K4D | Knowledge, evidence and learning for development

Lessons learnt from humanitarian negotiations with the Taliban, 1996-2001

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Question

Please provide a review of literature on what are the lessons learnt from humanitarian negotiations with the Taliban in the 1996-2001 period, with a special focus on how to negotiate safe access for women and girls to humanitarian relief and services, including GBV prevention and response, SRHR and decree 8 (2001) on female employment?

Contents

1. Summary

This rapid literature review finds that humanitarian actors responded in a variety of ways to Taliban actions limiting principled aid in the country during the period of their rule (1996-2001). The report is focused on the findings around humanitarian negotiation and the strategy of humanitarian actors in response to Taliban policies limiting women's ability to work for humanitarian organisations or access services. The findings are not intended to imply parallels with the current situation in Afghanistan.

Humanitarian negotiation is understood to be discussions at any level to facilitate the provision of aid according to humanitarian principles. This review considers aid agency negotiating strategy and tactics, as well as the underlying interests and constraints that may make negotiations more or less successful. In the case of Afghanistan under Taliban rule, sticking points included: Taliban decrees limiting women's freedom and ability to access services, and reluctance to allow aid for 'enemy' populations. Key difficulties encountered in successfully negotiating included: ideological rigidity of the Taliban and aid organisations; the unclear command structures of the Taliban; and a lack of training in negotiation among aid workers; a lack of understanding by Taliban of humanitarian and western ideologies and normative frameworks.

Evidence is in the form of a number of evaluations, academic articles and lessons learned papers on negotiating with the Taliban. It discusses the methods of negotiating with the Taliban (e.g. co-ordination, working with the leadership or rank-and-file), the content of negotiations and particularly the question of reaching agreement on women's rights, as well as humanitarian actors' negotiating capacity. There is less discussion on the negotiation of specific programmes (e.g. anti-gender-based violence programmes). Due to the different goals and principles of humanitarian actors, as well as different ideas of feasibility, conclusions on the effectiveness of negotiating tactics vary. Strategies therefore cannot be judged as 'successful' without reference to a conception of what is most important in humanitarian programming, and the constraints of the situation. In particular, humanitarian actors differ in their conceptions and prioritisation of humanitarian principles. Examples showing 'success' in one instance should be understood in context, and lessons highlighted in this report are discussed with as much contextual information as possible to emphasise this.

The review highlights lessons on good negotiating practices. The main issue being negotiated was the clash between the Taliban's restrictions on women and humanitarian actors' aim of providing aid to all, including women, according to need. Various strategies were used to persuade the Taliban to consent to principled aid. The main lessons on negotiating with the Taliban in the period 1996-2001 identified are:

- Ideological differences between humanitarians and the Taliban, e.g. on the rights of women, which can make agreement on principled humanitarian aid difficult.

- The importance of clarifying one's ultimate objectives and separating them from means to achieve them and negotiating positions.

- The importance of measurable principled actions.

- The importance of understanding local culture, politics, economics, and how local communities and authorities will respond to particular humanitarian programmes.

- The value and difficulty of understanding the Taliban command structure and goals.

- The value of humanitarian actors acting jointly to present a united front.
- The difficulty of arranging joint action among humanitarian actors.
- The importance of dialogue and 'quiet diplomacy'.
- The need for dialogue to ensure a good working relationship with one's counterparts.
- The importance of training in negotiation skills.

2. Definitions and background

Definitions

Humanitarian negotiation is understood as any negotiation undertaken in order to facilitate principled humanitarian action (Minear & Smith, 2007; McHugh & Bessler, 2006 – see below for definition of humanitarian principles).[1] Humanitarian actors may seek to advocate for state authorities to ensure the rights of their citizens, or to substitute for state authorities where the latter are not providing the assistance needed to ensure these rights (Donini, 2007). Subjects of negotiations may include: humanitarian access; the right to conduct a needs assessment; beneficiary selection; passage for goods; monitoring arrangements; setting an operational framework for humanitarian assistance; and protecting civilians, among others.

Humanitarian negotiation takes a number of forms (Minear & Smith, 2007): humanitarian actors may negotiate with both state and non-state authorities; directly with communities; alone or jointly with other humanitarian actors; negotiations may be informal, or involve written agreements; may be with different parts of their counterparts' organisation; and may include private negotiation or public statements. Their leverage derives from persuasion; the threat of withdrawal; their importance to the communities they are providing aid to; the publicity and reputational damages/benefits they can generate; and links to the Western powers and UN system which can provide diplomatic, economic and political benefits (Minear & Smith, 2007).

