Andrea Fleschenberg

Afghanistan's parliament in the making

Gendered understandings and practices of politics in a transitional country

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Afghanistan's parliament in the making

Andrea Fleschenberg, PhD, currently works as research associate and lecturer at the Institute of Social Science at the University of Hildesheim, Germany. Previously, she was a research fellow at the Institute of East Asian Studies/Political Science at the University of Duisburg-Essen and a lecturer at the University of Cologne, Germany. In 2007 she was a visiting professor at the University of the Punjab in Lahore, Pakistan, and in 2006 at the Universitat Jaume I in Castellon, Spain. Her research areas are comparative and third world politics with a particular focus on South and Southeast Asia, democratization and election studies, transitional justice issues, gender and politics, on which she has contributed numerous publications.

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By Andrea Fleschenberg

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Preface

The Heinrich Böll Foundation has been supporting projects promoting democracy and the active participation of women and men in the process of rebuilding Afghanistan since early 2002. Among these, it successfully fostered the Women and Children Legal Research Foundation (WCLRF), Afghanistan's sole research institution to date for women's rights. As publishers of a widely circulated women's magazine, the WCLRF reaches a large, interested audience. The magazine's coverage of political content and social issues that are especially relevant to women clearly strikes a chord among its readership. The renowned anthropologist and singer Samar Minhalla and the Heinrich Böll Foundation jointly produced a number of songs focusing on civic action that topped the Afghan charts – a noteworthy achievement, considering the skepticism with which large parts of the Afghan population still respond to the presence of women in public life.

Our partnership with the Afghan Women's Network (AWN) resulted in the founding of a youth organization focused on advocacy, which successfully negotiated with the Ministry of Transport to have special reserved seats for women introduced in overcrowded public transport vehicles.

For us, the question remains how we can contribute effectively to civil development and foster political participation in the provinces – areas beyond the reach of the international organizations concentrated in Kabul. In light of this, it was a virtual stroke of luck that tribal elders from the southeastern Afghan province of Paktiya turned to Swisspeace in 2003 to explore ways in which they could become involved in the peace and reconstruction processes and work together with both the Afghan government and international representatives. In December 2003, the Tribal Liaison Office – since renamed The Liaison Office (TLO) – was founded with funding from the Heinrich Böll Foundation and Swisspeace. The project rapidly gained momentum, and by February 2004, the organization had opened offices in Paktiya, Paktika, and Khost in addition to its headquarters in Kabul. In 2008, a further office opened in Jalalabad. TLO is now in great demand as a successful mediator between the central government and international organizations on one side and traditional local structures on the other.

From the outset, one of our concerns has been to increase the involvement of women in decision-making and to ensure that girls from conservative families also have the opportunity to attend school. Today, we have to concede that we are still far from the project goal of securing freedom, equality, and political co-determination for the entire population. The road to that goal appears especially long in southern and southeastern Afghanistan.

In this 2009 election year, the results of six years of hard work on our part and that of other organizations are sobering: election campaigns featuring candidates, open election events, citizens' hearings, and the distribution of information brochures do not take place, nor does Afghanistan have a transparent, egalitarian, and just system of government. The involvement of women in public life is decreasing. Violence throughout the country remains unchecked. Attacks, vigilantism, and legal processes that contradict the basic principles of human and women's rights are the order of the day. The security situation is worsening in step with the disenchantment arising from the lack of results and functional shortcomings of existing democratic structures. In the face of such difficulties, we often forget who should wield the actual power in Afghanistan, and who should create the legal underpinnings for that power: the women and men in parliament who are working to build a state in these turbulent times of transition. To what extent will these elected representatives succeed in creating alternatives to established traditional power structures? What are the obstacles they face? What kinds of networks or caucuses are they establishing?

This book, which is based on interviews of male and female members of parliament held in Kabul in 2007 and 2008, examines the realities of parliamentary work in Afghanistan. It shows how varied and coercive the patterns of identification prevalent in Afghanistan can be. Of those not specific to gender, the family, clan, and ethnic background are most important; an individual's regional heritage and status also play a role. While it can be dangerous or even deadly for women to ignore those identities, a lack of solidarity with other women will not result in sanctions. Cooperation between female members of parliament is therefore not very pronounced.

This book provides a rare opportunity to gain insights into the self-images and roles of women in parliament. Of the 91 female members of parliament in both houses, 76 took part in the study. The questions related to areas in which similar interests could lead to

cooperation provide especially valuable direction in supporting parliamentary work in the future. Topics for coalitions of exclusively female representatives must be based on the needs of the population as a whole – especially with regard to security, healthcare, and education – to enable the people to attain greater political weight.

I would like to thank the Kabul office of the Heinrich Böll Foundation, Semin Qasmi, Marion Müller, and Bente Scheller for their contributions to this project. I would also like to express my gratitude to UNIFEM for their trusting cooperation, which will also ensure an even greater number of interested readers for this publication. Finally, I would like to thank the author, Andrea Fleschenberg, and the members of parliament for their dedication, insights, and time. Without their courageous efforts, and those of women throughout the country, there would be no hope for security, democracy, and equality for women in Afghanistan.

Berlin, May 2009

Barbara Unmüßig
Executive Board
Heinrich Böll Foundation

جرگه
شفق
حاجی محب عارف ظریف

INTRODUCTION

> *I am an Afghan woman and I have lived my life in Afghanistan. Since I knew that there is no security and rights in Afghanistan and that we have to grasp our right as there is no one to give it to us, I felt myself responsible and nominated myself to serve my people (woman MP interviewed).*

In the last parliamentary elections in 2005, for the first time in Afghan history, women entered in large numbers both houses of parliament – the Wolesi Jirga and Meshrano Jirga. They are now working as parliamentarians in decision-, policy-, and legislation-making, engaging with their voters, constituencies, the public in general, and the media. In the current second half of the legislative period, the process of establishing an Afghan parliament has come into a phase of consolidation with legislators seeking to find their political positioning. This process of coalition-building takes place while the country is going through an upheaval phase with recurrent divides along political, ethnic, linguistic, urban-rural, regional, and historic lines. These emerging complexities within the overall project of state-building are essentially being reflected within the parliament, and within this arena, women parliamentarians (MPs) are often shifted to the core struggle for power.

Interventions and state-building enterprises of individual states, a group of states, or international organizations such as the United Nations, the African Union, or the European Union, usually have as a central component of their exit strategies a negotiated peace / ceasefire settlement, the realization of free and fair elections and, quite often, capacity-building under the auspices of international and regional partners. Parliament and parliamentarians are thus at the heart of state-building and post-conflict developments. But little research has been conducted so far in helping to understand what it takes to have a highly representative, functioning, effective, and viable parliamentary institution that allows filling the institutional casing with due procedures, deliberations, and participation to serve people's interests and lead politics and power struggles away from violent means toward consolidated peace, reconstruction, and welfare. What kind of parliamentarians are we talking about? What kind

of conflict / power legacies are brought into the new political setup and what are the resulting consequences? How can new political actors, who have not been previously part of the power elite, gain access and make a difference in post-conflict politics? How do legislators understand the roles, agendas, and mandates they have to – and / or would like to – fulfill? What are the impediments to the due exercise of their mandate? How do they perceive their own work and interactions and imagine future parliamentary developments? What implications are created by a peace settlement, such as the Bonn Agreement, which allows the cooptation of previous conflict parties and potential veto actors, for parliamentary institution-building – in general as well as in gendered terms? This research thus started as a journey over the puzzle of a highly fragmented, hybrid, and volatile Afghan parliament, in an attempt to try and understand the complex and challenging reality of Afghanistan's parliamentarians in addition to concerns about options, opportunities, and possible entry points, even avenues, for parliamentary institution-building, in particular with regard to women parliamentarians.

If we follow the global political consensus that there can be no sustainable human development and no genuinely functioning political system without the participation of women, this study will argue and attempt to prove that women's parliamentary participation is not only of utmost importance but also largely dependent on the overall gendered political and security context as well as the progress of and challenges to state- and institution-building. Consequently, this impacts on options of women parliamentarians to exercise their mandate, raise and follow through their policy interests – in particular a gender policy agenda – interact with their constituents, as well as mainstream themselves into the political system, among other ways through building up support networks and caucus with male and female colleagues. This needs to be addressed in current and future state- and institution-building processes as well as interventions to support women's political participation and effectiveness.

Due to persistently conservative gender relations mixed with traditional beliefs about the status of women in Afghan society, women politicians much more than their male counterparts have to prove themselves in their roles as the people's representatives. However, instead of joining together as one force against the current political environment that is curtailing the political, social, and economic freedoms that have only recently been achieved, women parliamen-

tarians are becoming men's bargaining chips for establishing the latter's political, ethnic, or regional power structures and agendas.

Conducted from July to September 2007 as well as in March 2008, this research aimed to discover, on the one hand, the personal backgrounds, political agendas, and motivations of Afghanistan's women parliamentarians as well as, on the other hand, the existing common denominators among women parliamentarians of both houses, which could be starting points for a joint women's agenda for decision-making. By identifying these markers for women's political interests, it is hoped that the research will contribute toward opening up spaces for translating women's representation into political influence and likewise toward the establishment of an effective gender policy agenda.

