

Chapter 19

“It all began with a crumpled up note”

Based on an Interview with Karen Hanrahan

High stakes negotiations take many forms, but there is no higher stake than when human lives hang in the balance. When negotiating where people's lives are in question, the pressure and the consequences negotiators feel are often beyond words. The stress of the situation can lead to dynamics that encourage tough talk and demands. Two common outcomes follow when this strong arm approach is taken -- either the other side acquiesces to a demand or the process degenerates into stalemate and failure.

This type of negotiation challenge is complicated further when different cultural norms are added to the equation. Cultures vary greatly when it comes to negotiation and what is, and is not, appropriate. In many places around the world a key cultural concept is face saving – or the preservation of one's reputation – at all cost. In fact, a negotiated deal in these cultures cannot be consummated unless face saving underlines the agreement for all sides involved.

This fragile mix was on display in the case that follows. A group of girls and women's lives were at issue. An international team had to negotiate for their release. A governmental entity had to grant permission for the negotiations. Those on the ground – both captors and captives -- had to be given a way out that enabled them to save face. Here is how this complex story unfolded.

Background and the Negotiation Challenge

“A man handed me a handwritten note on a crumpled piece of paper” recounted Karen, who worked for the United Nations High Commissioner for Refugees (UNHCR) as a Senior Protections Officer in the Western province of Herat in Afghanistan focusing on assisting refugees and internally displaced persons (IDPs)¹. This is the cryptic way in which the negotiation started...the year was 2002.

One day Karen was conducting a human rights training in one of the villages that was run by a former warlord. She received the aforementioned note from an anonymous person in the kitchen of Foreign Ministry's local office while they were having lunch. The enigmatic note implored her to look into a situation in a nearby village. The note alluded to the fact that there were a group of girls and women that were being held against their will. The note, which was given to her assistant and translator, laid out the problem and the issue to a small degree.

Based on this lead and needing to understand the full extent of the story, Karen and her team began to look into the situation further. After tracking down the informant he explained that he knew about this situation because he had been giving these women food and trying to help them. Of course, at first, he was very reluctant to talk for fear of retribution. If the government found out who was sharing this information it was likely that he would have been imprisoned or killed.

Karen and her team did further investigations to determine if there was any substance to the claim. However, this had to be done very delicately given the whole process was steeped in cross cultural issues. Admittedly, it took a while, approximately a month, to get details from this person and other sources. The process of building a relationship with the informant was critical so that they knew they could trust Karen and her team, but also so Karen and her team could trust him and the information he was giving them. It was a very serious claim to accuse a governmental entity of such a crime so they needed to be as certain as they could before taking any action.

The informant explained that the people being held were Iranian refugees. However, getting that precise information was difficult because culturally Afghanis speak in a nonlinear fashion. As such, Karen and colleagues had to piece a lot of the story together. They also had to engage in efforts to triangulate what they were learning so they were certain they were correct.² The team reached a point where they did not have all the information they needed, but felt there was enough solid leads to suggest that these girls and women were indeed being held in the place that was described. They also learned there were 22 girls and women being held whose ages ranged from 10 to their mid 20s.

Now that they were fairly confident the women were being held against their will, and that they were being used for inappropriate activities, Karen had to think about what to do next. In Afghani culture these women could not simply be released on their own or they would likely be killed. Women who are alone in this manner could be stoned or killed just for being without a male relative. Even if there were only rumors of such a situation, that might be enough to create a dangerous scenario for the girls and women.

Eventually Karen and her colleagues determined that they needed to take the first step in addressing the issue. After some back and forth discussions, they

determined their best initial course of action was to write a letter to the local representative of the Ministry of Foreign Affairs laying forth the problem as they had come to understand it. They would then see what the response was and take the situation forward from there. That was really all they could do at this juncture.

Preparing to Negotiate

Karen and her colleagues choice of writing an official letter, instead of taking a more informal approach, was an important one that they debated for quite some time. They had made unofficial inquiries on the ground to try to resolve the issue, but the typical response was, “That situation is not possible. It would never happen here.”³ In short, the informal route was a dead end...shrouded in secrecy. Going the official route was a strategic decision, and one they ultimately realized was the only real way to address the problem.