According to McHugh and Bessler (2006, p. 6) humanitarian negotiations with non-state armed groups such as the Taliban are characterised by: high stakes with sometimes life-or-death outcomes; the fact that humanitarian actors approach negotiations with states or non-state armed groups from a position of relative weakness because they cannot employ force; a contrast in the parties' 'motives, objectives and operational cultures'; armed groups being less able to implement agreements because of their more informal organisational and command structures; time and communication constraints imposed on negotiations by the nature of humanitarian emergencies.

Humanitarian actors usually subscribe to the **humanitarian principles** of humanity, impartiality, neutrality and independence. Of particular relevance is the principle of impartiality, which means that aid should be given according to need, and which was challenged by the Taliban's rules limiting women's ability to access services. Human rights and gender principles were other lenses used at the time to try and ensure that programming was able to help all on the basis of need.

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[1] Principled humanitarian action is understood as action according to humanitarian principles, such as OCHA's: https://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf

Humanitarian actors took different stances in Afghanistan based on their principles and organisational cultures. Evaluations of their strategies similarly take different lines based on prioritisations of principles and outcomes. Some evaluations advocate some degree of accommodation with Taliban positions on the grounds that they are rooted in Afghan customs, others on the grounds of pragmatism. Humanitarian actors also had different priorities. As shown in the literature, some humanitarian actors were more willing to accommodate Taliban demands contradicting the humanitarian principle of impartiality in order to be able to continue providing aid to as many in need as possible, whereas others were more willing to draw red lines, either through principle or as a negotiating tactic. Actors also diverged on what constituted a core goal. For instance, the World Food Programme had gender quotas for the staff of its bakeries, and was willing to cease operations if these could not be implemented, whereas other organisations took the view that programming goals should take into consideration the constraints of Afghan society (Atmar & Goodhand, 2002).

Background

In the period of 1996-2001, the Taliban maintained control of Afghanistan, but was not widely recognised as a legitimate government by states. It was seen as not respecting many humanitarian principles, human rights norms and IHL in its waging of war, civilian policies, and attempts to control humanitarian aid. One of the central issues for humanitarian actors in this period was the rights of women and girls. The Taliban instituted a number of laws that restricted the ability of women and girls to access basic services such as education and healthcare (Fielden & Azerbaijani-Moghadam, 2001). Another issue was Taliban (and Northern Alliance) attempts to instrumentalise aid during conflict (Donini, 2007).

Events and issues covered in this literature review include Decree 8 (2001), which was one of a number of instruments issued by the Taliban to limit female employment. In this case, it banned women from working with aid agencies, with an exception for healthcare staff (Fielden & Azerbaijani-Moghadam, 2001). Non-governmental organisations (NGOs) responded differently to this, with some withdrawing programmes that could not be delivered to all in need (i.e. all genders), and others seeking to adapt or negotiate (Leader, 2001, pp. 5-6). A rule requiring Muslim women working for the UN to be accompanied by a male relative (Mahram) was also instituted although donor pressure saw the Taliban back down in this case (Kreczko, 2003).[2] The Taliban also sought to limit aid given to the Hazara Shiite minority during a siege (Donini, 2007).

As an example of aid agencies' responses, the World Food Programme (WFP) bakery project in Kabul begun in 1994. It fed 53,000 households, including 7,000 female-headed, with subsidised bread, equivalent to 19% of the Kabul population. WFP had quotas for 50% of participants and beneficiaries to be women, which were hard to meet in Afghanistan because of pre-existing gendered employment patterns. It closed the bakeries when decree 8 was put in place, before they were reopened after media pressure (Atmar & Goodhand, 2002; Fielden & Azerbaijani-Moghadam,

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[2] 'Counselled by field representatives that the Taliban would eventually relent on this issue, the Toyko Afghan Support Group [of donors] endorsed firm opposition in principle and practice to the edict'. p. 244.