The introduction outlines the rationale, methodology, and objectives of the surveys conducted with female and male parliamentarians in 2007 and 2008 and discusses in detail the sociopolitical context and the space of agency, in gendered dimensions, for male and female parliamentarians in the current Wolesi and Meshrano Jirga. Crucial factors such as hybrid institutions, fragmentation, and conflict legacies (e.g., elite continuation, veto actors, security, and gender ideology) will be evaluated. In chapter 2, the current state of state- and institution-building in post-2001 Afghanistan will be analyzed, reviewing not only definitions, conceptions and indices on statehood in Afghanistan, but, more importantly, assessing the process of state- and institution-building in Afghanistan with regard to achievements, problems, and challenges in a literature review. This analysis will help to establish the grounds on which the bicameral Afghan parliament – itself an institution in the making – operates and functions. Therefore, a review of the achieved political system setup as well as the roles, functions (e.g., lawmaking, budgetary, and government-overview competences, political parties / parliamentary factions), and related problems and challenges will be conducted. Surveys of the Afghan electorate that analyze the perception of the roles and performance of members of parliament and women's political participation will also be included in this evaluation. It appeared highly important to the author to include an extended note on these characteristics and challenges in order to frame the issue of parliamentary development in the broader discussion about the nature, successes and shortcomings of the state-building process. It is, furthermore, important to have the efforts and problems of law-

makers in perspective, in particular the long-term nature of parliamentary / parliamentarian institution- and capacity-building. Hopefully, these findings provide some background and guidance in understanding the subsequent survey results along with contextualizing parliamentarians' perceived limitations, shortcomings and achievements, for instance complications in following through legislative interests, budgetary oversight or cooperation among MPs and with civil society actors.

Chapter 3 frames women's parliamentary political participation beyond Afghanistan. Findings from worldwide experiences of women MPs will be presented in various case studies – from post-conflict countries as well as consolidated democracies – that focus on the main topic of this survey: raising women parliamentarians' political effectiveness through cooperation within parliament, the women's political machinery, and civil society, using – among other things – caucusing and networking. Chapters 4 and 5 will present the major findings from the two surveys conducted among female and male Afghan parliamentarians as well as from the additional interviews conducted with government officials and civil society representatives with regard to parliamentarians' (MPs') personal backgrounds and pathways into politics; accountability, support, and interaction with civil society; government oversight, national budget, and cooperation with the Ministry of Women's Affairs (MOWA); political agendas and legislative interests; cooperation among parliamentarians and the issue of a women's parliamentary network and caucus. It has to be emphasized that the survey results only portray self-perceptions of female and male parliamentarians with regard to the above mentioned issues and are thus a reflection of their self-assessment as well as their interest in how to be portrayed in the public realm. Moreover, the interviews conducted among civil society activists allow for a small, albeit significant, window to be opened pertaining to the public's opinion on Afghanistan's current policy- and lawmakers and are by no means representative of society at large. The concluding chapter 6 will not only summarize major findings from the surveys conducted and formulate, as a way forward, recommendations on how and what to base future engagement and cooperation of international (nongovernmental) organizations with Afghan parliamentarians – in particular with women parliamentarians – but also attempt to review the implications of the knowledge gathered for the pending political issue of negotiating or reaching a political settlement with

the increasingly powerful Taliban insurgency and for the scheduled parliamentary elections in 2010.

Rationale, methodology, and objectives

All women parliamentarians of both houses were invited to participate in the survey. Those responding positively were presented with a questionnaire, including closed and open questions, by Dari-speaking Afghan female interviewers. The answers allow for the assessment of Afghan women parliamentarians' self-perceived experiences, self-understanding of their political agency, and effective exercise of their mandate in the given structure of Afghan power politics and the sociopolitical, economic, and cultural setup.[1] At the same time, the data presented only mirrors the self-assessment of women parliamentarians; some of their answers might be influenced by how they would like to be perceived by the general public. Validating all answers given – for example, on the frequency and modes of interaction with their constituents and civil society actors, or the level and content of cooperation among women parliamentarians themselves – is beyond the scope of this study. Of the current 91 women parliamentarians in both assemblies, 76 responded to the questionnaire about their personal backgrounds, their paths into politics, their political agendas, and legislative interests – with special regard to women's issues – as well as with whom and how they cooperate in policy- and lawmaking inside and outside of both houses of parliament.[2]

For some years now a world-wide debate has been taking place on "women's political interests" and on what constitutes a "women's agenda" or "women's issues", given the fact that women do not constitute a homogenous social group or generally act as a collective force (see chapter 2). Women can be divided in their social and political status on grounds of age, ethnicity, class / caste, language or religion, to name some of the more common factors. Nevertheless, many argue that women are – at the same time – united by shared experiences, for instance of discrimination and sociopolitical marginalization, of similar life cycle patterns or of assigned gender role prescriptions, which might manifest themselves in different, albeit comparable scales and ways. In the respective scientific literature, academics distinguish between different female gender roles and subsequent definitions of and positions on issues related to women's lives: proactive / transformative versus reactive / conservative approaches to either alter women's roles and rights as well as gender

power arrangements or to endorse the current setup and role prescriptions, extending rights to women on the existent basis. Women's issues, i.e. policy / legislative issues focusing on the "wishes, needs or interests of the female population", can be the subject of legislation focusing on women's rights or "women's traditional areas of interest (bills that reflect women's roles as caregivers both in the family and society and thus that address issues in health care, care of the elderly, education, housing and the environment)". (Tremblay 1998: 439-440; Alvarez 1990: 24)

For both organizations, in particular UNIFEM, it was of utmost importance to understand women parliamentarians' positions on proactive / transformative women's issues such as questions of equal pay, violence against women or quota provisions, understood to be directly linked to the betterment of women's socioeconomic and political status – a concern equally expressed by many Afghans. These interests are reflected in the design of the questionnaire with reference to women's issues selected in addition to questions of cooperation among women MPs and with the Ministry of Women's Affairs.

In March 2008, an additional survey was conducted among male parliamentarians, with a significantly smaller number of male MPs due to reasons of organizational constraints. Initially, it was planned to merely interview female lawmakers, but to fully assess the gendered nature of survey results, it was deemed necessary to interview male lawmakers, too. Given this decision taken by our team in autumn 2007, the second round of interviews could only be conducted by the author together with a Dari- and Pashto-speaking Afghan research assistant in early 2008 due to personal and organizational issues, explaining the time gap between both interview series.

The 21 male parliamentarians interviewed do not as such mirror the whole group of male MPs currently present in the Wolesi and Meshrano Jirga given the heterogeneous backgrounds in terms of political affiliation, orientation, experience, ethnicity, religion, age, and language, among other characteristics. Nevertheless, the micro sample embodies several of those diverse markers most likely to impact the specific concerns of political representation and affiliation – hence agenda-setting and policymaking of parliamentarians – and allows some insight into personal backgrounds, pathways into politics, personal political agendas, and agency parameters of male parliamentarians interviewed. In addition, members of the ministerial bureaucracy and civil society who had been interviewed for the pre-

vious sample were revisited to include their perceptions and opinions of male parliamentarians regarding political agendas and political performance.[3] We attempted to include lawmakers coming from the major different ethno-linguistic and political factions currently identifiable in parliament, including inquiries about different experiences of exile:

- affiliates of different previous political regimes involved in contemporary power politics such as former communists and socialists, mujahideen and Taliban, loyalists to the late Zahir Shah or to the Karzai Administration as well as those considered belonging to the small group of independent democrats / liberals;
- delegates from different ethnic and regional backgrounds as well as tribal and minority representatives: Pashtuns, Tajiks, Uzbeks, and Hazaras from the provinces of Kabul, Badakshshan, Kunduz, Balkh, Baghlan, Faryab, Kandahar, Herat, Helmand, Farah, Zabul, Paktya, Khost, Daikundi, Bamiyan, and the countrywide constituency of Kuchis.

The answers allow for the assessment, to a certain degree, of self-perceived experiences, self-understanding of political agency, and the effective exercise of the mandate in the given structure of Afghan power politics and the sociopolitical, economic, and cultural setup. At the same time, the data presented only reflects the self-assessment of a small number of male parliamentarians; some of their answers might also be influenced by how they would like to be perceived by the general public. Validating all answers given – for example, on the frequency and modes of interaction with their constituents and civil society actors, or the level and content of cooperation among parliamentarians themselves – is beyond the scope of this study. There remains a desideratum for further in-depth research based on these findings – for instance, mapping support systems and / or influence networks of parliamentarians to allow for a general understanding of the parliamentary power context and a matrix of interactions and political influence patterns within the Wolesi and Meshrano Jirga.

Preliminary thoughts on the context and politics of agency

Male parliamentarians differ distinctly from the female novel entrants to politics in that many of them had already been involved in political agenda-setting, decision-making, and power struggles in

various previous regimes, which often involved resorting to fighting in the post-1979 period.

Male politicians: experiences, conflict legacies, and space of agency

Under the Bonn Agreement, it was decided to follow the path of political inclusion of various power factions such as the mujahideen of the Northern Alliance and former jihad leaders or former communists (with the exception of the Taliban) – a step resented by the population and also by segments of civil society that would have preferred to have those responsible for decades of civil war and countrywide destruction excluded and punished. Consequently, they bring a complex legacy of power politics, conflict responsibilities, as well as ethnicity-based alternative regional / local power centers to the central state and government into both houses of parliament. They then try to establish themselves under the (re-)launched political institutions that follow diverse and conflicting political loyalties and agendas (cf. Ruttig 2008: 13; Jalali 2007: 30; Schetter 2006: 12f; Giustozzi 2004 and 2003).

So far, the power context and space of agency for female and male parliamentarians alike is characterized by fragmentation, patronage, hybridity, and a rather weak position vis-à-vis the dominant executive in terms of political decision- and lawmaking as well as agenda-setting. In 2007, for instance, 80 parliamentarians staged a walkout, citing "lack of cooperation from the Karzai Administration," while two draft proposals with recommendations on the deteriorating security situation, issued by lawmakers and sent to the cabinet, received no response (Kabul Weekly 2008b: 1). In March 2008, lawmakers of different political parties protested against the government-sponsored election law for the upcoming parliamentary elections in late 2009, its single non-transferable vote (SNTV) election system, and a subsequent cut of their mandate by one year if presidential and parliamentary elections are held at the same time instead of separately (Kabul Weekly 2008c: 4; Daily Outlook Afghanistan 2008c: 6).