Karen and her colleagues did not know anyone in the Ministry of Foreign Affairs in the Western provinces. Sending the letter was certainly risky because it could get leaked to other sources. Adding to that challenge was the fact that once a letter like this was written to people at the official level it would have to be answered. The one thing Karen was pretty certain about was that if the person in the Foreign Ministry in the Western Provinces did not respond, this would be sent on to the Foreign Ministry in the capital, Kabul. A responsible person at that level would have to provide some type of answer.

The team took some time to craft a very carefully worded and respectful letter. They explained that they had learned there were 22 girls and women in the custody of the Foreign Ministry that might need help. They explained further that these girls and women were refugees, and under international law, the UNHCR must assist them and was mandated to do so. As such, they needed access to them to understand exactly what was going on.

The contact at the Foreign Ministry for the Western Provinces replied, which lead to a series of back and forth exchanges. Initially they claimed nothing like what was in the letter was happening in their province. They shared that they have refugees from Iran who go back and forth all the time. As they asserted, “This was probably just one of those episodes.”⁴ They tried to brush it off, but to no avail.

The Negotiation

Karen and her colleagues were finally able to get a series of in person meetings. The initial goal was to get the Foreign Ministry officials to recognize that this situation was indeed happening. They ultimately acknowledged this to a degree, but it took multiple meetings and a lot of careful framing and nudging. It became clear during the negotiations that the Ministry officials wanted to be heard and for the UN team to accept the narrative that the Ministry was protecting the women from forces outside that might kill them should they be freed. Rightly or wrongly, that framing was needed to get access.

It turned out that the notion of face saving, which is a critical Afghani cultural construct, underpinned the entire negotiation process. The UN team had to find a way to acknowledge that the Foreign Ministry was doing the right thing, but that the girls and women needed to be released into their custody. Unlike many human rights approaches that focus on calling these issues out publicly, the key was “not to directly accuse the people involved or the negotiation would have been over before it ever started.”⁵

Fortunately for Karen and her team, they had agreed to adopt a problem solving mindset. Without that way of thinking and overall approach an agreement would not have been possible. Karen asked the Ministry officials, “How can I get access to them and then how can we help them?”⁶ Admittedly this was a fine line to walk. However, through persistence, eventually the Foreign Ministry conceded something was amiss and granted them the permission they were seeking. This opened the door to the next phase of the process.

In addition to the non-accusatory approach, the team also used their role and status as UNHCR representatives as a reason for them to be involved. As they explained to the Foreign Ministry officials: “These women are refugees. It is our job, confirmed by international law, to assist and take care of them. We just want access to them so we can talk to them and make sure they are OK.”⁷ It also helped that Afghanistan was a member of UN and accepted their presence. If the team had been representing a government they likely would not have been granted an entrée.

When the Foreign Ministry did allow them to meet with the girls and women they explained the parameters clearly, “You can just interview them and make sure you understand we are trying to protect them.”⁸ Just Karen and her translator went to meet with the girls and women in a remote compound run by the Foreign Ministry. They were able to confirm there were indeed 22 girls and women in the compound. They began by talking to them about what happened in Iran and how they got to this place.

With these nascent conversations, an entirely new negotiation began with the girls and women. It took months to build rapport with the girls and women and to get them to share what was really going on. Having open conversations in the compound and sharing information was difficult in normal circumstances, let alone in the open air with guards nearby.

The negotiations were not easy and led to a lot of challenges. Tragically two of the women killed themselves over the course of the negotiations. The trauma they had experienced was simply too great. As the remainder of the women slowly revealed they were being sexually abused, the onus fell squarely on Karen and her team to figure out how to get them out.

One critical element to the negotiations, according to Karen, was to continue to show up. At the same time, they had to show the Ministry officials that what they were doing would not lead to serious consequences for them. After all, as they shared with the Foreign Ministry counterparts, “we are just chatting”. There were, however, places where they did have to take a stand. For example, the guards around the compound were making the girls and women nervous and preventing them from speaking freely. Karen insisted that they be removed, and the Foreign Ministry acquiesced.

The entire process, from the first time Karen and her interpreter met with the women, lasted approximately six months. In the beginning the girls and women would not say much. Showing up over and over again, listening, and learning about them was critical to get them to slowly open up. There was so much shame that eventually came out with regard to what had happened to them. It was deeply painful for the women to discuss, and even harder with the cultural taboos that existed in that part of the world related sexuality.