2001, p. 9).[3] By contrast, many aid agencies adjusted their programming, such as moving female staff, or segregating male and female beneficiaries. Others sought to negotiate with the Taliban, either alone or as part of co-ordinating mechanisms. For example, the International Committee of the Red Cross (ICRC) negotiated a compromise whereby it would be allowed to provide healthcare to women in 'men's' hospitals, if the two genders were in separate sections – a compromise that saw less provision of healthcare for women, but more than the Taliban had originally proposed (Curtet, 2002).

Humanitarian organisations working in Afghanistan took different approaches to negotiating with the Taliban. Donini (2007) suggests they can be categorised into three types of response:

- Principled (insisting on changes in Taliban policies with the threat of withdrawal)
- Accommodationist (pragmatic arrangements with the authorities in order to deliver some aid)
- 'Duck-and-weave' (avoiding Taliban authorities and working directly with communities)

In response to difficulties working with the Taliban, humanitarian actors made efforts to coordinate their work and present a united front to the Taliban (Kreczko, 2003). The Afghan Support Group (ASG) brought donors, UN agencies and the ICRC together to coordinate efforts, alongside NGOs through the Agency Coordinating Body for Afghan Relief (ACBAR). Principled Common Programming (PCP) was an integrated assistance mechanism, whereby agencies/donors would submit programme plans for agreement, so that aid could be better co-ordinated and more consistent in terms of principles.[4] Regional Coordinating Bodies (RCBs) and an Afghanistan Programming Board (APB) were used to implement PCP. The Strategic Framework for Afghanistan (SFA) was an agreement intended to bring coherence between political and humanitarian aspects of UN work in Afghanistan and to end conflict in the country.[5] It included an assistance strategy that emphasised the importance of gender equality, and the role of the UN Coordinator in managing humanitarian actors. Efforts to develop a more robust and consistent approach on human rights and gender policy in Afghanistan were also made in response to the Taliban's actions.

3. Lessons

Taliban ideology

The literature disagrees on the degree to which the Taliban could be persuaded to consent to impartial humanitarian aid to all citizens, given the centrality of restricting women to its ideology. **Many argue there are limits to agreement with the Taliban**. Donini points to 'structural limitations of negotiating with an abusive regime whose ideological and practical frames of

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[3] Neither source specifies whether this was local or international media. Fielden & Azerbaijani-Moghadam (2001) state that: 'the reaction of the authorities to the coverage of the WFP bakeries closure showed that they are not insensitive to how they are perceived within Afghan society.'

[4] https://interagencystandingcommittee.org/system/files/legacy_files/WG32_1.pdf

[5] https://reliefweb.int/report/afghanistan/strategic-framework-afghanistan-endorsed-un-agencies

reference were at loggerheads with those of the United Nations and the international community' (Donini, 2007, p. 153).

Others argue there were more potential avenues for agreement, such as for Islamic interlocutors to broaden Taliban views on gender (Fielden & Azerbaijani-Moghadam, 2001). Fielden and Azerbaijani-Moghadam (2001, p. 8) also argue for the need for Western humanitarians to adapt their positions and 'define contextual interpretations of principles (e.g. CEDAW[6]) and effective ways to implement them' in a patriarchal society. **Moreover, ideology was not the only facet of the Taliban's position on women**. The Taliban's decree can be understood as a way to get access to control access to lucrative jobs with aid agencies (Fielden & Azerbaijani-Moghadam, 2001). It was also in part a way to assert sovereignty (Fielden & Azerbaijani-Moghadam, 2001, p. 15).

Better relations with the Taliban could be cultivated without ideological agreement. Many humanitarian actors had a poor relationship with the Taliban, characterised by mistrust and rumours. However, Leader (2001, pp. 12-13) highlights that some individuals had good relations 'based on qualities such as integrity, openness and respect rather than language or religion'. Friendly relations would be harder to achieve given the significant ideological differences between the Taliban and humanitarians, but relations can be 'good' without being 'friendly' (Leader, 2001, p. 12).