One major complaint during the course of the interviews was the limited capacity and space of agency to exercise proper government and budget oversight. Male parliamentarians complained in particular about the annual national budget and their limited influence to review and amend changes because budget allocations remain determined to a significant degree by the international community,

which sponsors 90 percent of the national budget. They also criticized the lacking capacity of the state and its ministries to spend the budget allocations, in addition to the non-transparent timelines for international budget funding (cf. Kabul Weekly 2008d: 1, 4; Marquand 2008).[4]

> *The absence of strong political parties and the prevalence of shifting political alliances foster the survival of patronage networks based on personal-client relationships. Government wheeling and dealing with such a system hinders the development of state institutions and impeded the emergence of a viable and service-oriented administration. The absence of a ruling party tends to make the president act as a "supreme khan." Much depends on the nature of emerging political caucuses and the effectiveness of mechanisms in place to enhance understanding and cooperation between the executive and legislative branches (Jalali 2007: 45–6).*

Major factions and male-dominated parliamentary power setup

Being in the majority, in a strict gender sense, any legislative initiative or any step for government oversight or budget changes / amendments needs the approval of the majority of male MPs and, in particular, influential and leading lawmakers to be successful. Important former jihad leaders occupy key parliamentary positions, for example Abdulrabb Rassul Sayyaf, head of the commission on international affairs and of the party Dawat-e Islami; Burhanuddin Rabbani, head of the commission on legal affairs and of the party Jamat-e Islami; Sibghatullah Mojadeddi, president of the Meshrano Jirga and of the reconciliation program with insurgents; Pir Seyyed Ahmad Gailani, head of the party National Islamic Front and a subsequent group of MPs; Ustad Muhammad Mohaqeeq, head of the commission on religious and cultural affairs, education, and higher education and head of the Islamic People's Unity Party (Ruttig 2008: 18).

In their opinion, according to Ruttig, Islam and Sharia, Quran, and Hadith are the prime sources of legislative politics and jurisdiction in the Afghan polity – a challenge to an Islamic democracy currently developing under the auspices of the international community, committed to party pluralism in addition to human and women's rights outlined in by international treaties. In the current parliamentary power context, religious conservatives (ulema and mujahideen

commanders) represent the majority of MPs – an estimated 134 of 249 lawmakers (numbers might vary among observers and analysts) – although they have not been able to capitalize on their voting strength so far due to factional differences. Furthermore, they chair five key commissions in the Wolesi Jirga (out of 18): international affairs; legal affairs; justice and judiciary, administrative reforms, and the fight against corruption; religious and cultural affairs, education, and higher education; counter-narcotics, toxic substances, and immorality. Since 2007, the majority of the parliamentary opposition is grouped under the roof of the National Front, a coalition of mujahideen parties and former left-wing politicians. Pro-democracy forces are too small in number to form a parliamentary group of their own (ibid.: 19, 27f).

During the course of the interviews, lawmakers positioning themselves as democrats / liberals were very critical of their conservative colleagues, for example, of the latter's dress code and lack of education. They also criticized President Karzai for primarily consulting with warlords and fundamentalist forces within parliament, with allegedly tacit foreign support, and are deeply concerned with the increased tribalization and factionalism of Afghan politics along ethno-linguistic and regional lines.[5]

Consequently, women parliamentarians have to operate within this setup of parliamentary power politics and interests. They have to try to identify potential allies among predominantly conservative male parliamentarians – apart from those women MPs belonging to one of the power factions, being under the tutelage of a political leader within the parliament and his sociopolitical network or being herself a member of the conservative faction – to negotiate and mobilize votes from these powerbrokers for (progressive) women's political causes and interests oriented toward a decrease in gender-based discrimination.

Gendered terrain – gender relations and hierarchies in political organization

Gender remains one of the major structural principles of Afghan societal organization, and the women's agenda has been used by varying political forces to gain and engineer political power and authority (Hassan 2007: 43f). Since the overthrow of the Taliban in 2001, the transitional period has been marked by several steps toward democratization, including the breakup of pervasive glass ceilings

and glass walls surrounding Afghan women, thereby slowly changing the face of Afghan politics. The current effort is conducted as a top-down approach through the setup of MOWA, Gender Units in key ministries, and quotas for women's political participation. There are several restraining factors in place: "[T]he pace of time-scale of the processes; the fragile peace and growing insecurity; and the practical socio-economic realities" (ibid.: 44).

Afghan women are novel entrants to the formal structures of governmental and parliamentary policy- and decision-making at the national level. Except for the few who have been members in previously held national jirgas, such as the Loya Jirga after the fall of the Taliban regime, it is their first time in politics in such numbers and to such a degree of participation in conventional politics. Unlike other South Asian countries where women received their voting rights following a country's independence from colonial rule, it was not before 1964 that Afghan women received the right (Kreile 2005: 109). "According to UNIFEM, although women made up 15 percent of the Loya Jirga in 1977, until 2002 none had actually participated" (Nordlund 2004: 7).

Reserved seat provisions have been the chosen means of paving the way into gender-inclusive public policy and decision-making in different Loya Jirgas. In the 2002 Emergency Loya Jirga, 10 percent of the 1,600 seats were reserved for women who participated in higher numbers, increasing their proportional share to 12 percent or some 200 female delegates (HRW 2005: 8).[6] Their representation increased to one-third in the Constitutional Loya Jirga that convened thereafter to draft the new constitution (Abirafeh 2005: 7). The call for a 25-percent gender quota was met with skepticism of possible window dressing, tokenism, and the risk of a conservative backlash in the communities, triggered by strong international pressure "at the expense of laying a foundation for genuine participation" (ibid.: 8).[7]

According to the new constitution and electoral law, reserved seats are provided for women and minorities (Kuchi nomads) in both houses of parliament. In addition, Article 72 (2) of the constitution requires higher education for a Wolesi Jirga seat, which substantially narrows the (female) candidacy pool (Shah 2005: 248). The reserved seats are directly elected (via SNTV). Article 83 of the 2004 constitution stipulates their number to be at least twice the number of provinces existing in Afghanistan, including three for Kuchi nomads. Article 22 of the Electoral Law codifies that Wolesi Jirga seats

should be allocated in accordance with Article 83 of the constitution and to the women with the most votes on the list of candidates, while unfilled seats remain vacant until the next elections in case there are not enough female candidates.[8] Potential candidates have to be over 25 years, submit 300 signatures of registered voters, a deposit of 10,000 Afghani ($200), and have to step down from government positions before the election campaign starts (ICG 2005a: 14). In the first run, 19 women candidates (approx. 28 percent) managed to win a seat on their own, without having to use the reserved seat provision to qualify for a mandate (ICG 2006: 7; Wilder 2005: 13).[9] Nevertheless, the number of women parliamentarians did not increase beyond the assigned number of reserved seats as petitioned for by women activists with the Presidency and the Judiciary. Women's seats appear to be understood as reserved seats only, drawing a distinct line between "general" seats and "quota" seats in parliament.[10] For the second chamber, the Meshrano Jirga, a constitutional quota of 50 percent for presidential-appointed senators is codified, leading to a proportion of reserved seats for women of 17 percent[11] (see also: Norris n.a.).

Multiple identities vs. unity – the question of a joint gender policy agenda

Having to learn about mandates, roles, functions, procedures, actors, and defining their own mandates and agendas as parliamentarians, they operate in a difficult, highly volatile, personalized, hybrid, and fluid context of political institution-building in a country still in conflict and transition, where inhibiting factors and spoiling agents – that is, sociopolitical culture and veto actors – are manifold and strong. Female legislators have to build up their own support networks or access the (patronage) networks of males close to them who are supportive of their public careers, entering new spaces of female agency, or enlarging existing ones to a significant, largely unprecedented extent.[12] Moreover, their diverse backgrounds and multiple identities may, and actually do, result in favoring other sociopolitical interests, for example, tribal, ethnic, provincial, clientelistic, or political affiliations with clients, patrons, or political groupings, over gender interests (cf. Wordsworth 2007: 15; Moghaddam 2006: 31). A number of women parliamentarians pursue a conservative women's agenda and are thus not interested to support certain initiatives to ensure women's rights and decrease gender-based discrimination, as un-

derstood by other female colleagues, for instance in questions of personal status or family law or increasing female leadership presence. Cooperation and agreement among women parliamentarians might thus become highly complicated or impossible. In addition, their political work and impact are also deeply affected by the lack of unity and trust among themselves (as the interview results show).

> *While there are efforts, on the part of the very young women's movement to address such divisions collectively, these divides still continue to surface from time to time. […] This has, consequently, decreased the internal trust and support among women, who are as fragmented as the entire Afghan society at large. […] While women are part of the same culture and collective family lifestyle, this is affected by the thoughts, decisions and attitudes of men and the communal polity (Hassan 2007: 46–7).*

The lack of unity and solidarity among women parliamentarians needs to be contextualized within the wider sociopolitical system and to be related to the overarching social and political cultures in place.[13] Afghanistan is still a country largely in conflict, and its path toward post-conflict settlement and peace-building has been fundamentally impeded by ongoing insurgencies, factious fighting, structural violence, and insecurity on top of decades of civil war and abuses committed by varying regimes and perpetrators. A collective memory infused with experiences of violence, multiple trauma, and victimization is a profound mortgage on a (post-) conflict society, which deeply entrenches and attenuates the social fabric and social capital available, that is, mutual trust, solidarity, cooperation, interchange, and relations among society's members.

Impacts of the election system: fragmentation via political engineering?

