AUTHORITARIAN PRACTICES AND HUMANITARIAN NEGOTIATIONS

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Chapter 6

DILEMMAS OF HUMANITARIAN NEGOTIATIONS WITH THE RISE OF THE TALIBAN IN AFGHANISTAN

S Mahdi Munadi and Rodrigo Mena

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Introduction

Humanitarian negotiations are crucial in addressing complex humanitarian crises in relation to conflicts and disasters. Humanitarian negotiations can support achieving peaceful and sustainable resolutions to conflicts at the same time they are an essential part of the everyday practice of humanitarianism, taking place at every stage of the humanitarian response, from the initial assessment of needs to the delivery of assistance and the transition to long-term recovery and development (Grace, 2016; Hilhorst, 2013; Magone, et al., 2012). Humanitarian negotiations, moreover, involve a range of actors, including humanitarian organisations, governments, non-state armed groups, and local communities, and require building trust and relationships with all these actors, understanding their perspectives and priorities, and developing strategies that address the root causes of the crisis. Even in the more challenging settings, there is 'a space for negotiation, power games, and interest-seeking between aid actors and authorities' (Magone, et al., 2012, 17).

Humanitarian negotiation also occurs at different levels (macro-national, meso-regional/institutional, and micro-local) and across different dimensions (such as religion, ethnicity, power imbalances, or culture) (Mancini-Griffoli and Picot, 2004; Mena and Hilhorst, 2022). Moreover, as presented by Glasius (2018, 2023), it is important to understand that authoritarianism is not a phenomenon necessarily (or only) localised in the sphere of the state, and its manifestations are likely to occur at different levels of a society and exercised by different actors, for example, religious or private/corporate ones. In this sense, beyond state authoritarianism, we must pay attention to 'authoritarian practices' at different levels and spaces of a society (Ibid., 2018) and how,

therefore, authoritarian *practices* by different actors and at different levels affect humanitarian practices. Humanitarian negotiations consequently need to understand the political, cultural, and social dynamics that influence negotiations in each context, as each level of negotiation operates within a unique context that requires specific knowledge and skills to navigate.

Additionally, humanitarian negotiations need to consider factors such as religion, ethnicity, power imbalances, and culture, as these can significantly impact the negotiation process and the ability to address humanitarian crises effectively. By taking these factors into account, humanitarian actors and aid-related stakeholders can develop effective strategies to build trust, address cultural differences, and empower marginalised groups. However, humanitarian negotiations in authoritarian countries, settings, and authoritarian practices present unique challenges due to political and social factors that can impact the effectiveness of the negotiation process (Magone, et al., 2012; Mena and Hilhorst, 2022). Limited access to information, restricted freedom of speech and assembly, lack of transparency, political interference, and security concerns can all pose significant barriers to communication, information sharing, and trust-building.

Despite the importance of the above, few studies have focused on understanding the challenges of humanitarian negotiations at different levels and across multiple dimensions in authoritarian settings. To address this, in this chapter we aim to study this complexity in the case of Afghanistan in the current scenario, in which since August 2021 the Taliban are in control of the country. We develop this chapter based on a comprehensive literature review on humanitarian negotiation and the case of Afghanistan, even though both academic and professional knowledge of the country is still limited. We therefore also draw on multiple informal conversations with humanitarian actors working in or on Afghanistan, both in the United Nations (UN), international, national, and local non-governmental organisations (NGOs), donors, and some academic informants. We rely ultimately on our experience living, working, and researching in Afghanistan, as well as information gathered in previous research projects. Putting all of this together, we have developed this reflective piece on authoritarian negotiations in Afghanistan in the new scenario the country faces, with the Taliban at the head of the government, the departure of international military troops, and the Taliban in control of the entire national territory.

Humanitarian negotiation and renegotiations at different levels and across dimensions

Humanitarian negotiation is a broad term that covers multiple actions that, in the end, seek to facilitate humanitarian action. Beyond the technical aspects that negotiating with multiple actors may entail, it is a social and political

process that is present throughout humanitarian action. As presented in the book *Humanitarian Negotiations Revealed: The MSF Experience* from Médecins Sans Frontières (Magone, et al., 2012), humanitarian negotiation entails a series of practices requiring preparation, research, analysis, and the development of strategies for the specific contexts in which they take place. It is important to recognise in the negotiations the role that the so-called humanitarian principles, as well as to take into account ethical considerations such as the need to protect human security and human rights.

While general humanitarian negotiations are discussed at the macro level between international agencies and organisations and national authorities, it is equally important to recognise the number of negotiations and renegotiations that occur at other times of a humanitarian crisis. In a similar vein, most studies on authoritarianism focus on the role of the state and state-level authoritarianism, missing acknowledge the significance of comprehending that authoritarian practices are not solely enacted by the state (Glasius, 2018, 2023). Rather, these practices emerge through the actions of various actors operating at different levels and within diverse spheres. These actors contribute to the production and reproduction of authoritarian practices, necessitating a comprehensive study and understanding of authoritarianism in conjunction with other practices and phenomena (Glasius, 2018). Notably, exploring the interconnections between authoritarian practices and humanitarian actions becomes particularly relevant for analysis. Humanitarian endeavours, therefore, encompass multifaceted activities directed towards mitigating human suffering, advancing human rights, and promoting social justice. At the same time, humanitarian action can intersect, coexist, or inadvertently reinforce authoritarian practices. Examining the relationship between authoritarianism, authoritarian practices, and humanitarian action sheds light on the intricacies of authoritarian systems and their impacts on societies.