Understanding local culture

Fielden and Azerbaijani-Moghadam (2001) call for a more contextual understanding of the place of women in Afghan society. They argue that ultimately the place of women will be determined by Afghan society – family, tribe, local and national government – rather than simply by Taliban decrees, or aid agency principles. Many humanitarian actors sought to work directly with Afghan communities, to gain broader support for their work, or simply to avoid Taliban authority. However, levels of support for humanitarian programming among Afghan citizens varied significantly (Fielden & Azerbaijani-Moghadam, 2001). Fielden and Azerbaijani-Moghadam (2001) argue that at least some of the Taliban positions were congruent with parts of Afghan society and culture. Some parts of Afghan society were very conservative and happy to implement Taliban decrees aligning with their customs. **However, it is important to note that Afghan, Taliban and Pashtun (or other ethnic groups') culture are not the same thing**. Moreover, a patriarchal norm in Pashtun society will not be supported by everyone within that society (e.g. women) (Leader, 2001, p. 18).

Culture in the form of leadership and negotiation styles is particularly important to understand. For example, realising the value of 'saving face' to some Afghans may enable those negotiating with those individuals to tailor their proposals to be more likely to be accepted. Individual UN agencies and NGOs also have distinct organisational cultures and negotiation styles, of which it is helpful to be aware (Leader, 2001, p. 18).

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[6] a treaty on women's rights

Principles and flexibility

The need to be flexible is noted by many authors. Leader (2001) points out that despite the gulf in ideals between the Taliban and aid agencies, deals have been done. The tendency for sides to take a 'principled' approach that they know will be rejected by the other side makes this more difficult, however. He advocates flexibility in method and negotiating position in order to meet the ultimate objective – and therefore a clear awareness of what the ultimate objective is (he gives the example of doing a survey as a position on which it is reasonable to be flexible, with the ultimate objective of ensuring aid goes to the neediest on which there is less scope to be flexible) (Leader, 2001, p. 10). Leader suggests that principles can be effective, but counterproductive in negotiations if they preclude any space for agreement, e.g. if negotiators take a position that they know the other side will reject.

A criticism of declarations of principle is that it can lead to a hardening of positions and a strengthening of hardliners. A report commissioned in 2001 argued that humanitarian actors should try not to make women's rights a flashpoint (Fielden & Azerbaijani-Moghadam, 2001). They should 'try and adopt a less "visible" and abrasive course of action in programming. This could be achieved through addressing the family, not exclusively focusing on women and girls, but being mindful of a whole range of needs which exist' (Fielden & Azerbaijani-Moghadam, 2001, p. 14). With regards to the employment of women, they argue that aid agencies could have been less confrontational in raising the issue (Fielden & Azerbaijani-Moghadam, 2001, p. 5).

The ICRC's response was characterised by a willingness to adapt programming, combined with continued dialogue, and the assertion of principles (Curtet, 2002; Terry, 2011). The ICRC response to a 1997 decree that women could only be treated in women-only healthcare facilities (which would in practice have significantly reduced the availability of healthcare for women as the only women-only facility was in poor condition and had limited capacity) was: to keep activities open, make a public statement, and asked the Taliban to reconsider. They told the Taliban that 'under the conditions imposed by them with regard to female access to medical care, it would not be able to continue its assistance' (Curtet, 2002, p. 647).

A specially appointed committee comprising the 'Ministry of Public Health, the United Nations, the ICRC and various NGOs, was set up by the Afghan government to find practical solutions allowing both sexes to be present in hospitals' (Curtet, 2002, p. 648). After two months of negotiation, an agreement was reached for segregated hospitals. The agreement was not ideal as many women were still turned away for lack of space and women went untreated while waiting for a male relative. Through this strategy, it 'helped to bring about the change in the Taliban's position on this issue' (Curtet, 2002, p. 647). Curtet highlights the importance of the ICRC's Fundamental Principles and legal mandate as effective tools.

In other situations, the ICRC adapted its programming to Afghan culture and/or Taliban strictures. Curtet (2002) summarises that the ICRC aimed to help women without taking a stance on Taliban policies, unless they violated international humanitarian law (IHL) or the terms of the ICRC's work. In some cases, it adapted programming in order to obey Taliban decrees, such as replacing its female staff with men (and giving its female staff other jobs, such as 'doing the laundry of ICRC personnel', or jobs in Pakistan, so they could keep their salaries). The position of the ICRC was that, given the policies of the Taliban, 'objectives must be prioritized with a view to bringing assistance to as many war-affected women as possible. This means concentrating on policies and activities which are feasible and effective' (Curtet, 2002, p. 654).