Fragmentation, factionalism, and a weakened social fabric have been further aggravated through mechanisms and procedures triggered by the election system and within the current political system, in particular a struggle for power and authority between executive and legislature. One woman parliamentarian from Kabul criticizes the presidential system as being autocratic and stresses that when she

contacts the government, its members do not cooperate and listen. Instead, they keep the parliament weak so that people who contact her to solve their problems do not trust her anymore.[14] One of her colleagues stressed the "need to first build a political system in Afghanistan beyond individual faces and agendas, acceptance of rules and democratic work procedures instead of current autocratic ones and the non-functioning, non-unified parliamentary groups."[15]

The SNTV system has led to electoral individualism, party fragmentation, factionalism, clientelistic politics, vote-buying, and less balanced candidate lists in several countries, as a majority of votes is not required to win a seat. Critics outline that SNTV works against newly founded political parties, in particular democratic ones, which lack the necessary resources and capacities for complex vote strategies and discipline. Being an independent candidate in such an electoral system nevertheless requires considerable resources and support networks to organize a successful electoral campaign that influences allegiances and loyalties when exercising one's mandate.[16] This is a specific challenge for women who are not economically independent, explains a member of the Women's Political Participation Committee, and thus need financial support from male relatives – even in the case of working women, as the majority of them give their income back to men, affecting their possibilities for political participation, societal status, and bargaining power.[17]

The Afghan parliament is a fragmented legislature composed of independents and few organized / institutionalized parliamentary groups, and it is marked by a paucity of collectively organized political programs and strategies. On the other hand, a considerable number of legislators of both sexes have been supported by outside political parties and actors who exercise a more or less indirect influence. Forming a contingent and disciplined voting block with solid loyalties is intricate and difficult to organize and achieve. This pattern is reflected by the political affiliations of the female members of both houses (as well as of males). Within the Meshrano Jirga, all 17 appointed female senators are independents. Of the six elected senators, four members are independent while two belong to two different groups – Hezb-e Wahdat of Mohaqeeq and Hezb-e Wahdat of Karim Khalile. In the Wolesi Jirga, the overall majority of women parliamentarians (52 out of 68) are independents, five belong to the Jamiat-e-Islami of Rabbani (who is organized in the parliamentary grouping National United Front), three belong to the Jambesh-e-

Mili-e-Islami of Dostum, two to the Hezb-e-Wahdat of Mohaqeeq, and six to various other factional groupings.[18]

Even if some of the women MPs of political groupings reported that they did not support the ideas and issues of their groups, they have to toe the line and cannot step back. Dependencies and appendage affiliations work in intricate and varying ways, that is, economic, regional, familial-clientelistic, ethnic, tribal, etc. While some of the independent women parliamentarians can be counted as autonomous, others are influenced by fundamentalists or groups that supported their election and thus influence their decision-making and voting behavior, also when it comes to addressing women's issues and acting as a women's group within parliament.[19]

(In-)Security, elections, and political participation of women

As their presence is ubiquitous during the election campaign, women politicians face an insecure, risky job situation in Afghanistan. Women encounter serious security problems in the exercise of their mandate, within and outside of parliament or traveling to their constituencies.[20] This is not to say that male parliamentarians are not affected by insecurity or attacks. They also have been victims of deadly attempts against their life and work as a legislator like the deadly incident in Baghlan in 2007 demonstrates. The focus of this study, however, is on the gendered manifestations of insecurity, threats and perceived impacts thereof on women's political participation.[21] Since 2006, several incidents have been directed against female legislators. One woman legislator's son and brother were kidnapped in September by Taliban militants in a district of Ghazni province. The kidnappers announced they would only be freed after her resignation from parliament (Afghanistan Times 2007: 8). Both were eventually released after mediation from elders and a ransom of three million Afghanis ($60,000) paid, but the MP from Kandahar remained in office (Daily Outlook Afghanistan 2007: 1, 6). According to media reports, another woman parliamentarian, a prominent critic of (former) warlords, was attacked in parliament and now faces charges of slander – a criminal offence, by the Attorney General's office[22] (Kabul Weekly 2007: 3). These charges were presented after her controversial TV statement in May 2007, when she compared parliament with a stable, which led to her suspension as a legislator after a majority vote in the Wolesi Jirga (BBC News Online 2007a). In 2006 she was physically attacked in parliament and threatened with death for

outspoken criticism of records of human rights abuses of some parliamentarians, including female colleagues (HRW 2007a: 3–4). In September 2006 the head of MOWA in Kandahar, Safia Hama Jan, was assassinated (Ghufran 2007: 95). Two women legislators from Kabul and Zabul province reported in June 2007 concerns about their personal safety and security. As one of six MPs, one of these two women legislators, who reported security concerns, received a warning letter from the government about an imminent attack on her life (BBC News 2007). Another woman parliamentarian survived an attack on her life – her husband was killed – and had to hide for several weeks in Kabul (Sengupta 2008a). This highly symbolic intimidation campaign and attacks on women who enter the public sphere and take over leadership positions negatively impacts on women's inroads into politics and their willingness to engage in public affairs. As a result, "women who have the means to get away are planning possible escape routes. Foreign embassies report an increase in visa applications from educated, professional women" (Ibid.).

As a consequence, the highly volatile and hybrid sociopolitical setting and process of institution-building, widening social cleavages, and a public space marked by insecurity and violent insurgency significantly impact on women parliamentarians' capabilities and options in addressing and implementing their political agendas as well as the ability to cooperate in policy- and decision-making with their female and male colleagues.

1 State- and institution-building in post-2001 Afghanistan

The governance context in Afghanistan is an inter-related complex of features relating to its condition as a "post-conflict state" experiencing continued conflict, the prevalence of poverty and vulnerability, and regional illicit and war economies, the functional weakness of its state structures and penetrability of its borders, and long-standing fragmentation of power at the sub-national level, exacerbated by the effects of recent conflicts. These features combine with unique ethnic, tribal, religious and social dimensions to generate a challenging environment for state-building interventions (Nixon 2008: 7).

Post-conflict states such as Afghanistan face paramount interdependent and complex challenges in consolidating peace and reforming or (re-)building new state institutions that are designed in an inclusive, participatory, representative and stable way.

Peace consolidation as such is "a complex, multi-dimensional, but at its core a genuinely political process of transformation from war to peace," which includes dimensions such as security politics (i.e., reform of the security sector and civil-military relations), the polity / political system (i.e., establishing a legitimate monopoly of violence and a new societal contract / order, as well as structural stability with adequate formal and informal institutions), socioeconomics (i.e., infrastructure, job creation), as well as social / psychosocial aspects (i.e., reestablishing social capital and trust among people and communities, reconciliation, and trauma relief) (Ferdowsi and Matthies 2003: 33–4). In the political realm, a post-conflict parliament has, in principle, a crucial role to play in state-building and peace consolidation, in addressing crucial issues of representation, and addressing the participation of the wider populace through its members' agendas, work, procedures, and interactions with the electorate.

There is an ongoing debate on concepts and conceptions of state- and nation-building in fragile as well as post-conflict states and the nexus and roles of international and external actors. To discuss this

debate in detail is beyond the scope of this project, but some key aspects and thoughts on state-building should be mentioned nevertheless. When one talks about state-building, one usually means a complex process that many post-conflict nations face during times of massive losses, destruction, disruption of institutional processes and structures, and during fragile moments of peace or limited spaces of non-conflict. State-building refers to the "sustainable reinvigoration of state structures, institutions and governing capacity" and can be conducted in different variants – ranging from the stabilization of existing structures and institutions without regime change through the support of local elites, the reform of state-run structures in contexts of fragile statehood, to the complete (re-)construction or even foundation of state structures and institutions in post-conflict societies (Schneckener 2007: 384; cf. Hippler 2004: 247–65). This encompasses the "formal apparatus of the state: constitutions, executives, legislatures, bureaucracies, courts, and the like" (Paris 2004: 173) and is directly linked to the issue of security and peace consolidation.

> *Functioning political institutions are required not only to overcome the "security dilemma" but also to reconcile competing societal demands. If institutions are incapable of processing societal "inputs" into authoritative "outputs," individuals and groups will likely seek to pursue their interests through more direct means – that is, extrainstitutionally (ibid.: 173).*

In very general terms, different state-building strategies can be distinguished, which should be understood to be complementary in nature rather than to be mutually exclusive:

- top-down approach of liberalization first with a five- to ten-year duration perspective, focusing on issues of democratization, economic reform, and integration into the world economy;
- top-down approach of security first with a short- to mid-term duration perspective, focusing on issues such as enforcement of the state's monopoly of violence as well as the strengthening and reform of the security sector;
- top-down approach of institutionalization first with a mid- to long-term duration perspective of ten to twenty years, focusing on the stabilization and consolidation of political and administrative institutions and the rule of law;

– bottom-up approach of civil society first with a mid- to long-term duration perspective of ten to twenty years, focusing on enhanced opportunities for participation and the promotion of civil society / intermediary organizations (e.g., political parties) (Schneckener 2007: 386).

In the case of Afghanistan, one can identify a combination of strategies, depending on the focus and major interests of various international actors (i.e., governments in the form of intervention forces or donor countries in addition to international NGOs), which ultimately triggered a widespread demand for national and international actors to involve themselves in more coherent and coordinated efforts. Furthermore, the approach of a "light footprint" in supporting Afghanistan's post-2001 state-building has come under scrutiny and renewed criticism, because it has been questioned whether the right strategies and decisions had been implemented in the early years of transformation to allow the building of stable and representative institutions and participation structures within a secure environment.

An important state-building "construction site" is the parliament. Given the mandate of representing the people, this political institution serves, in ideal terms, the purposes to peacefully aggregate, channel, and balance diverse political interests and agendas through its legislative debates and commissions work as well as in its control of the government's policy and budget decisions. Ultimately, its outputs and outcomes (i.e., ratification / endorsement of regulatory laws, development / infrastructure programs, and budget expenses for public services) are linked to the issue of state and government legitimacy.

As Schneckener (ibid.: 387) emphasizes with regard to institutionalization first, "a crucial aspect for legitimacy is therefore that all relevant actors are included in these institutions for which reason this strategy is compatible with informal and formal power-sharing models and other forms of political participation, which do not mandatorily have to be consistent with democratic standards." At the same time, this elite-oriented approach remains problematic as it generates "de facto a tendency to favour those actors which primarily intend to secure their power positions and their particular interests rather than the sustainable strengthening of statehood" (ibid.: 388). As a consequence, parts of the population might perceive this brand of political actors as delegitimized, given their past and present

records and / or conflict involvement, resulting in popular political resignation, disenchantment, even resistance against state actors and institutions in addition to recourse to informal / non-state actors and institutions and reliance on parallel structures of authority and support.