As the negotiations inched forward with the girls and women it slowly became clear that the Foreign Ministry recognized this as a problem and saw Karen and her team as the way out. It helped that the team framed the situation as a problem to be solved and the framing of “lets us help you solve it” became paramount.

The negotiations with the girls and women was happening in parallel to the continued negotiation with the Foreign Ministry. The team was very clear with the Foreign Ministry that they were paying attention, a spotlight was on the issue, and they were not going away until this was resolved.

The team had succeeded in getting access and were moving toward a solution on freeing them when another conundrum emerged. The girls and women could not just be released. The team also had to look for a longer term solution for them. While a few wanted to go back to their families in Iran, many did not have families to go back to or wanted to move on. After some extensive searching,

Karen and colleagues found a women's home in Kabul. The goal became to get them to that home or back to Iran.

Eventually Karen and her interpreter wrapped up the official interviews and made a series of recommendations to the Ministry. This came after they tried to engage the Ministry in a process of option generation, but the Ministry seemed to prefer to defer to them on the solution. In the end the team was able to get the girls and women released, emphasizing the notion that the Ministry clearly cared about their well-being, and the Ministry came out looking good in the process. Some of the women went back to Iran, and the rest, to the aforementioned women's home in Kabul.

Lessons Learned

This case is extremely rich with lessons due to the complex nature of the negotiation, the cultural aspects that underpinned it, and the fine line the negotiators needed to metaphorically walk.

Lesson 1: Face saving and taking a joint problem solving approach

The key to this entire negotiation was the concept of face saving and how the UNHCR team understood that and respected it. They had to tread very carefully between helping the Foreign Ministry save face, while also achieving their objective of getting the women freed. A face saving solution, however, would not have been possible without a problem solving mindset and approach. In order to find this delicate balance the team had to stay focused on their goal of getting the women released. This required thinking like the Foreign Ministry and crafting solutions that would also meet their interests – particularly the need to come out looking like a protector.

Lesson 2: The importance of planning instead of having a concrete plan

In a negotiation such as this it was virtually impossible to have a plan. After Karen received the initial handwritten note and verified its veracity, she knew her goal needed to be to get the girls and women free. However, how to do that was a completely different challenge and initially unclear. The process needed to be iterative.

Some planning, such as understanding the cultural issues involved could be done, but much had to be sorted out slowly along the way. This approach also was a result of working with incomplete information and connecting things together one puzzle piece at a time.

Lesson 3: Relationship building, trust, and showing up time and again...

Another critical element of this negotiation was taking the time to slowly build the relationships needed to solve this conundrum. In Afghani culture one cannot trust the other until they know the other well. This was the case with the informant in the kitchen, but also the people in the Foreign Ministry. The principle of developing relationships as a first step in negotiation cuts across all spectrums.

Related to the notion of relationship building was the importance of showing up time and again. Karen and her interpreter spent many months going back and forth to the remote compound in order to send the signal to the Foreign Ministry and, more importantly, to the girls and women that they were serious and they were not leaving until they had freed them.

Lesson 4: Knowing when to advocate and blow the whistle vs. when to negotiate...

When it comes to human rights issues the common approach is advocacy -- to shout from the roof tops, shine a light on the problem, and to put pressure on the perpetrators. In this case, the team made the opposite decision – to negotiate. Why? As Karen explained, “It is important to blow the whistle when you are far away, but negotiation is more appropriate when you are on the ground, lives are at stake, and you can do something about it.”⁹ In short, which approach to use has to be determined on a case to case basis considering the unique dynamics involved.

In reality there is often a mix of the two. Even in this situation, we saw times when Karen and her colleagues put some pressure on the Foreign Ministry. When they did apply pressure they could revert back to negotiation as a way of also showing the Foreign Ministry a way out of the conundrum.

Lesson 5: Managing multiple negotiations and sequencing them properly

The last lesson from this case is the problem of managing multiple negotiations all at once and sequencing them properly. From the negotiation with the informant in the kitchen, to the back and forth with the Ministry of Foreign Affairs, and on to the negotiation with the girls and women, there were a lot of negotiation streams crossing. However, while these were different processes they were not completely independent of each other. The progress with the girls and women cleared up some challenges in the negotiation with the Foreign Ministry and vice versa. Furthermore, the sequencing of the issues, and who to talk to whom at any given moment, required strategic thinking and planning.