A previous study in South Sudan that looked at humanitarian negotiations in the decision-making process, particularly to define the population targeted for humanitarian assistance, found that these negotiations tend to occur at three distinct levels: as macro-national, meso-regional, and micro-local (Mena and Hilhorst, 2022). Beyond defining where these negotiations take place, these groups define the actors who negotiate, at what level they make decisions, and the nature of these negotiated decisions. In more details, Mena and Hilhorst (2022) identify that negotiations and renovations unfold in at least three analytical levels and practical spaces: Level 1, negotiations and decisions regarding humanitarian action are made at the national level by multiple actors, such as donors, the UN Humanitarian Country Team, humanitarian organisations, and national authorities. Negotiations at this level are framed as seeking universality, consensus, and transparency in assistance provision. Moreover, these negotiations are usually framed as evidence-based,

with decisions based on objective arguments and usually presented as transparent, by media or other communication mechanisms. Level 2 negotiations are usually made within aid agencies, government ministries or departments, and local authorities. The focus is on efficiency and accountability, and decisions are based on an analysis of the organisation's capacities, balanced against the objective of providing aid to those in the most urgent need. Negotiations are often internal to the organisation or between the organisation and its implementing partners.

Level 3 humanitarian negotiations are rooted in a narrative centring on the concepts of feasibility and efficacy. The aim is to help those who need assistance and that can be assisted. For example, at Level 1, it could have been decided to support a particular affected area; at the regional/meso level, it is decided which community in specific to work with; but at Level 3, decisions between organisations in terms of where they can access, where they have presence, and how they negotiate with local authorities and groups end up finally steering the decision of where humanitarian actions unfold and who is assisted. Decision-making at this level involves a multitude of actors, including field offices of international and local NGOs, UN agencies, governmental officials, private companies, mosques and churches, civic organisations, representatives from associations of aid recipients residing in nearby protection of civilians' sites, and security forces. Studying humanitarian negotiations at these different levels is essential to understanding the complexities of humanitarian crises and developing effective negotiation strategies in authoritarian context (Barnett and Weiss, 2008; Jaspars, 2018; Magone, et al., 2012).

While each of these three levels of decision-making and negotiations have their own unique characteristics, they do not imply that there are clear borders between these levels of action, something that other authors have also noticed (see, for example, Grace, 2016; Hilhorst and Mena, 2021; Pottier, 2006). In reality, these levels overlap, interact, and often intermingle, adding further complexity to the reality of humanitarian negotiations. Effective humanitarian aid programmes require decisions at all three levels, and actors negotiate based on the specific context of each level (Aparicio, 2015; Mena and Hilhorst, 2022). It is important to highlight that decisions made and negotiated at one level can have an impact on decisions made at other levels, and effective coordination and communication between levels is critical for successful aid programming (Boersma, et al., 2016; Pottier, 2006).

Moreover, and across the different levels, humanitarian negotiations need to consider the intersectionality of the negotiation, particularly dimensions such as religion, ethnicity, power imbalances, or culture (De Cordier, 2009; Hilhorst, 2013; Wood, et al., 2001). Religion and ethnicity, for example, can play a significant role in shaping the perspectives and priorities of the parties involved in a crisis, as well as shaping the perspectives and priorities of some particular groups. Power imbalances can also have a significant

impact on the negotiation process. In an authoritarian context, the party in power commonly has significantly more power than the other actors, including humanitarian ones, which can make it challenging to develop negotiation strategies that are equitable and effective (Barnett and Weiss, 2008; Magone, et al., 2012).

The case of Afghanistan: socio-political profile and humanitarian landscape

Afghanistan is a landlocked country located in South Asia and Central Asia. It is bordered by Pakistan to the east and south, Iran to the west, Turkmenistan, Uzbekistan, and Tajikistan to the north, and China to the northeast. Afghanistan's location has been highly strategic and fought over throughout history due to its position as a land bridge between Central Asia, South Asia, and the Middle East. Afghanistan is situated at the crossroads of several ancient trade routes, including the famous Silk Road, which connected China to the Mediterranean. Control of these trade routes and the valuable resources that flowed along them, including spices, silk, and precious metals, made Afghanistan a coveted prize and reason for conflicts involving numerous empires and kingdoms throughout history.

However, the country has also faced numerous internal conflicts over the last centuries on top of a long history of foreign intervention. The Soviet Union occupied Afghanistan in 1979, and the subsequent war lasted for a decade, ending with the Soviet Union's withdrawal in 1989. Civil war followed, with different factions vying for power. The Taliban won in 1996 and ruled the country until the US-led invasion in 2001. Since then, the country has been under the control of the Afghan government, with the support of the US and its allies, until the Taliban regained power in August 2021.

To understand the humanitarian negotiations unfolding currently, it is important to understand the social, political, and economic characteristics of the country and how they are entangled with its religion, culture, and the Taliban's doctrine. Briefly, as it is not the main goal of the chapter, the following paragraphs will present some of these main characteristics and describe the current humanitarian scenario in the country, the needs of the people, and the aid sector architecture.

Providing a good social profile of a country as diverse as Afghanistan is a complex task, so we have focused on three characteristics that are essential to know in order to understand humanitarian action in the country. First, its ethnic composition and how it is embedded in the country's culture and politics. In relation to this, the linguistic diversity of the country is also important to consider. Second, the political role of the Taliban and the main characteristics of this group. Third, the country's economic dependence on external funds and internal condition that has led to economic collapse, high levels of poverty, and humanitarian needs.

To start with, Afghanistan has a relatively young population, with around 46% of the population under the age of 15 (UNICEF, 2022). The country has experienced significant population growth in recent decades, and its population is estimated to be over 42.2 million people, but getting feasible demographic statistics is difficult. There are also many different languages spoken in Afghanistan, with Dari and Pashto being the official languages and most widely spoken in the country.