Placing post-2001 Afghanistan – indices on statehood

The 2008–13 Afghan National Development Strategy, based on the Afghan Compact, covers the arenas of security, governance, rule of law, and human rights, as well as socioeconomic development, in order to achieve the 2020 aim of establishing a "stable Islamic constitutional democracy, in peace with itself and its neighbours" (Maaß 2008: 2).

Afghanistan and its governance actors find themselves in a profound and sustained crisis situation, in particular given the precarious security situation and the transversal limitations of governance actors and institutions beyond the major urban centers of the country. Most indices designed to assess the degree of statehood and governance performance – such as the Failed States Index, Country Policy and Institutional Assessments / Governance Indices of the World Bank, or the Bertelsmann Transformation Index – place Afghanistan in the top group of 47 countries with fragile or critical statehood (alongside (post-)conflict / developing countries such as Ethiopia, Burma, Burundi, Haiti, Yemen, Liberia, Somalia, and Sudan)[23] (Schneckener 2007: 362, 368).

With regard to gendered outcomes of state- and institution-building, which will be addressed below in more detail, the National Human Development Reports on Afghanistan, published in 2004 and 2007, assess a high level of gender discrimination in terms of gendered socioeconomic development and living standards. For instance, in the fields of education and income, there is a disparity in literacy rates – 12.4 percent of women compared to 32.4 percent of men – in addition to an estimated gender income disparity of $1,428 on average for men compared to $478 on average for women (AHDR 2007: 24). Despite significant increases in female political representation – from 3.7 percent in 1990 to the highest rate in all South Asia of 27.3 percent in 2006 – "[t]he number of women participating in governance does not, however, reveal their decision-making power or to what extent their voice is heard" (ibid.: 26). Furthermore, women's predominantly secondary social status manifests itself, in the

opinions expressed in the Afghan Human Development Report (2007: 26), in the high number of underage plus forced marriages (60 to 80 percent) and lack of access to basic services resulting, for instance, in high female mortality rates as well as in systemic gender-based violence:

> *Violence against women in Afghanistan is widely believed to have reached epidemic proportions. Yet, because the majority of cases remain unreported due to the severe restrictions women face in seeking justice or redress, limited evidence exists to confirm this perception. Women suffer from tremendous human rights violations (Ibid.: 26).*

Other indices assess the issue of statehood and governance performance in gender-neutral terms. The World Bank Governance Indicators (WGI) draw from aggregated data of a "number of survey institutes, think tanks, nongovernmental organizations, and international organizations" and place Afghanistan in the field of low performance. While the WGI lists, however, an increased governance score in most areas over the past years – (-2.5 to +2.5) in the field of voice and accountability from 1998 (-2.04) to 2007 (-1.17); political stability (-2.55 compared to -2.37); government effectiveness (-2.27 compared to -1.33); regulatory quality (-2.16 compared to -1.75); or control of corruption (-1.92 compared to -1.53) – a continuous deterioration in the rule of law (1998: -1.70; 2003: -1.77; 2007: -2.00) impacts heavily on the country's state- and institution-building processes and subsequent legitimacy among the populace.[24]

> *The people of Afghanistan do not appear to place the court system in high esteem. An average Afghan has a relatively higher level of trust and confidence towards local Shuras / Jirgas than towards the state judicial system. […] This underscores the Afghan people's continued confidence in traditional judicial systems rather than in modern ones (Asia Foundation 2007: 8).*

The Fund for Peace has been issuing for several years the Failed States Index, based on a set of social, economic, and political indicators – the higher the score on a scale from one to ten, the higher the fragil-

ity / failure of statehood. Political indicators include the degree of

"criminalization and / or delegitimization of the state, progressive deterioration of public services, suspension or arbitrary application of the rule of law and widespread violation of human rights, security apparatus operates as a 'state within a state,' rise of factionalized elites, intervention of other states or external political actors" and leads to a ranking of Afghanistan among the top 10 failed states (2008: Rank 7, alongside Somalia, Sudan, Iraq, and Pakistan).[25] The 2008 index defines Afghanistan's political-military arena of statehood as significantly more fragile and prone to failure than in the previous two years: 9.4 for legitimacy of the state; 8.5 for public services; 9.6 for human rights; 9.9 for the security apparatus' 9.8 for factionalized elites; and 10 for external intervention. The five core state institutions – executive leadership, military, police, judiciary, and civil service – are classified as weak or poor. This classification is based on the rise of insurgency-related violence and its impact on national and international actors as well as the population; ongoing impunity for most human rights violations; the deteriorating standard of living for the overwhelming majority of Afghans (i.e., paucity of public services, discrimination against women and minorities, high levels of insecurity); in addition to the "failure of the central government to expand its reach beyond Kabul, the continued presence of warlords in high-level posts, and rampant corruption [which] has significantly crippled the legitimacy of the leadership."[26]

In contrast to these indices, the Bertelsmann Transformation Index represents a normative approach based on transitional countries' achievements toward a market-oriented (liberal) democracy. Transition countries are evaluated with regard to different aspects of political and economic life such as rule of law, political and social integration, or representativeness (status index) in addition to the management capacity of governance actors such as efficient use of resources or consensus-building in respective transition processes (management index). It ranks countries on a scale of 1 (low) to 10 (high). Afghanistan ranked 119 out of 125 countries (value of 3.21 out of a maximum of 10) under review in the status index and 89 out of 125 (value of 4.44 out of a maximum of 10) in the management index. Its status of democracy (or rather democratization) was classified as 3.57 (rank 107) – a significant improvement to previous assessments – and the status of the market economy was given a value of 2.86 (rank 119). This classification is based on several aspects: questionable effectiveness of the presidential executive; vested powers in the

executive and legislature; weak functionality of the parliament in terms of government control; a growing Taliban insurgency; endemic corruption of constitutional powers; lack of acceptance of Afghanistan's democratic institutions "by a significant segment of the political elite and the population"; and "a stable, moderate and socially rooted" multiparty system still in the making.[27]

1.1 Achievements of and challenges to Afghanistan's state- and institution-building

> *Far from letting the Afghan people decide their own destiny, and by co-opting some of the most undesirable domestic actors, the international community's deceptively light footprint distorted the nascent political institutions and thus failed to break the cycle of conflict (International Crisis Group 2008: 4).*

In order to evaluate the achievements of and challenges to state-building, in particular of political institutions such as the parliament, it is important to understand several factors and variables:

- the historical experiences with and legacies of statehood and conflict on the nascent institutions;
- the available pool of elites to ensure functionality and effectiveness beyond the institutional facades;
- the direct or indirect influence of formal and informal actors on state institutions and elite recruitment processes (partly depending on the peace agreement and subsequent decisions taken);
- available resources to exercise tasks assigned;
- different participation patterns in addition to outcomes of state- and institution-building for different segments of the population, mediated by characteristics such as, among other things, prescribed social status (and thus access to support systems), ethnicity, gender, geographic origin, and age.

Connoisseurs of Afghanistan's political history point to a set of crucial features that exacerbate the current state-building process and range from historical legacies and societal fragmentation to current national and international decisions taken for the settlement of peace and the (re-)construction of Afghanistan's state apparatus.

A major point that has been raised is the historical legacy of a weak Afghan state with remotely developed modern governance and pub-

lic and functional structures to channel public goods to the populace, in order to establish state-society relations that link the urban center(s) with the preponderant rural periphery as well as the center with subnational levels, down to the municipal level. This deficient development of statehood ultimately results in the predominance and reliance on substate traditional societal support systems, based on tribal and clientelistic structures that have been distorted by war and drug economies in recent decades, in particular after the previous state collapse in the early 1990s. (Nixon 2008: 12; Maaß 2007: 10–2; Schetter 2006: 9, 18; Giustozzi 2003: 5) As a consequence, the recent state- and institution-building efforts are characterized by a highly constrained geographic outreach and deficient functionality of the state institutions set up – be it ministerial / bureaucratic, executive, or legislative, to name the primary outposts of state governance (cf. Hippler 2008: 6–7; Maaß 2007: 7).

> *The physical presence of the state is barely palpable in many regions of the country. In the rural regions, there are rarely state actors below the district level. Also, an understanding of statehood is not widespread among the broader population, and necessary capacities for administration and implementation within the Afghan state apparatus are lacking (Schetter 2006: 15).*

Not only is the limited geographic range of state institutions beyond urban centers problematic, but also the privatization of state authority at the subnational levels, which might foster the erosion of state-building efforts due to split loyalties of such actors (state vs. group) in addition to frequent patronage or corruption. Furthermore, only a narrow pool of qualified personnel exist for democratic state-building, which can counter the strong influence of local / regional potentates, often with backgrounds as former combatant and (potential) veto actors on democratic state-building (Hippler 2008: 6–7; Nixon 2008: 8; cf. Katzman 2008b).

At the same time, the paucity of local functional elites and resources to ensure the provision of basic public services has led to the current accentuated position of external international and non-governmental organizations. With the provision of goods and services normally supplied by the state, these organizations consequently function as if they were the state or its agencies. This is no blessing

in disguise, as it ultimately challenges governmental public policy in terms of "political-territorial" as well as "functional-sectoral" sustainable agency, legitimacy, and accountability. Associated problems are known from other international contexts, well described by keywords such as "donor dependency" or "rentier state" (Maaß 2007: 7–8; Schetter 2006: 13). This is also of relevance given the characteristics of the post-2001 political system – a presidential one – which will be dealt with in more detail below. A presidential system attributes not only powers but also specific responsibilities to the incumbent president to ensure the performance and outputs of state actors and institutions, linking those with questions of participation along with questions of legitimacy of the government as well as of the entire new political setup and its dispensation per se. The leadership style of Hamid Karzai has thus repeatedly come under scrutiny and criticism for not allowing widespread participation – for instance via political parties in parliament in order to strengthen the powers and functions of the legislature in the separation of powers – in addition to being patriarchal and patronage-based (Maaß 2007: 17–8).