Several authors point to the need for measurable principles (Leader, 2001). Duffield et al. (2002, p. 29) argue that there was no clarity on what constitutes a principled approach in Afghanistan. They note the inherent difficulty in deciding how far to insist on principles such as impartiality when the alternative may be withdrawal/expulsion and the delivery of no aid at all (against the principle of humanity). They also suggest that 'knowledge of the seven principles amongst aid workers is very patchy indeed' (Duffield et al., 2002, p. 29; see also, Leader, 2001, p. 6). Partly because of this lack of clarity, agencies did not speak with one voice or act in concert (Duffield et al., 2002, p. 30).

A related criticism of some 'principled' stances was that there was no shared understanding of what principles meant in programming terms. 'While the UN and others clearly stated their commitment to gender equity there was no clear policy or guidelines explaining how agencies could give effect to stated policy objectives' (Niland, 2003, p. 33). Instead, Niland (2003, p. 29) highlights the need for expertise on the realities of women's position within Afghanistan, rather than rhetoric. Leader agrees that the SFA needed clearer, measurable targets. If it was to assert principles, then principle indicators would be useful (Leader, 2001, p. 10).

Efforts to impose coherent positions using gender and human rights lenses were also made (Fielden & Azerbaijani-Moghadam, 2001). However, it has been argued that there was not enough institutional support to tackle human rights concerns (Johnson, 2002). Johnson (2002) points to a lack of strategy or common management and the difficulties of implementing 'human rights principles in a culture ill-equipped to deal with competing priorities', the absence of the Office of the High Commissioner for Human Rights (OHCHR) from the SFA, and a 'culture of impunity' created by a lack of political attention to protection concerns by the UN. Moreover, some have argued that linking human rights and peace with humanitarian action can undermine the latter (Donini, 2004).

Some humanitarian actors instituted policies that were deemed to have been unrealistic and hard to implement. In October 1998, at an aid and donor meeting on human rights, an ambitious programme, including human rights monitoring offices and the revitalisation of Afghan civil society, was outlined (Niland, 2003, p. 23). However, as well as being highly ambitious, the objectives were not measurable or sufficiently defined. A 1998 ECHA (Executive Committee for Humanitarian Affairs) Next Steps paper with 'bottom lines' for negotiation with Taliban included some unrealistic positions, such as 'women benefiting "equally in participation and results"', a 'standard that had never been met previously' and was difficult to implement because 'national aid agency female staff [were] mostly unable to work' (Niland, 2003, p. 19).

Denunciation versus quiet diplomacy

Afghanistan in 1996-2001 includes examples where both quiet diplomacy and public denunciation have been more effective tools. Writing about aid agencies' strategy to get aid to the Hazara minority, who the Taliban put under siege and refused to allow humanitarians to access, as well as UN and ICRC attempts to access civilians in the Shomali plain and Panjshir valley, Donini (2007) weighs the mixed findings on the efficacy of quiet diplomacy versus public denunciation. The UN Coordinator tried to gain access to the Hazara in need and 'when quiet diplomacy did not bear fruit, all other possible avenues were tried: demarches by donors, interviews in the media and, when information about massacres trickled out, statements by the UN Secretary-General' (Donini, 2007, p. 166). The results were mixed, but publicity may have been

one factor in the Taliban granting humanitarian access (Donini, 2007, p. 166). By contrast, when the UN and ICRC were attempting to gain access to civilians in the Shomali plain and Panjshir valley, 'a comment by the UN Secretary-General's spokesperson in New York about an aerial bombardment by the Taliban in the Panjshir valley, close to an UNCO office, angered the Taliban, who allowed only three trucks to cross' (Donini, 2007, p. 167). However, in response to suggestions that publicly ignoring abuses in order to privately negotiate access is the best course, he suggests that 'in the Afghan context, as elsewhere, it is difficult, if not impossible, to de-link the relief needs of a particular group from the political circumstances affecting their vulnerability and the protection needs that such circumstances engender' (Donini, 2007, p. 167).

Donini argues that **UN political statements from HQ staff could make humanitarian work in the field more difficult**. He describes how UN HQ would 'issue "feel good" statements pillorying Taliban policies, which would achieve little other than irritating the very officials with whom the UN country team was holding low-key discussions' (Donini, 2007, p .164). Later, a more effective model was agreed by the humanitarian task force in Islamabad, whereby humanitarian actors focused on access, and the UN Coordinators Office did not condemn, but instead made sure abuses were 'made public by others' (Donini, 2007, p. 168). Niland (2003, p. 34) criticises 'ritual expressions of concern' from human rights bodies or the UN Security Council. Nevertheless, public declarations of principle could have positive effects in some cases.