Afghanistan is a diverse country with many different ethnic and linguistic groups. Pashtuns, followed by Tajiks, then Hazaras, Uzbeks, and others, including Aimaks, Baloch, and Turkmen (Sawe, 2019). Pashtuns are the largest ethnic group in Afghanistan and have a significant presence in Pakistan. They historically are identified as 'Afghan' and 'Pashtun', with the former taking on a more national connotation (Barfield, 2010, 27). *Pashtunwali*, a code of conduct, is a significant source of social solidarity within Pashtun tribes. The Taliban, which emerged in 1993 and regained power in August 2021, is closely associated with Pashtunwali and conservative tribal Pashtun customs (Thomas, 2021). They governed Afghanistan from 1996 to 2001 and have been accused of using a mix of Pashtun nationalism and radical Islamism in their policies. In terms of other groups, Tajiks are Persian-speaking Sunni Muslims engaged in farming and urban professions. Hazaras are Shia Muslims in Hazarajat, farming and breeding livestock, speak Persian. Uzbeks and Turkmen are Turkish-speaking Sunni groups from Central Asia, settled as farmers or remained nomadic. Afghan constitution also recognises tribes like Turkmen, Baluch, Pachaie, Nuristani, Aymaq, Arab, Qirghiz, Qizilbash, Gujur, Brahwui, and others.

Afghanistan's ethnic groups have been deeply affected by the struggles of having an enormous division of power, civil war, and lack of trust among each other, which affects every social sphere, including humanitarian action. These tensions remained unresolved despite establishing a republican government from 2001 to 2021, and humanitarian actors had to negotiate and navigate cultural, political divisions already in the past to be able to get access and work in different territories (Donini, 2012a; Jackson, 2018). These challenges have made it difficult for the previous government and current group to function effectively, provide essential services, and maintain law and order (Kugelman, 2019).

Moreover, these ethical differences have also, over time, mingled with regional and cross-country conflicts. During the Afghan civil war, ethnic tensions escalated into violent conflict and tension, with regional powers such as Pakistan, Iran, and Russia supporting different ethnic factions for their strategic interests. This made it difficult for Afghanistan to achieve stability and peace.

Afghanistan moreover is an Islamic country, with most of the population being Muslim. The societal pressure to adhere to Sunni Islamic traditions is intense (Barfield, 2022, 40), particularly today with the Taliban in

power, being a Sunni group which was formed in the early 1990s. As such, its policies and practices are based on a strict interpretation of Sunni Islam and Pashtunwali, a traditional code of conduct followed by the Pashtun people. Highlight among these codes is to be oriented and settled by elders mainly through the Jirgas (gatherings). They have a strong sense of honour that places great emphasis on personal autonomy and resistance to state power. They famously proclaimed that they fought for Zar (gold), Zan (women), and Zamin (land), as it was considered a part of their honour to protect and dominate these resources at all costs. Additionally, they practised the obligation of hospitality (*melmastia*), which required a host to protect their guest even at the risk of their own life (Barfield, 2022, 185, 138).

The political structure of the Taliban after August 2021 is shaped by various factors rooted in their insurgency, and formal government positions alone do not determine who holds power. The Taliban is formed by different tribes, and we may assess the strength and various perceptions of its groups, but it prioritises maintaining balance and harmony among their factions since taking control. The Taliban leadership relies on the previous traditional structure and elders to exert control over territories, as the Taliban prioritise internal unity and outward image (Thomas, 2021). In the 'Taliban 1.0' regime in the 1990s, using TV and other media was banned. However, with the rise of the importance of media in power, the Taliban 2.0 has increasingly used these platforms to communicate with the local and international community and disseminate their messages. This shift in communication has allowed the Taliban to reach a broader audience and bypass traditional gatekeepers in the media. It has also provided them with a more direct line of communication with potential negotiating partners, facilitating their re-entry into Afghanistan's political mainstream (Mehran, 2022).

Regarding Afghanistan's economy, it is primarily based on subsistence farming and livestock keeping, although natural resources are becoming increasingly important. According to the United Nations Development Programme (UNDP), as of 2021, 97% of Afghanistan's population is at risk of poverty, with over half of Afghans relying on humanitarian aid. Nowadays the poverty level is deepening in Afghanistan, 'with the average income per person per day totalling less than half the poverty line' (OCHA, 2023, 18).

Before August 2021, Afghanistan's GDP depended heavily on foreign aid and public spending. According to the World Bank, grants accounted for approximately 40% of Afghanistan's GDP, and public spending comprised around 75% of the country's total economic activity (World Bank, 2021). In 2020, Afghanistan's annual budget was estimated to be $5.5 billion, according to the Republic Government. However, following the Taliban's takeover in August 2021, the Taliban announced that the country's annual budget would be significantly lower, at around $2.6 billion. Additionally, the Taliban reported that their revenue was only $2.1 billion, leaving shortfall

of approximately $500 million (Zakariya, 2022). Afghanistan's current economic and humanitarian situation underscores the importance of engaging in humanitarian negotiations with the Taliban.

The other economic challenge for the country and the Taliban is the fact that the USA has frozen $7 billion of Afghanistan's assets, with half of the amount transferred to the 'Fund for the Afghan People' in Switzerland. In contrast, the other half is subject to civil proceedings related to law suits by 9/11 victims' families and others. The frozen funds are intended to support economic stabilisation in Afghanistan without providing direct funds to the Taliban administration (Byrd, 2022). However, this has caused disruptions to the flow of money between Afghanistan and other countries, and private sector funds have also been frozen in banks, preventing people from withdrawing their money. Due to disruptions in international banking transfers and liquidity issues since August 2021, the UN has transferred cash directly into Afghanistan to provide necessary financial support (UNAMA, 2023). The challenge of the banking system has reduced the private sector from investing their money, affecting the Afghan economy. The difficult economic situation in Afghanistan and the Taliban's policy banning girls' education and work have created a dilemma for aid organisations. International aid organisations and governments are grappling with how to deliver assistance.