> *Domestically, President Karzai has used a policy of "social fragmentation" or coercion and capital to co-opt, manipulate, or outright bribe tribal, religious, and local leaders, thereby slowly removing contenders for central power. However, this process has increasingly fed perceptions that the government is also a patronage machine more interested in accommodating illegitimate leaders than providing an alternative that is effective, meritocratic, and relatively free of corruption. Large discretionary payments to militias and supportive provincial governors are common and do not build accountability between the centre and the provinces (Nixon 2007: 24–5; cf. Nixon 2008: 9).*

The described fragmentation of power elites as well as of society is problematic insofar as it might lead to deepened social cleavages (e.g., ethnic, linguistic, sectarian, or geographic), increased incidents of correspondent partisanship, cronyism, and nepotism along with privatization of state functions (i.e., security forces), which eventually poses an obstruction to state-building processes (Spanta 2004: 116). But the picture of Afghanistan's sociopolitical fragmentation

and tribal segmentation is more complex, characterized by multiple layers and identities. As Nixon explains, qawm (an Afghan concept of societal group organization and solidarity networks) becomes a form of social capital – important, for instance, to women parliamentarians and their agency, as will be shown later – and the presence of international actors impacts on "Afghan social dynamics in the areas of governance, religion, family life, and gender relations and roles" (Nixon 2008: 8).

Other important factors for explaining the degree of and influences on Afghanistan's post-2001 state- and institution-building have been inter-/national decisions taken for the settlement of peace and the (re-)construction of Afghanistan's state apparatus. Keywords such as "Afghan ownership" or "light expatriate footprint" are contradictory in terms of perceived insufficient popular consultation and participation as well as in terms of strategies chosen, in particular the cooptation of discredited warring factions into the nascent political system and the parallel exclusion of another conflict party, the Taliban, from the following post-conflict agreements and political reconstruction proceedings. It allowed certain conflict parties to reestablish their political power and social influence (or rather dominance), for example, previously diminished clientele systems. (Maaß 2007: 10–3; Schetter 2006: 12f)

> *In essence, […] the process has affirmed the position of key power-holders on both the national and local levels. Although the international community has successfully been able to pressure those with money and guns to abide by the rules through the leverages of international aid, support and recognition, democracy has fortified their position to such an extent that the democratic processes have become prone to manipulation (AHDR 2004: 127; cf. ICG 2008: 4).*

While the Karzai Administration tried to bring former Taliban members into the new political setup from 2003 onwards, the political integration of former combatants and perpetrators of human rights abuses alienated significant parts of the population from the new political system and resulted in a severe challenge for the quality and stability of (demilitarized) political institutions (i.e., violence-free dispute resolution and agenda-setting) (Schetter 2006: 12; Ruttig 2008: 5).

> *Is it allowable for prominent Taliban like Haji Abdul Salam Rocketi, Haji Mohammad Omar, and Al Haj Mullah Tarakhail, to be elected to the Afghan parliament? Such personalities and their political inclusion are by no means the exception in Afghanistan, rather they embody the rule (Schetter 2006: 12f).*

While the initial motivation might have been the need to have important power proponents and resources at hand in order to rebuild the country and establish a new state and security apparatus, it has become clear that this strategy largely failed. While it is questionable as to whether such actors could have been integrated and transformed into proponents of a democratic state and could have converged in a positive way their agendas with those of the pro-Bonn Roadmap group, the realities on the ground speak for themselves: the need for a demilitarization of political structures and the political economy. Due to the privatization and fragmentation of security and justice, alternative centers of power originated in the hands of former warring factions, which pose a constant threat to or contradict a legitimate central power / authority as well as a cross-country outreach and functionality of post-2001 state institutions (Ruttig 2008: 6, 13; Giustozzi 2004: 3; Spanta 2004: 110).

Gender dimension of Afghanistan's state- and institution-building

> *The women are now enjoying some good facilities in Afghanistan and are having a different experience in the public life since the hard-line Taliban were ejected. Despite harassing problems remaining on the way to develop afghan [sic] women's affairs in public, there have been remarkable improvements (Gulzari 2008).*

The effects of state-building measures and processes manifest themselves in highly gendered expressions, as can be seen in the case of Afghanistan in terms of avenues for inclusion and participation of women in central state institutions such as the government and the parliament, access of women to state institutions (e.g., ministries, government agencies) to influence decision- and policymaking, and to benefit from public services as well as outcomes of legislative initiatives regulating public and private life, such as family law or de-

velopment programs. At the same time, one has to be reminded of Afghanistan's history as a "prototypical 'weak state'" and thus its limited management and implementation capacity of the renascent Afghan state institutions (not only) in the field of social relations, gender hierarchies, and discrimination (Moghadam 2004: 452).

> *Attempting to read off gender relations from state policies and legal frameworks remains a limited exercise in contexts where central governance apparatuses have restricted reach and the vast majority of women have little contact with state, markets, and civil society organizations. Women's life options are primarily conditioned by the fortunes of the communities and households in which their livelihoods and everyday lives are embedded (Kandiyoti 2008: 160).*

The peace and power-sharing Bonn Agreement "endorsed the establishment of a broad-based, gender sensitive, multi-ethnic and fully representative government," but the realization of a gender-equitable state is dependent on an overall multidimensional transition process, encompassing a security, political, as well as socioeconomic transition from conflict to peace (Kandiyoti 2008: 165–66).

One of the major steps of peace consolidation and post-conflict state-building is the negotiation of a new social contract, usually in the form of a constitution, through elected or appointed bodies such as constitutional assemblies or founding parliaments – and in the case of Afghanistan, the Constitutional Loya Jirga (CLJ) and its committees. The initial Constitutional Drafting Commission had two female members out of nine, while the CLJ had a female representation of nearly 20 percent (100 out of 502) due to a quota provision and an internationally recommended quorum of female presidential appointments (Oates and Helal 2004: 11, 26). Parallel to the working of the Constitutional Drafting Commission, a 20-member Gender and Law Working Group (GLWG) "was convened by the State Minister for Women and the Minister for Women's Affairs" in 2002 to gender-sensitize the document (Kandiyoti 2008: 179). The GLWG members originated from various governmental and nongovernmental, national, and international bodies such as Afghanistan's Independent Human Rights Commission, NGOs, the judicial system and law faculties (Kandiyoti 2008: 179; Oates and Helal 2004: 20). By the end of 2003, the group was able to introduce women-friendly

amendments to the draft version of the constitution through its recommendations: Article 22 – equality of men and women; Article 83 – reserved seats provision of two female representatives per province for the Lower House (instead of one); Article 7 – due diligence with international conventions and treaties signed (Kandiyoti 2008: 179; cf. on CLJ gains made by women delegates and suggested changes / amendments, Oates and Helal 2004: 31–2, 74–81).

> *The involvement and endorsement of the Minister for Women's Affairs, as well as the State Minister for Women's Affairs, helped to make this a prominent document among CLJ delegates and Commission members. Closer to the CLJ, a broadly representative coalition of civil society groups compiled a list of more than 60 women, with 25 individuals prioritized, based on their progressive agenda for women's rights. The list was presented to President Karzai, who selected only three women from this list out of the 50 delegates the president appoints to the CLJ (Oates and Helal 2004: 20).*

The following 35-member Constitutional Review Commission commenced its work in 2003 and included seven female members, among them several future parliamentarians, for example Parween Mumand, Shukria Barakzai, and Sidiqa Balkhi (Rashid 2008: 332). This commission conducted a number of public consultations on a countrywide level among refugee populations in Iran and Pakistan in addition to a survey. Its work has been criticized as lacking genuine popular participation, in particular that of women and rural dwellers, and civic education campaigns for ordinary Afghans. Despite efforts of civil society organizations to reach the rural and female segments of society, consultation meetings and workshops only had a female audience of 19 percent (ADHR 2004: 127–28; Oates and Helal 2004: 13, 15, 18). This limited outreach was confirmed in a 2002–03 survey conducted in several provinces, administered by Tufts University in the United States.

> *The majority of rural Afghans in Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces had no knowledge of the constitutional process. Rural women were four times less likely to be aware of it than rural men. After learning about the new Constitution from the Tufts team, rural women primarily*

> *stressed the importance of education for boys and girls, health care and equal rights for men and women, boys and girls. Rural men primarily stressed the need for a reinforcement of Sharia law and economic opportunities (AHDR 2004: 50).*

The Constitutional Loya Jirga represented a mixed experience for women delegates and proponents of a gender equality-oriented constitution. Although the female representation in this body is significantly high (cf. Rashid 2008: 212), many female delegates belonged to gender-conservative factions and the overall climate for deliberations was detrimental for (progressive) women to organize and effectively influence the outcomes in the various committees. Reports include physical, verbal, and psychological abuse (and threats of such), harassment and exclusion from proceedings in the male-headed committees of proponents of women's rights – the most famous incident being the speech of Malalai Joya and the aggressive response from male members of the Constitutional Loya Jirga (Oates and Helal 2004: 29–31).

> *A majority of the female delegates at the CLJ were affiliated with violent, conservative factions and voted in line with their demands, dividing women in accordance with ethnic, religious and factional identities, rather than their shared identity as women. Intimidation tactics employed by these women representatives were alleged by some women candidates, for example, accusing one woman of theft or alleging to another's husband that his wife (a delegate) had committed adultery. […] Further, those women delegates attempting to push for articles in favour of women's rights were prevented from coordinating with other women and making effective joint efforts, because they risked serious danger should they talk to the wrong women at the CLJ. Thus, women worked individually, isolated from each other and restricted in the impact they could make. Many of the women who experienced such intimidation were unwilling to report incidents to UNAMA's complaints registry (Oates and Helal 2004: 28).*

Other observers challenge this perception of non-cooperation and divisions among female delegates and emphasize that Afghan women practiced for the first time in history successfully their uni-

ty as the outcome of article 22 exemplifies.[28] Key provisions for gender equality, such as the abovementioned from the Gender and Law Working Group, were included in the 2004 Afghan constitution, creating – at least formally – important benchmarks for women's rights and participation in social, political, and economic life, followed by further policy documents and strategies to gender the post-2001 state- and institution-building along with the societal development process.