By contrast, discreet diplomacy has been shown to be effective in allowing particular programming to go ahead. For example, quiet diplomacy by the UN Coordinator led to the suspension of a Taliban edict that foreign female Muslim staff needed a male relative to escort them (Niland, 2003, p. 29). Terry states that the 'ICRC had managed, with difficulty, to negotiate minimum acceptable conditions for it to work throughout Afghanistan during the Taliban period (1996–2001) and had not been a target of attack' (Terry, 2011, p. 176).

Joint frameworks

Several authors highlight the value of co-ordinated positions among aid actors:

- Agreeing and acting on certain principles emphasises the importance of these principles.
- Ensures that aid agencies take a common position, so that the Taliban cannot play one off against another. The Taliban used 'divide and rule' tactics, meaning that unity among aid agencies, and a sense of scale, can be effective (Leader, 2001, p. 17).
- The sharing of information between organisations on Taliban positions and the status of programmes in the field, to help ensure that agreements are implemented (Leader, 2001, p. 17).

Efforts were made to co-ordinate agencies under the SFA (1999), ASG and PCP. There were difficulties in implementing these agreements. Leader notes that the UN had multiple roles and thus unclear objectives (Leader, 2001, p. 10). He points to the lack of co-ordination between aid organisations, who tended to stick to their mandates and lacked an over-arching strategy (see also Strand, 2003). Kreczko (2003), who views the PCP as successful, nevertheless notes that some donors funded programmes separately from the PCP, contrary to the agreement. Individual agencies made decisions without consultation. One evaluation found that 'a diffuse and agency dominated architecture [was] unable to impose a common interpretation of principles' (Duffield et

al., 2002, p. vi). Johnson (2002) argues that division and animosity between political and aid actors, which were manipulated by the Taliban, were fundamental problems.

These mechanisms have been judged to be effective by some. Before the SFA, 'many agencies were all too happy to secure approval for their own particular projects without any consideration for the wider issues' (Donini, 2007, p. 158). After the SFA, the UN was closer to speaking with one voice through the UN Coordinators Office (UNCO). Individual agencies could not 'not discuss issues of principle with the Taliban, [which] greatly strengthened the UN negotiating position' (Donini, 2007, p. 8). However, the SF could not be enforced on the ground, where staff would sometimes take divergent positions (Donini, 2007). Nevertheless, Donini (2007) argues that a unitary approach from the UN was a successful policy, but could only go so far in the face of the ideological differences between the Taliban and humanitarian actors. Kreckzo (2003) agrees that despite difficulties raised by agencies' individualism, the PCP was positive in, among other things, ensuring more principled programming.

The value of linking political and humanitarian goals is disputed (Atmar, 2001; Duffield et al., 2002). The SFA was an attempt to link political (e.g. progress on peace talks) and humanitarian goals. Duffield et al. (2002) argue that the gap between political and humanitarian goals is deep-rooted, and that the Taliban was able to distinguish between humanitarian and political parts of the UN. In Afghanistan, political and humanitarian actors had different conceptions of the role of aid, with political actors seeking to make non-emergency aid conditional. Many criticise this politicisation on the grounds that it compromises humanitarian impartiality (Kreczko, 2003, p. 255). The linking of human rights and gender, and the conditionality of aid upon NGOs being able to distribute it, meant that aid did not always get the consent of authorities, or match need (Donini, 2004). It was also difficult to present aid as neutral and impartial given the history of Western aid and support to the mujahedin (Newberg, 1999).

Skills and training

More training in negotiation will improve outcomes. A number of authors note that few humanitarian staff were trained in negotiation (Donini, 2007; Leader, 2001). For example, Leader shows that international staff were taken more seriously by the Taliban. Nevertheless, Afghan staff often knew more about Afghan politics and culture, and their role needed to be developed (Leader, 2001, p. 14). He also advocates a more thought-out negotiation strategy, involving the team 'sitting down and working out objectives, strategies and arguments, anticipating how the Taliban will respond and developing counter-arguments beforehand' (Leader, 2001, p. 15).