Bringing all the above together, Barfield's (2022) perspective on the country gains importance, arguing that ethnicity in Afghanistan is nationalist, with ethnic groups having similar economic and political interests but no common ideology or separatist aspirations. While Afghanistan's neighbours may have an affinity to their ethnic groups and would like to interfere, there is currently no desire for separation among Afghanistan's ethnic groups. Instead, they seek to establish a federal political system to gain greater political autonomy. Furthermore, with the rise of the Taliban, a radical Sunni perception of Islam and Pashtunwali has again become a significant factor in the country's political landscape. These factors will continue to shape Afghanistan's political, social, and cultural landscape in the coming year.

In terms of Afghanistan's humanitarian landscape, in 2023, two-thirds of Afghanistan's population is in need of urgent humanitarian assistance due to drought, climate change, protection threats, and economic crisis (OCHA, 2023). Among them, 17 million people might face acute hunger in 2023, including 6 million at emergency levels of food insecurity. In winter and the lean season, sustained high food prices, reduced income and unemployment, and continued economic decline provide a looming forecast of people's needs in the country (OCHA, 2023). The level and multidimensional aspect of the crisis in the country is further exacerbated in consideration of the traditional gender norms and patriarchal culture imposed by the Taliban that has led to discrimination against women and girls (OHCHR, 2023). Moreover, the recent directive that prohibits women from working for NGOs has had a significant

humanitarian impact on millions of people in the country, mostly by limiting their ability to travel and provide assistance to those in need (OCHA, 2023).

Under this scenario, the humanitarian situation in the country has become increasingly complex and challenging. To address this, Afghanistan has a strong humanitarian architecture, with UN agencies, coordinating bodies, and several national and international NGOs working in the country. For instance, the Cluster Approach is in Afghanistan since 2008, with the Humanitarian Country Team coordinating the six clusters.[1] Moreover, Afghanistan has the Agency Coordinating Body for Afghan Relief and Development (ACBAR) and the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) to provide overall coordination and dialogue platforms. Other actors in the country are the International Committee of the Red Cross (ICRC), MSF, and some development agencies such as the World Bank.

Due to the fall of the Afghan Republic government in 2021, the UN launched the One-UN Transitional Engagement Framework (TEF) in 2022 (UN, 2022). TEF aims to save lives, sustain essential services, and preserve community systems and requires $8 billion for full implementation. The Humanitarian Response Plan includes a request for $4.44 billion. An additional $3.6 billion is needed for social services, community systems, and livelihood promotion, focusing on improving conditions for women and girls.

Understanding humanitarian negotiation challenges at the different levels in Afghanistan

In this section, we analyse the dilemma of humanitarian negotiations with the Taliban considering three levels: macro, meso, and micro (Mena and Hilhorst, 2022, 9). The macro-level negotiations with the Taliban involve discussions between various regional and international actors to address different issues that they prioritise. In the international context, the primary goal of negotiations is to address critical humanitarian concerns like access to food, water, and healthcare, as well as human rights, particularly women's rights, which are often violated by the Taliban. In contrast, neighbouring countries like Pakistan, China, Uzbekistan, and Iran are more concerned about addressing security issues, particularly with terrorist groups that operate in Afghanistan. This was expressed by their foreign ministers in a Joint Statement of the Second Informal Meeting on Afghanistan between Foreign Ministers of China, Russia, Pakistan, and Iran.

> The Ministers emphasized their deep concerns regarding the terrorism-related security situation in Afghanistan, pointed out that all terrorist groups, namely the Islamic State Khorasan Province (ISIS-KP), Al-Qaeda, the Eastern Turkistan Islamic.
>
> *(Chinese Ministry or Foreign Affairs, 2023-04-14)*

Tajikistan's President Emomali Rahmon has again expressed concern over security threats posed by Afghanistan to the region and has called for a "security belt" to be built around the country.

(Ariananews, October 19, 2022)

Meso-level negotiations in Afghanistan could include internal discussions within aid agencies or government ministries and negotiations between organisations and their implementing partners. These negotiations may focus on resource allocation, programme design and implementation, and coordination with other organisations. With the Taliban in control of most parts of the country, it will be necessary for meso-level negotiations to ensure that local communities can access the resources they need.

Micro-level negotiations in Afghanistan will be critical for addressing immediate humanitarian needs or conflicts. This could include discussions between aid workers and local communities to provide emergency relief, or negotiations between families or tribes to resolve disputes or prevent violence. With the situation in Afghanistan still uncertain and many people in need of assistance, micro-level negotiations will be necessary to provide support at the local level.

It's important to note that the situation in Afghanistan is complex and evolving, and negotiations at all levels will be necessary to address the country's full range of humanitarian needs. The international community will closely watch the Taliban's approach to negotiations and governance, and there will likely be ongoing discussions at all three levels as the situation continues to develop.

The macro level of humanitarian negotiations in Afghanistan: balancing humanitarian principles and political realities

Negotiations between regional states and the Taliban have predominantly focused on security and political aspects, while the humanitarian aspect has not been at the core of these discussions. However, the approach has been different for international humanitarian organisations.