The major policy documents for women's advancement and gender equality are the Afghan National Development Strategy (ANDS) and the related National Action Plan for the Women of Afghanistan (NAPWA), an outcome of the Beijing-Plus-Ten process, recently signed by the president in March 2009, although its adoption was previously announced for December 2005.[29] (Cf. Larson 2008: 18) Both documents "considerably emphasise gender as a cross-cutting issue. In spite of this, technical factors currently limit the efficacy of existing mechanisms (such as gender units, women's shuras and working groups) within ministries" (ibid.: viii). As a 10-year roadmap for the gender mainstreaming of Afghanistan's state institutions, NAPWA is linked to Afghanistan's constitution, the ANDS, the Afghan Compact, as well as to Afghanistan's commitments under the United Nations Millennium Development Goals in the areas of "security; legal protection and human rights; leadership and political participation; economy, work and poverty; health; education."[30] Spearheaded by MOWA through inter-ministerial working groups and subnational review processes, NAPWA is supposed to be implemented by 2010 in order to

> *ensure continuity and consistency in government efforts to protect women's citizenship rights in Afghan society through equality and empowerment. Its vision is to build a peaceful and progressive Afghanistan where women and men both enjoy security, equal rights and opportunities in all aspects of life.*[31]

In the following, it remains to be seen what has been achieved so far for incorporating and implementing gender-equality concerns, as enshrined in the 2004 constitution, in Afghanistan's formal state- and institution-building process and if this process was conducted in a gender-sensitive and gender-balanced way – in particular with regard

to political institutions and women's political representation and participation. This process has also to be regarded in its specific post-2001 timeline, as women had already entered public institutions (government, parliament, universities) in the 1950s. By the 1980s, women represented more than two-thirds of teachers, half of government workers, 40 percent of medical doctors, and were represented in political bodies and organizations (AHDR 2004: 78; Moghadam 2004: 456).

In 2007, Afghanistan recovered, to a certain extent, from the misogynist regimes of the 1990s when it comes to political representation: 27 percent of women hold political mandates at the national level (parliament), 28 percent at the provincial level, and 24 percent at the municipal level (community development councils, CDCs). In addition, nearly 26 percent of civil servants are women and "the government announced a strategy to give nearly one-third of state jobs to women by 2012". (Gulzari 2008; UNIFEM 2007) The 2004–06 government included three women ministers – Ministry of Women's Affairs, Ministry for Martyrs and Disabled, Ministry of Youth – while the recent government has only one female member: the Minister of Women's Affairs Dr. Husn Banu Ghazanfar (cf. Katzman 2008c: 17). In February 2008, the National Need Party was officially launched by Afghan woman parliamentarian Fatima Nazari. The party's agenda particularly committed itself to the promotion of women's rights and women's participation in public life. According to Nazari, 55 percent of its members and three out of four party leaders (from Bamiyan, Helmand, and Kabul) are women. In the upcoming parliamentary elections, the party aims to support those candidates with a designated commitment to women's and human rights and to put up candidates in at least 13 provinces, with international support in even more.[32] One of Afghanistan's 34 provinces is headed by a woman, Habiba Sarabi, who actively encourages women's participation in various public functions – as police officers or CDC members (Gall 2008). Although there existed some kinds of institutional precursors, the Ministry of Women's Affairs was a novelty in the country's government institutions in its functionality as a national machinery for women, for example, gender mainstreaming, advancement of women's rights, research and monitoring of women's situation, with offices in all of the country's provinces (Riphenberg 2003: 190–91; cf. on precursors Larson 2008: 19).

At the same time, women's representation and participation in key state institutions is not equally distributed and even faces setbacks, given the paucity of women candidates for Provincial Council Seats (three were thus given to men) and in the judiciary (4.2% women judges, 6.4% women prosecutors) along with the fact that in "17 out of the 36 Ministries there are less than 10% female employees" (UNIFEM 2007).[33] In addition, figures of political representation do not give a clear picture of the actual degree and status of women's participation in such positions of political decision-making. Some evidence collected from civil society actors suggests that "women elected by the quota system are not viewed as equally legitimate parliamentarians" (Katzman 2008c: 17). Women's inroads into local politics appear to have also been marred by constraints, seeing that many community development councils are either gender-segregated or impede women from participating in gender-mixed councils.

> *Findings indicate that few concessions were made, in practice, to modifying existing age, status, and gender hierarchies. In some districts the apparently high numbers of female members in CDCs did not reflect actual participation in joint decision making with regards to project proposals and prioritization. Elected female members were often marginalized and not invited to participate in CDC meetings by the men in case of mixed committees (Kandiyoti 2008: 172).*

This might be caused by the perception of women's allegedly missing knowledge in decision-making. Having said that, this assessment, nevertheless, varies along regional, educational, and ethnic cleavages in addition to the "degrees of exposure to the outside world through experiences of displacement, and membership in different ethnic and confessional groups" (ibid.: 172–73; Wakefield 2004).

Apart from this, the national machinery for gender equality, MOWA, has so far only developed a limited policymaking capacity and pressure function within the government system – partly due to its reliance on international staff and their expertise, partly due to a lack of sufficient capacity-building of local staff, but also due to its mandate (Katzman 2008c: 17; Larson 2008: 20). Hence one of its key offices, the National Gender Machinery Secretariat, established in 2007, does not fully execute its task of inter-ministerial and governmental lobbying and networking for the effective and efficient pro-

motion of gender mainstreaming with the "various gender units, women's shuras, Female Staff Representatives and other such ministerial mechanisms across all ministries" (Larson 2008: 20).

> *In Afghanistan however the status of MOWA as a ministry has been significantly contested, most notably in Parliament where its continued existence has been debated on several occasions. Part of the problem is the issue of what MOWA is designed to do. From its inception it was designated a policymaker ministry, mandated to assist other ministries to mainstream gender issues, and as such was freed of the responsibility of programme implementation or service provision. It is seen as an inactive and incapable ministry which is not achieving any tangible gains in improving women's situation in the country (Ibid.: 19).*

International Women's Day 2008 brought about some additional reflections and assessments on inroads made (cf. Alimyaar 2008; Daily Outlook Afghanistan 2008a and 2008b; Gulzari 2008). Opinions and criticism rallied around the issues of a requisite shift of men's "patriarchal and discriminatory" attitudes toward women, enduring discriminatory communal practices and traditions, such as underage girls being forced to marry, along with a 40-percent increase of reported cases of violence against and abuse of women since 2007, which is attributed to systemic criminal impunity, weak law enforcement, as well as poverty (Alimyaar 2008; Daily Outlook Afghanistan 2008a: 4; Kabul Weekly 2008a). President Karzai emphasized in his March 8 statement the need to stop such forced marriages and to ensure women's access to education despite familial prohibitions or threats deriving from the insurgency (Kabul Weekly 2008).

Security and insurgency

The renowned Heidelberg Institute for International Conflict Research published its seventeenth annual analysis of inter- and intrastate violence worldwide in November 2008. It defines conflicts as "the clashing of interests (positional differences) over national values of some duration and magnitude between at least two parties (organized groups, states, groups of states, organizations) that are determined to pursue their interests and achieve their goals" (HIICR 2008). This can include conflicts over autonomy, territory, regional pre-

dominance, resources, or – as in the case of Afghanistan – over a country's political setup and sociopolitical ideology (ibid.).

According to the Conflict Barometer 2008, the highly violent conflict in Afghanistan has been classified as a war since 2006 and represents "the conflict with the highest number of casualties in the region" (Ibid.: 70). As a conflict evolving around issues of system / ideology as well as national power, it falls under the two most common types of conflict in the region of the Middle East and Maghreb (15 / 27 out of 47 cases) with the highest rated intensity grade of "5" (war), that is, "in which violent force is used with a certain continuity in an organized and systematic way" (ibid.). In 2008, the conflict between the Taliban[34] / Hezb-e-Islami and the government, supported by international forces, has caused the highest number of casualties among military forces as well as the population since 2001 through incidents of direct combat, suicide attacks, and air strikes (ibid.: 71–2). According to reports by media and international organizations, the number of attacks (e.g., bombings, kidnappings) doubled in 2008 and can be considered as a continued increase of violence over the last years as the country experienced a rise in violence of 20 to 30 percent in 2007 (Oxfam 2008: 16; TAZ 2008/09). Furthermore, insurgents were able to substantially broaden their outreach, constituting a threat and engaging violently with (inter-)national forces and the population even in provinces such as Wardak, Ghazni, and Logar, which border the country's capital, Kabul – the central site of government, parliament, and ministries.

> *In several provinces close to Kabul, the government's presence is vanishing or already nonexistent, residents say. In its place, a more effective – and brutal – Taliban shadow government is spreading and winning local support. […] In areas under their control, the Taliban has set up their own government, complete with police chiefs, judges, and even education committees. An Islamic scholar heads the judicial committee of each district under Taliban control and usually appoints two judges to try cases using a strict interpretation of Sharia law, according to locals and Taliban members (Gopal 2008b).*

Some analysts do not regard the inroads made by insurgents to be a recent phenomenon.

> *It appears that the Taliban established some sort of subnational administration as early as 2003. […] A key aspect of the Taliban's efforts to establish a sort of shadow government in their strongholds was the attempt to project an image of authority stronger than Kabul's (Giustozzi 2008: 111–12).*

The level of civilian casualties has been a major point of concern and critique of the government and parliament in public statements and legislative debates. A specific feature of insurgent violence is the symbolic aggression against women in public offices. Women's increased representation and participation in public spheres – as parliamentarians, government officials, policewomen – stands in stark contrast to women's positions and public engagement in the previous two regimes and make "women a target of Taliban attacks" (Katzman 2008c: 17). Those who assault women with public standing deliberately rely on their high symbolism, and it results in widespread concerns and fears among various strata of women.