Fielden and Azerbaijani-Moghadam (2001, p. 8) highlight good practice from one NGO, whose approach included 'careful preparation and groundwork' to assess 'the impact and implications' of the Taliban's position, prior to discussion. The NGO also 'anticipated the suggestions the Taliban would respond with, assessed the feasibility of those suggestions in advance and met with the relevant Minister with their counter arguments prepared.' This preparation allowed them to get a successful outcome (Fielden & Azerbaijani-Moghadam, 2001, p. 8).

The literature also highlights the need for training in IHL, human rights, gender, and the importance of knowing Afghan languages, culture and politics. Humanitarian organisations were familiar with IHL and humanitarian principles; development organisations less so (Donini,

2007). Niland points to 'very limited technical expertise, and little or no dedicated resources within aid agencies, to address human rights issues either from an individual aid agency, or collective aid community, perspective' (Niland, 2003, p. 42). Knowledge and expertise on human rights within the humanitarian system was 'diffuse', meaning it was hard to systematically deploy programmes with attention to human rights in Afghanistan (Duffield et al., 2002).

Understanding Taliban motives and structures

The Taliban command structure was found to be hard to work with. Seniority within the Taliban was found to be no guarantee of influence, and a style of decision making based on discussion made it hard for aid actors to predict Taliban positions (Donini, 2007; Leader, 2001, p. 9). Taliban officials would frequently contradict each other's positions. Some aid actors sought to secure written agreements with the Taliban, but the results of this strategy were 'mixed' and the agreements were often ignored (Leader, 2001, p. 13).

Some aid agencies sought to exploit differing views within the Taliban structures, benefiting from more flexible 'unofficial' positions within the group (Fielden & Azerbaijani-Moghadam, 2001, p. 12). NGOs also sought to by-pass the Taliban decrees by employing staff under health exemption, then allowing the staff to do other work (Fielden & Azerbaijani-Moghadam, 2001). However, such strategies did not necessary benefit the broader case for 'humanitarian space' and principled aid.

Analysis was needed to better understand 'the backgrounds, predilections, constraints and enthusiasms of negotiation counterparts', as well as analysing the war economy and role of assistance in it (Leader, 2001, p. 8). Leader points to unsystematic analysis in Afghanistan during the period 1996-2001 as a weakness of the humanitarian effort (Leader, 2001, p. 8).

Negotiations at different levels of the hierarchy have produced both positive and negative effects. **Diplomatic recognition was a powerful incentive for the Taliban**. While aid agencies could not provide recognition, it was seen to be linked to having a good relationship with agencies (Leader, 2001). 'By mid-1998, it was clear that the issue of recognition was of paramount importance to the Taliban and would affect their dealings with all external interlocutors, whether humanitarian, development, political or human rights actors' (Niland, 2003, p. 21). Indeed, some argue that the Taliban hardened their stance towards aid actors following failure to get UN recognition and the implementation of sanctions (Fielden & Azerbaijani-Moghadam, 2001, p. 5).

Other humanitarians focused on low-level co-operation, or bypassing authority figures. Many humanitarian actors did persist in seeking to run programmes, based on the belief that 'there are moderate elements within the Taliban movement who are receptive to low key NGO overtures' (Fielden & Azerbaijani-Moghadam, 2001, p. 7).

Arne Strand, who worked for Church Aid during the Taliban's takeover of the country in 1996, argues that the Taliban were more willing to accept education for girls in locations with less restrictive attitudes to women, such as Herat. Here support for girls' schools could continue as long as it was not made public. Many of the staff in Afghan ministries and offices had been in office during the Soviet and Mujadehin administrations and 'were usually very supportive and suggested how we best could take issues/applications forward, or respond to Taliban demand or regulations' (Strand, by email). Although the Taliban wanted to impose control on services such as education, while humanitarian actors wanted principled aid, it was possible for both sides to cooperate in the

face of desperate conditions, at least until sanctions were imposed and relations with the outside world worsened (Suhrke & Strand, 2021).

However, working with communities under the radar brings risks. Writing about the post-2001 period, based on fieldwork in 2012, Jackson and Guistozzi (2012, p. iii) show two main approaches taken by aid actors:

- 'structured engagement in specific circumstances, with multiple levels of the Taliban and with the community'
- Seeking 'community acceptance' for specific projects, combined with a policy of 'don't ask, don't tell' with the Taliban.