According to an aid coordinator interviewed in Afghanistan in March 2023, aid organisations usually coordinate through ACBAR and OCHA, and some others, such as the ICRC and MSF, communicate directly. They have varying levels of communication with the Taliban. At the higher level, humanitarian organisations communicate with the Ministry of Economy if this is with whom they are registered and with the Ministry of Foreign Affairs, and for specific types of assistance such as health, education, and immigration, they communicate directly with the related line ministry. The Taliban's appointed ministers are considered to be macro-level decision-makers, but their actions are often influenced by the vague decrees of the Taliban leader,

who emphasises religious and traditional values to control women in Afghanistan. Furthermore, the absence of a unified structure for providing humanitarian assistance in Afghanistan means that ministers negotiate everything in their own way. As a result, decisions are often renegotiated at the meso and micro levels.

While many assert that humanitarian negotiations should consider principles such as humanity, impartiality, neutrality, and independence, or even the framework of human rights approaches (Magone, et al., 2012; Mancini-Griffoli and Picot, 2004), the political situation in Afghanistan makes it difficult to fully adhere to these principles. Like in many countries, aid is often instrumentalised and used for political or security reasons (Dijkzeul and Hilhorst, 2016; Donini, 2012b; Hilhorst and Mena, 2021), which is also the case in Afghanistan. Therefore, at the macro level, there doesn't appear to be a clear and standardised principle for negotiating humanitarian assistance for Afghanistan, apart from countries' national interests that often take precedence. While public statements do mention finding ways to provide humanitarian aid, they are typically accompanied by concerns about security challenges.

Even though the UN organisations do not have direct access to countries' intentions towards Afghanistan, their dependence on donations from these countries makes them susceptible to their influence. Additionally, their operations face the dilemma of how to manage aid to avoid being seen as legitimising authoritarian practices or human right violation carried by the Taliban such as the ban of women from education.

Kelly's (2021) review on 'Lessons learnt from humanitarian negotiations with the Taliban, 1996–2001' identifies several lessons on negotiating with the Taliban, including the importance of clarifying ultimate objectives, measurable principled actions, understanding local culture, politics, and economics, and the difficulty of arranging joint action among humanitarian actors. Additionally, the review emphasises the importance of dialogue, 'quiet diplomacy', and negotiating skills training to ensure a good working relationship with counterparts. This approach changed in Taliban 2.0, as it uses the media as an essential approach to diplomacy and communication. In the past, the Taliban relied on traditional methods of communication, such as face-to-face meetings and negotiations through intermediaries. The Taliban took apart government-controlled TV stations, made it illegal to watch television completely, prohibited music, and punished individuals who broke these regulations. The movement expanded its traditional approach and now uses the media to project its power and control information (Mehran, 2022). Despite this fact that the Taliban oriented towards 'open diplomacy', the practitioners indicated that 'quiet diplomacy' is still effective. Through quiet communication, it's possible to see some of the

Taliban officials violate their Amir's order when everything is secret and not publicised.

Humanitarian aid to Afghanistan and its interconnection with politics

Despite Afghanistan remaining the world's largest humanitarian crisis in 2023 (UN News, 2023), providing humanitarian aid under the Taliban regime poses significant challenges within the context of economic sanctions, a lack of political recognition, a volatile banking system, tensions around Taliban policies, and political differences within the region and beyond, all affecting the delivery of aid and humanitarian negotiations.

Aid of all types has played a critical role in Afghanistan's affairs; it is often subject to political influence from other countries or is used to legitimise a region's authority. In Afghanistan and the surrounding region, humanitarian aid is frequently politicised due to political and geopolitical factors. The history of Afghanistan illustrates how foreign aid has shaped the country's political system and government, and NGOs have also played a role in politics through their humanitarian aid efforts (Baitenmann, 1990). Therefore, humanitarian negotiation for humanitarian assistance is connected with the country's policies.

Bizhan (2018) also argues in 'Aid Paradoxes in Afghanistan: Building and Undermining the State' that the relationship between aid and state-building is complex, with the effects of aid on weak states being influenced by various factors such as the interests of donors, aid delivery methods, and the pre-existing institutional and socio-political conditions of the recipient. Providing aid for humanitarian and developmental purposes has impacted regimes' politics by consolidating power and causing their downfall. As indicated by Bizhan (2018, 39), in 'Afghanistan, external revenue has been made available under geostrategic considerations. Sources of state revenue have thus profoundly impacted state building'.

After the USA and NATO withdrew from Afghanistan, neighbouring countries felt initial relief from the conflict. However, concerns about security challenges posed by terrorist groups that have found refuge under the Taliban persist (Shah, 2021). Countries in the Samarkand Declaration of the Fourth Meeting of Foreign Ministers of Afghanistan's Neighbouring States in 2023/04/14 pointed out that all terrorist groups, namely the Islamic State of Iraq and the Levant (ISIL), Al-Qaeda, the Eastern Turkistan Islamic Movement (ETIM), the Tehreek-e-Taliban Pakistan (TTP), the Balochistan Liberation Army (BLA), Jundallah, Jaish al-Adl, Jamaat Ansarullah, the Islamic Movement of Uzbekistan (IMU), and other terrorist organisations based in Afghanistan continue to pose a serious threat to regional and global security. The international community has urged the Taliban to address their concerns and establish an inclusive

government, and protect human rights, particularly those of women and minorities. No country has officially recognised them as the legitimate government of Afghanistan. Some regional countries like China and Uzbekistan have signed long-term contracts with the Taliban, suggesting closer ties and cooperation on economic projects and resource extraction (Panda, 2021). While most neighbouring countries have reopened their embassies in Kabul and are in dialogue with the Taliban, Tajikistan has been more cautious, increasing its military presence along the border due to concerns about the Taliban's policies towards Tajik ethnic groups (Panda, 2021).

