, he expressed certain pressing concerns. Firstly, the state will not be negotiating from a position of strength. Moreover, the terms of the negotiations are not clear, nor is it clear exactly who to negotiate with. Finally, there has also been a concern raised in the Pakistani security community that the Afghan Taliban are using the Pakistani Taliban as a bargaining lever against Pakistan. All of these factors must be carefully considered.

The third panellist, Brig. (Retd.) Said Nazir Mohmand who served in both Federally Administered Tribal Areas (FATA) and Kashmir and is an expert on terrorism and insurgencies, stated that there are two options to pursue the desired end goal of peace: dialogue or the barrel of the gun. The latter is the course of action that has been consistently pursued until now. If dialogue is to be adopted as the new mechanism for peace, it is important to learn from past mistakes. He elaborated on common features of previous peace deals between the Taliban and the Pakistani state. These features included:

1. Ceasefire.
2. Swap and release of prisoners.
3. Compensation by the government for damages/destruction of property.
4. Writ of the government as per collective responsibility.
5. Law and order as per collective responsibility.
6. Pakistani soil not to be used against any other state.
7. Foreigners to get registered.

The main shortcoming highlighted by Brig. Said Nazir was that surrender of arms was never a condition in previous peace deals. He also argued that Pakistan exposed itself to a number of faultlines by becoming an ally in the Global War on Terror. These faultlines included:

1. By-passing the traditional code of Pakhtoonwali.
2. Eventual trust deficit between Pakistan and the US.
3. The cost of war in terms of men, money and material.
4. Increase in militancy within the country.
5. Drone attacks.
6. Loss of life and property in FATA due to the unconventional war being fought as a conventional war.
7. Use of military force to solve the administrative issue in FATA.
8. The political forces outsourced the war to the military, not taking ownership of it.

Brig. Said Nazir further elaborated that the most viable option for Pakistan at this moment is to conduct dialogue for a fragile peace that can be maintained until the expected 2014

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withdrawal of ISAF forces from Afghanistan. The only other options are the current “fractured peace” if the status quo is maintained or to employ full military force to achieve what he termed a “farfetched peace”.

This fragile peace, he concluded, can be converted into a permanent peace through a process of reconciliation and rehabilitation in FATA. He proposed measures including the Frontier Corps assuming responsibility for FATA’s internal security and replacing the Army deployed in the region. Also, confidence-building measures can be monitored by guarantors on the ground and the Pakistani Taliban must unequivocally renounce violence and assimilate into society. Finally, the people of FATA must be accommodated with development and aid packages, including a non-lapsable economic package. He argued that peace with the Taliban is a possibility through this step-by-step process, but it is likely that a different strategy will be required to deal with the violence in Balochistan and Karachi, as well as sectarian violence in Punjab.

The fourth panellist, Mr. Babar Sattar, a renowned lawyer and columnist, outlined the legal positions of state sovereignty and Taliban according to the constitution of Pakistan. He raised a question whether there was a need to initiate a dialogue with Taliban at all? He argued that North Waziristan has become headquarter of TTP and state exercises no authority over there. According to the Article 256 of the constitution, no private organisation can establish a militant wing. Scope of the Article 247 is also misunderstood on the issue of jurisdiction of courts and legislature. The constitution of Pakistan under its Article 16 provides freedom of movement which allows flow of men, material and money from FATA to the rest of Pakistan and therefore the government of Pakistan cannot control it. The issue of terrorism is not an internal issue of FATA or North Waziristan, but it is affecting the whole country. The TTP is undermining the fundamental rights of women and education in their areas of control which undermines Article 25 of the Constitution. The TTP is also committing crime by denying religious freedom in that region. If questioning the writ of state is to negotiate with those who killed thousand, then there is also the need to negotiate with those in Karachi who have killed dozens. Mr. Sattar believes that the project dialogue with Taliban was doomed since the start. It is not going to solve the problem of terrorism, because solution depends on the nature of problem. He argued that the nature of the problem is very complex and it involves many internal and external actors.

Mr. Sattar stated that the demands and preconditions of release of prisoners, withdrawal of troops, stopping drone strikes and imposition of Sharia in the country are very complex demands and are unverifiable conditions. Raising a question whether dialogue is a good strategy? He said that the narratives of TTP are clear, whereas state is unclear about this whole process. This is building a negative public opinion as major political parties are blaming government for failure even before the start of dialogue. The government should first separate and identify hardcore and moderate groups; initiate amnesty schemes; focus on reconciliation and rehabilitation process; and control funding inflows and training camps. Most importantly, state institutions should not rely on these so called “strategic assets” for a future discourse. Relying on non-state actors will damage the national security policy in future because Pakistan has lost leverage on these actors.

Summing up the discussion in his concluding remarks as the chair, Ambassador (Retd.) Ayaz Wazir said that the major factors which contribute to the problem of terrorism are our involvement in the war in Afghanistan and the administration of Federally Administered Tribal

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Areas (FATA). Throughout history, outsiders have utilised the terrain and people of FATA. They have been never consulted in any major decision by the federal government. Although, the Constitution of Pakistan recognise FATA as a territory of Pakistan, but Article 247 of the Constitution took out FATA from the parliament and placed it under presidential powers. Questioning the Frontier Crimes Regulation (FCR) which governs FATA area, he said that this regulation was developed by the British then why people of this area are still governed under these colonial rules. Furthermore, the Actions in Aid of Civil Power Regulation 2011 for FATA and Provincially Administered Tribal Areas (PATA), signed by the President of Pakistan are harsher laws.

The people of FATA have always supported actions of Pakistan Army to root out militancy from the area. More than 10 years have passed, but with the use of force nothing has been achieved so far. The government must help the local community to achieve peace in FATA region. He said that in the past, dialogues failed because local people were not given a role to negotiate any peace deal with terrorists. Negotiations will only achieve results when local community is involved. He suggested that three people each should be taken from the seven tribal areas, and who should be part of the group to initiate dialogue with TTP. The system is already there, but the local community needs government support to control these terrorist groups. Once the government extends its full support to the local community, none of the terrorist groups would be able to stand against that system, and negotiations will make headway. He concluded that use of force cannot solve this problem and negotiations should be initiated by empowering the local people.

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