The second approach placed an 'undue burden on local Afghan staff and community members who assume the bulk of responsibility for securing access to Taliban areas', whereas the policy of structured engagement 'appeared to provide the greatest guarantee of security for aid workers and those they aim to help' (Jackson & Giustozzi, 2012, p. iii).

4. References

Atmar, H., & Goodhand, J. (2002). *Aid, Conflict and Peacebuilding in Afghanistan What Lessons Can Be Learned?* International Alert. https://www.international-alert.org/publications/aid-conflict-and-peacebuilding-afghanistan#:~:text=What%20Lessons%20Can%20be%20Learned,the%20dynamics%20of%20violent%20conflict.

Atmar, M. H. (2001). Politicisation of Humanitarian Aid and Its Consequences for Afghans. *Disasters*, 25(4), 321–330. https://doi.org/10.1111/1467-7717.00181

Curtet, C. L. (2002). Afghanistan: An ICRC perspective on bringing assistance and protection to women during the Taliban regime. *Revue Internationale de La Croix-Rouge/International Review of the Red Cross*, 84(847), 643. https://doi.org/10.1017/S1560775500090404

Donini, A. (2004). Principles, Politics and Pragmatism in the International Response to the Afghan Crisis. In Nation-Building Unravelled: Aid, Peace and Justice in Afghanistan (pp. 117–142). Bloomfield: Kumarian Press.

Donini, A. (2007). Negotiating with the Taliban. In L. Minear & H. Smith (Eds.), *Humanitarian Diplomacy: Practitioners and Their Craft* (pp. 153–173). United Nations University Press. https://digitallibrary.un.org/record/602125?ln=en

Duffield, M., Gossman, P., & Leader, N. (2002). *Review of the Strategic Framework for Afghanistan*. https://areu.org.af/publication/101/

Fielden, M., & Azerbaijani-Moghadam, S. (2001). *Female Employment in Afghanistan: A Study of Decree # 8*. INTER-AGENCY TASK FORCE STUDY ON TALIBAN DECREE AND ITS IMPLICATIONS. https://www.refworld.org/pdfid/48aa82df0.pdf

Jackson, A., & Giustozzi, A. (2012). *Talking to the other side: Humanitarian engagement with the Taliban in Afghanistan*. Overseas Development Institute. https://cdn.odi.org/media/documents/7968.pdf

Johnson, C. (2002). The Strategic Framework Review: Lessons for post-Taliban Afghanistan. *Humanitarian Exchange*, 20, 19–21. https://odihpn.org/magazine/the-strategic-framework-review-lessons-for-post-taliban-afghanistan/

Kreczko, A. (2003). The Afghan Experiment: The Afghan Support Group, Principled Common Programming and the Strategic Framework. *Disasters*, 27(3), 239–258. https://onlinelibrary.wiley.com/doi/epdf/10.1111/1467-7717.00231

Leader, N. (2001). *Negotiation and engagement in Afghanistan: Report prepared for the UN Coordinator's office*.

McHugh, G. and Bessler, M., eds. (2006). *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*. United Nations Press. https://www.unocha.org/sites/unocha/files/HumanitarianNegotiationswArmedGroupsManual.pdf

Minear & H. Smith, eds. (2007), *Humanitarian Diplomacy: Practitioners and Their Craft.* United Nations University Press. https://digitallibrary.un.org/record/602125?ln=en

Newberg, P. R. (1999). *Politics at the Heart: The Architecture of Humanitarian Assistance to Afghanistan.* Carnegie Endowment for International Peace. https://carnegieendowment.org/1999/07/02/politics-at-heart-architecture-of-humanitarian-assistance-to-afghanistan-pub-686

Niland, N. (2003). *Humanitarian action: protecting civilians feedback from Afghanistan.* https://reliefweb.int/sites/reliefweb.int/files/resources/1F0FF8AFD817FDAD85256DAD00687D7E-ocha-afg-30jun2.pdf

Suhrke, A., & Strand, A. (2021). Quiet Engagement with the Taliban. *Survival.* https://www.iiss.org/publications/survival

Terry, F. (2011). The International Committee of the Red Cross in Afghanistan: Reasserting the neutrality of humanitarian action. *International Review of the Red Cross*, 93(881), 173–188. https://doi.org/10.1017/S1816383111000026

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