Regional countries have assisted in Afghanistan, but the aid has predominantly been given to the Taliban. For example, China provided 7.5 million in humanitarian assistance to Afghanistan after an earthquake in June 2022 and delivered a dozen batches of aid (Zhang, 2022). Uzbekistan provided 3,700 tons of humanitarian aid to Afghanistan to help people in the chilly winter (Xinhua, 2021). In contrast, the USA and the EU have provided aid through international humanitarian organisations. The USA provided $1.1 billion in humanitarian assistance (Blinken, 2022; USAID, 2022), while the EU announced an aid package worth €1 billion to deal with the aftermath of the Taliban takeover of Afghanistan (*Euronews*, 2021).

Some regional countries, like China, have chosen to hand over cash and goods as humanitarian assistance directly to the Taliban for distribution, which raises concerns about how the aid is being spent. In October 2022, the Taliban implemented a 'food for work' scheme that requires recipients of humanitarian aid to engage in manual labour on public works projects. The Taliban claims that this programme is an extension of its pre-existing 'food for work' initiative. In addition, due to economic constraints, the Taliban has resorted to utilising foreign wheat aid to pay the wages of public sector workers (Azadi, 2022). This is one way that the Taliban is using humanitarian aid to justify their rule in Afghanistan.

In summary, providing humanitarian aid to Afghanistan is crucial for people in need; however, it often becomes politicised due to political and geopolitical factors, or the regime uses it to legitimise its authority. Afghanistan's history shows that foreign aid has significantly impacted its political system and government, and the relationship between aid and state-building is intricate. The recent political turmoil in Afghanistan highlights the complex connection between aid and politics, with neighbouring countries and international organisations engaging with the Taliban for stability and human rights protection. Spending more assistance through organisations reduces the potential for politicisation, but corruption and waste can still occur. When aid is provided directly to the Taliban, it can become politicised and strengthen their power. However, the complexity of politics and security in Afghanistan suggests that the connection between humanitarian assistance and political and security ambitions may only sometimes be straightforward or transparent.

Dilemmas in humanitarian negotiations with the Taliban in Afghanistan

The rise of the Taliban in Afghanistan has led to an increase in challenges and difficulties for multiple aid actors and humanitarian negotiations. The issues with regards to human rights violations with the Taliban (see OHCHR, 2023) put many actors in the dilemma that negotiating with them means to recognise their authority and way of acting. On the other hand, failing to negotiate could result in an exacerbation of the humanitarian crisis in the country. This dilemma raises ethical and practical questions for the UN and other aid actors, and their approach to these negotiations will have significant consequences for the people of Afghanistan.

However, this issue is not unique to the UN or any other organisation operating in Afghanistan. As early as 1999, the UN developed a Strategic Framework for Afghanistan to improve international assistance and human rights policies. The primary goal of the framework was to enhance cooperation between the political strategy of the UN in Afghanistan and international aid activities to increase the effectiveness and consistency of the international assistance programme. The framework also stressed the importance of eliminating discrimination based on gender, tribe, ethnicity, language, religion, or political affiliation among international aid organisations operating in Afghanistan. The framework's objective was to cease hostilies, seek a regional political consensus supporting the peace process, and facilitate direct negotiations between all parties to reach a political settlement (OCHA, 1999).

The Taliban's December 2022 decree, which banned Afghan women from working for certain types of aid agencies, has presented a significant challenge for approximately 400 female employees of the UN and many others from different organisations (AFP and *Le Monde*, 2023). This restrictive measure not only infringes upon fundamental human rights principles but also hampers the progress and development of Afghan society (UN, March 2023). Despite extensive negotiations and pressure from regional and international actors, including the UN Secretary-General's warning regarding the severe impact of the Taliban's decision on millions of people in Afghanistan, the Taliban has remained firm in its stance. Consequently, the UN has decided to permit its female employees to work remotely from home while maintaining its operations in Afghanistan (Jawad, 2023).

Providing humanitarian aid in a country where the Taliban's influence is increasing has raised concerns among women whose rights have been diminished (OHCHR, 2023). To address this situation, Afghan women activists have demanded that broader political dialogue with the Taliban and advocating for inclusive governance and protecting human rights (especially for women and girls) be a condition for aid to improve rights protections and governance in the long term. Viken and Kaplan (2021) reflected the strong voice of Afghans inside and outside of Afghanistan in their report, supporting

conditionality of aid as leverage to push Taliban while they concern that it would aggravate the poverty situation in Afghanistan.

Humanitarian action in Afghanistan is also risky and complex. The humanitarian, economic, and security consequences of the situation, particularly the ban on women from working in the aid sector (with exception of medical workers), have created the dilemma between aid actors of how to act under this scenario (Suhrke, 2021). Five top NGOs have halted their work in Afghanistan after the Taliban government banned women from working for them, further exacerbating the situation (BBC News, 2022). UN Secretary-General António Guterres, in his statement at the end of a two-day meeting about Afghanistan in Doha, called the current ban on Afghan women working for the UN and national and international NGOs unacceptable and stated that it puts lives in jeopardy (UNAMA, May 3). This was an important factor in the decision to not invite the Taliban to the Doha meeting in May 2023, and countries seem to be more unified against Taliban policies on women following UN Security Council Resolution 2681 (2023) condemning the ban on women working.

The international community's inability to pursue or pressure the Taliban and the lack of alternatives in Afghanistan would exacerbate the humanitarian crisis in Afghanistan. Failing to address the humanitarian and economic crisis could lead to mass migration and significant economic and security repercussions for the region (OCHA, 2023). To address this situation, conversations with multiple actors pointed to the need to engage in a broader political dialogue with the Taliban, promote inclusive governance, and strategically protect human rights while establishing effective mechanisms for long-term improvement of rights protection and governance (Suhrke, 2021).

While the UN representatives' negotiations with Taliban officials may be practical in conveying aid, they have yet to be able to have an influential role in changing Taliban policy on human rights, which them has led the question of the role of humanitarian action to steer these processes. Although the Taliban has been present in diplomatic efforts and dialogues with multiple parties, in practice there is a reluctance to make significant concessions on human rights, especially women's rights, and therefore humanitarian action has been affected and needs to grow.

The meso level of negotiations in Afghanistan: navigating humanitarian principles and political realities

Identifying the real meso-level actors within the Taliban structure is challenging. Taliban has substituted the head of these institutions and most of lower ranking employees are working in the former republic institutions. Therefore, the former institutions of the republic, including ministries and

their representatives, are crucial in negotiating the facilitation of humanitarian assistance. General directors and provincial representatives of the ministries play a key role in facilitating aid delivery. In conversations with practitioners on the ground, it became evident that negotiations conducted at the macro level are frequently renegotiated at the meso level – except for sensitive orders. With the Taliban controlling most parts of the country, aid organisations face significant obstacles in assisting those in need. Meso-level negotiations are an essential aspect of humanitarian work in Afghanistan, as they involve discussions between aid agencies and their implementing partners and internal discussions within government ministries, regional authorities, and key stakeholders. This section examines the meso-level negotiations taking place in Afghanistan and explores how aid agencies can navigate humanitarian principles and political realities to deliver assistance to those in need.

According to Donini (2007), humanitarian organisations working in Afghanistan have taken varied approaches to engage with the Taliban 1.0 in the 1990s. These approaches can be classified into three categories. The first category was the principled approach, which involved insisting on changes in Taliban policies and threatening to withdraw aid. The second category was the accommodationist approach, which involved making pragmatic arrangements with the authorities to deliver aid. The third category was the 'duck-and-weave' approach, which involved avoiding Taliban authorities and working directly with communities. In the case of Afghanistan at present, all these strategies can still be found.

A complicated process that reinforces the dilemma of aid instrumentalisation described at the macro level is when aid organisations have to negotiate and accept the management of a certain amount of assistance by the Taliban to deliver the remaining aid. In some provinces of Afghanistan, this has resulted in either halting the entire distribution process or accepting assistance from the Taliban. This is due to the presence of Taliban fighters on the ground who are not in direct contact with their leaders. The Taliban are attempting to transition their fighters into formal state security forces, but this process is slow and challenging, particularly in remote areas where many need more formal training. In cities and larger towns, some Taliban fighters have taken on roles in police and civil service offices. However, the Taliban face difficulties in managing challenges in urban areas and regions with non-Pashtun ethnic communities, where they struggle to exert influence with their fighters (Watkins, 2022).

Another challenge shows that the renegotiations necessary for humanitarian action not only mean translating and operationalising decisions taken at the macro level but also between actors and processes at the meso level. For instance, Taliban officials often contradict each other, making it difficult to establish a consensus, in part because seniority does not necessarily equate to influence and decision-making processes are based ongoing discussions with

actors that change their positions and roles. To address this, some aid actors have attempted to secure written agreements with the Taliban, but the results have been inconsistent, and the agreements have frequently been disregarded (Kelly, 2021, 11). For example, female employees in public health NGOs continue to work and educate despite uncertainty surrounding whether the Taliban will enforce a ban on their employment.

Nowadays, in March 2023, multiple humanitarian actors in the country shared with us that negotiations for providing services, especially health services, have been relatively more accessible, and the Taliban's health acting minister have been seen as helpful. While this is seen as the results of negotiation at the macro level, these decisions and processes have had to be reaffirmed and corroborated at the regional level. Often, these negotiations are not associated with the larger decision of what aid to give but rather with the specifics of where and how to give it, which again opens the door to the instrumentalisation of humanitarian action. In fact, a report indicates that in some instances, the Taliban has diverted humanitarian assistance to specific groups, resulting in aid activities being halted in two provinces (UN News, 2023). Moreover, these negotiations show that the Taliban agencies and people do not have a unified and consistent approach in all parts of Afghanistan, making it more difficult for aid actors to prepare for the negotiations and discussions.

Negotiating humanitarian principles and political realities at the micro level in aid delivery in Afghanistan

Local actors in villages, representing diverse ethnic groups and operating under different provincial governors, have the potential to influence the negotiations for aid distribution. At a micro or practical level, provincial representatives and councils bear the primary responsibility for implementing and delivering humanitarian assistance. According to a humanitarian coordinator with whom we talked in March 2023, effective communication with local communities is crucial for successful aid delivery, especially to agree on how decisions made at higher levels can be better implemented in their particular contexts.

Important has been for us to understand that humanitarian actors in the country acknowledge that at the micro level many decisions taken at higher levels can be disregarded or completely reinterpreted, which reinforces the notion that authoritarianism is not only at the level of regimes – such as the Taliban – but is manifest in practices that are constantly being (re)negotiated at the local level. The lack of governance of the territories also means a lack of accountability for actions. Moreover, given the level of conflict and differences between ethnic or different groups within the Taliban itself, many prefer not to follow through on decisions taken as a way to avoid exacerbating the conflict.

Authorities and actors at the micro level are also in closer contact with affected people and recognise not only the importance but also the necessity of humanitarian action for the survival of those affected and to sustain people's livelihoods. Without it, a large part of the population could suffer long-term negative effects, illness, or even death. Therefore, while some individuals in different levels may be willing to help, they may be hesitant to do so officially due to potential consequences or an informal accountability mechanism. As indicated above, writing and record keeping are highly avoided practices, which hinders the process not only of accountability but also of learning about the humanitarian business, actions taken, and what is happening in the territories.

Another difficulty that constantly needs to be negotiated at this level is that of the biased distribution of aid in Afghanistan due to competition between ethnic groups, tribes, religions, and social classes. Cases of favouritism and external influence, such as the Taliban, can undermine the effectiveness of aid distribution. During informal talks with local humanitarian actors in the north of Afghanistan, it was indicated that some people (including Taliban relatives) are receiving more aid than others, while others are receiving only the aid that is left. This is seen as a compromise to be able to reach some communities, but at the same time, it shows that authoritarianism also unfolds at the micro level. And if considered that the vast majority of NGO employees in Afghanistan are from the country, differences in language, ethnicity, or political views have a major influence not only on their actions but also on the impact and range of action of their humanitarian practices.

In the same vein, negotiating aid delivery in Afghanistan at this level is also complex due to political and cultural realities. Aid organisations must engage with local communities while trying to adhere to humanitarian principles. A way of addressing these challenges is to communicate and negotiate with institutions like the council of elders and the mosque, which provide legitimacy and access to the territories affected.

What this case shows at this level is how much humanitarian action in Afghanistan can be impacted by social and cultural dimensions, affecting strongly at the moment of negotiating humanitarian outcomes and means. Successful aid distribution requires coordination and effort from all stakeholders; however, the discriminatory policies of the Taliban towards women, ethnic and religious minorities have further complicated the process. This, combined with the lack of recognition by Afghan minorities and the international community, presents an additional challenge.

Reflections and conclusions

The case of Afghanistan as we have seen shows well how humanitarian action is based on negotiations that occur at multiple levels and moments; how

decisions at the macro and national levels are renegotiated down to meso moments of decision-making, whether at the regional level in terms of locations or at the institutional level in terms of actors. Moreover, at the micro level, at the level of the affected communities or locations, these decisions are renegotiated in shaping the humanitarian assistance that is ultimately provided. Along with reinforcing this knowledge already presented in the literature, the Afghanistan case contributes two important extra elements to consider: The importance of a multidimensional analysis, especially the role of ethnicity, and the importance of bringing to the analysis of negotiations that authoritarian theocratic states are different from authoritarian states based on political ideologies.

The case of humanitarian negotiations and renegotiations in Afghanistan provides us with other interesting insights into humanitarian governance and how authoritarian states and authoritarian practices are perceived. In the literature and those with whom we spoke it is thought that authoritarian states have a high capacity to impose and implement ideas decided at the macro level in any place of the territory. However, the fragility of governance, of clear structures of government and governance, of processes and policies, results in a lack of mechanisms to effectively translate macro decisions (e.g., at the ministerial level as we have seen here) to meso and micro levels by the authorities in place. In other words, authoritarian decisions cannot always effectively be translated into humanitarian practices, and not at all levels, creating extra room for manoeuvring and challenges for humanitarian actors. This invites humanitarian actors to focus more on humanitarian practices at different levels and by different actors rather than humanitarian regimes, an exercise that will provide the nuances and granularity that seem to be needed to (re)negotiate humanitarian practices.

Moreover, and reinforcing the previous, authoritarian states such as Afghanistan present highly diverse contexts with diverse and distributed authorities, authoritarianisms, and authoritarian practices, which oblige humanitarian actors to reflect and adapt their practices to each particular context. They must negotiate and renegotiate with authorities and authoritarianisms at the macro, meso, and micro levels and navigate conflicts in the power differences and power struggles that exist in each of these settings. Conversely, countries with more functional and effective democracies and governance systems might have more mechanisms so that what is decided at the ministerial level, for example, is translated into public policies that allow for a more controlled translation of those decisions into implementation. This is not to deny the possible presence of corruption, (re)negotiation, or a humanitarian arena of interest and struggles in non-authoritarian settings, but the case of Afghanistan shows that this scenario is the norm for action.

The case also shows that the combination of the rise of the Taliban and ongoing ethnic conflict in Afghanistan has created significant challenges for

humanitarian negotiations in the country. Providing aid and support to vulnerable populations is complicated by the uncertainty and new challenges posed by the Taliban's return to power and the difficulty in building trust and cooperation between different ethnic groups. The rise of the Taliban, moreover, has generated a highly impoverished scenario, where geopolitical issues are involved which have had a major impact on the country, such as the freezing of funds or the disruption of economic trade routes, worsening the humanitarian crises, both in terms of people in need and the acuteness of the needs. In other words, as we have seen above, the social and political context, particularly the social conflicts in the country and their international dimensions, permeate, affect, and shape the humanitarian access and its negotiations. All in all, the case of Afghanistan shows that failure to understand the multifaceted and multilevel nature of humanitarian negotiations makes humanitarian action in the country more difficult and, at times, even impossible. This understanding therefore invites further research to consider the multi-level and multi-dimensional nature of humanitarian negotiations and to consider how what is negotiated and decided is renegotiated and interpreted various times before it sees the light of day.

Note

1 Humanitarian clusters are groups of organisations that coordinate and collaborate to address specific needs in humanitarian emergencies across various sectors. The main clusters are: Camp Coordination/Management; Early Recovery; Education; Emergency Shelter and Non-Food-Items (NFI); Emergency Telecommunications; Food Security; Health; Logistics; Nutrition; Protection; Water Sanitation Hygiene (OCHA, 2019).

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