> *Women's rights groups have, however, repeatedly complained that they have received little protection from either the government or Western forces as they have been subjected to a systematic campaign of intimidation and terror from Muslim hardliners (The Independent 2008).*

Female public engagement has become a highly dangerous endeavor and the violent fate met by previous role models augmented the barriers to be crossed by other women. Among those role models deliberately killed were, to name only a few, policewomen such as Bibi Hoor and Malalai Kakar, who headed a women police unit for domestic violence cases; women activist and governmental welfare officer Safi Amajan, who dedicated her work to women's education and income-generation in Kandahar; along with journalist and TV moderator Shaima Rezayee. They were denied previously requested governmental / police protection such as special vehicles or bodyguards (cf. Gall 2008; The Independent 2008; Sengupta 2008a; Sengupta 2006). Women parliamentarians also face threats, as mentioned earlier, and some had to deal with kidnappings of close relatives by the Taliban (cf. Yousafzai and Moreau 2008). In a discussion with a group of women parliamentarians in March 2008, several saw the

security situation as highly critical for women, especially for women as the more vulnerable and suffering part of society. Several women MPs linked the question of insecurity with the lack of employment opportunities for men and women as well as with the issue of economic empowerment for the majority of women.[35]

In many parts of the country, high levels of insecurity, a continuously limited outreach to communities, along with a severely constrained space of agency for government officials and parliamentarians alike obstruct efforts of state- and institution-building and hinder the establishment of participatory and sustainable state-society relations. At the same time, it stirs calls for a "strong central government that can provide security (...) and offer needed services to war-devastated communities." (Jalali 2007: 44) That is, the population wants to see an effective government and parliament in terms of policymaking and territorial outreach in the rural areas, where most of the Afghan population resides (ibid.).

> *Security at the personal level is critical and among the fundamental determinants of nation-state effectiveness. So far, personal security throughout the proto-nation remains a rhetorical aspiration. Consequently, nearly every other item on the state-building agenda will continue to be held hostage to security weaknesses and failures (Rotberg 2007: 3-4).*

Security – that is, a violence-free, non-coercive environment – is one of the primary preconditions for the holding of free and fair presidential and parliamentary elections in 2009 and 2010. It is thus questionable if Afghanistan will be able to hold transparent and legitimate elections when parts of the population might not be able to exercise their voting rights freely, candidates might be unable to freely campaign and interact with constituents, or when (inter-)national election observers might be unable to monitor elections in different parts of the country to increase the validity and legitimacy of the election process and outcome (cf. Maaß 2008: 1–2).

Looking back at the previous parliamentary elections, it becomes evident that the deteriorated security situation can affect women in more profound ways, leading to partial or complete electoral disenfranchisement, and can particularly increase the hurdles for their electoral chances and their public engagement in general, which remains a highly contested issue in Afghan society and is one of the

foci of insurgent tactics. "Guns, goons, gold, and patriarchy" would probably be a catch-all slogan for women candidates' experiences under the first SNTV parliamentary elections. As subaltern actors, many of those women tried to champion powerbrokers who owned networks and the means of exercising power for decades and who had access to economic, human, and social capital, gained by legal and illegal means. Women faced a status disadvantage in an extremely gendered election environment that required highly visible, individualized, province-wide campaigning and was characterized by the absence of a functioning party system or backing by political parties; a highly insecure, misogynist climate; and a predominantly illiterate electorate uninformed of basic political procedures.[36] An overall deterioration in the security environment – as evidenced in the facts presented here – is currently diametrically opposed to an electoral campaign demanding high visibility and cross-gender interaction. It might deter women from re-contesting or from considering themselves as electoral aspirants.

In the previous parliamentary elections, women faced difficulties in accessing insecure and badly connected rural areas, posing serious challenges to their genuine participation in legislative politics vis-à-vis a predominantly rural electorate.[37] Many women candidates felt they did not have access to government assistance and security protection by police and guards because the latter are often heavily influenced by political rivals and warlords (HRW 2005: 26f), irrespective of the call from the then Minister for Women Affairs "on the president, governors, and security officials to provide protection for women candidates" (Esfandiari 2005b). Women candidates received threats by Islamic militant groups, local powerbrokers, and ordinary people who rebuff any kind of public involvement and political agency by women or perceive them as political rivals (Esfandiari 2005b; Jalalzai et al. 2005).[38]

Like the prominent cases of armed attack against Safiya Sidiqi, Shaheeda Hossein, Zohra Sahel, or former news presenter Hawa Alam highlight, many of the 328 women candidates were subjected to death threats by gunmen, beaten up, shot at, or had their property set on fire in various countrywide incidents (Amnesty International 2005; Baldauf 2005; Esfandiari 2005b; Irin News 2005; Jalalzai and Synovitz 2005).[39] This scenario might repeat itself in the upcoming 2009 and 2010 elections, thereby challenging any assumption of general free and fair elections and heavily impacting on the elec-

toral chances of women candidates as well as on the kind of women candidates running, as protection and support by males might once again become of paramount importance. (For a detailed analysis, see Fleschenberg 2008)

With regard to the overall environment for establishing a fully operational parliament in which women parliamentarians are able to exercise and enjoy the full extent of their mandate, some analysts point to the security-development nexus and identify a connection between increasing levels of insecurity and territorial influence of insurgents with inadequate state- and institution-building along with poor governmental institutional performance and outreach as well as popular disenchantment.

> *But even more, the current intensification of the insurgency has been increasingly attributed to lack of reconstruction and development, effectively reversing the conventional wisdom that security is the basis for development, and replacing it with the tenuous assumption that "development" will bring security (Nixon 2007: 13).*

The increased threat from insurgents for the central government and the population can therefore be seen as a mixture of conflict over ideology and national power, but also a consequence of problems in state- and institution-building exploited by insurgents (Fisk 2008; Gopal 2008b; Jalali 2007: 42). Giustozzi argues in his study *Koran, Kalashnikov, and Laptop* that the weakness of the central state and its subnational administrative structures (e.g., lack of provision of basic services, insecurity), and widespread corruption charges in conjunction with societal fragmentation (e.g., non-mobilization of elders as informal, decentralized support system) have led to the unpopularity and delegitimization of the government, which could consequently be utilized by insurgent forces (Giustozzi 2008: 8, 16, 19, 50, 70).

> *Like elsewhere, Karzai's cronies were antagonising many communities throwing them into the arms of the Taliban. The insurgents did not have to do much, except approach the victims of pro-Karzai strongmen and promise them protection and support. Attempts by local elders to seek protection in Kabul routinely ended nowhere as the wrongdoers enjoyed either direct US support or Karzai's sympathy (ibid.: 60).*

Furthermore, the Taliban's success among the Pashtun youth is the result of a variety of factors, ranging from the tribal system as a social network in crisis; an "alienated youth" due to long years of exile and Pakistani-based *madrassa* education; foreign military operations with high civilian casualties that undermine the authority of local authorities and elders in order to provide law and order; to the emergence of the clergy as a recent powerful agent in a context of social fragmentation and weakened tribal structures (ibid.: 39–40, 44, 71).[40]

President Karzai reached out to the Taliban (as early or as late as) in 2003 via the Takhim-e-Solh (Strengthening Peace Program) and a commission headed by former president and religious scholar Sibaghatullah Mojadeddi, offering amnesty for those who refrained from violence and who were not responsible for major war crimes. Several commanders crossed to the government side and even contested parliamentary elections in 2005, as outlined earlier (Karzai 2007: 75). However, the insurgency has grown in recent years and government offers for holding talks with Taliban representatives in 2007 and 2008 were publicly rejected by the latter, despite reports of talks with Afghan government officials hosted by Saudi Arabia and the United Arab Emirates. An end to the violence through a negotiated settlement is supported by a number of Afghans and civil society groups such as the National Peace Jirga of Afghanistan and human rights or women's groups (Gopal 2008). At the same time, it remains questionable if negotiations and reconciliation efforts can prove fruitful if one side of the table objects to the current political setup and gender dispensation. Women's current public engagement and political participation might be challenged in such a process and become, once again, a political bargaining chip in the context of political power deals as – at least on one side of the table – proponents of a misogynist political regime enter the negotiations.

1.2 Achievements of and challenges to Afghanistan's political system and its legislative functionality

The design of post-conflict state institutions has to accommodate important questions of formal and actual distribution of power at various levels of the (newly) established political institutions and among different political actors within these, above all between central and subnational government structures, the different columns

of power (judiciary, legislative, executive) and, in terms of state-civil society relations, with regard to "limitations of government authority" (Almond et al. 2000: 107).

As has been previously discussed, major concerns for post-conflict governments and societies are the provision of basic services through effective policymaking and policy-implementation. Public policy – that is, the provisions of goods and services such as healthcare, school service, monetary support for widows or the disabled – can take different forms in order to achieve outcomes of domestic welfare and security:

- extraction of resources (e.g., services, taxation);
- distribution (e.g., money, services);
- regulation of human behavior;
- symbolic policies (e.g., speeches, monuments, rituals "to exhort citizens to desired forms of conduct, often to build a sense of community") (ibid.: 131–48).

Apart from important societal actors, such as political parties or lobby groups responsible for interest aggregation and input to the government system, the major policymakers are the government itself, the parliament, and its commissions (depending on the policy area under review), as well as "the higher levels of bureaucracy" (ibid.: 113). While the government often exercises the central function of initiating legislative and policy measures, the parliament should ideally serve and function as an important mirror of different citizens' interests vis-à-vis the government, accommodating social cleavages (e.g., ethnicity, gender, class) of heterogeneous societies and / or different social groups, instead of serving its own interests or those of a given elite due to its "upper class, gender and age bias in most contemporary states" (ibid.: 118, 120, 125–6). Parliaments not only control the government in its budgeting and expenditures or discuss and approve legislative and policy initiatives in all policy areas – from foreign and social to economic affairs. It also plays a decisive role in selecting cabinet members (often by approval), in elite recruitment for different public offices, along with interest articulation and aggregation – "especially if there is no cohesive majority party," as in the case of Afghanistan (ibid.: 114). Depending on the political regime and historical legacies, parliaments can function as strong agents of people's diverse interests, or rather as a rubber stamp for an authoritarian regime without major powers to control the executive or discuss and serve constituents through public policy.

> *For hundreds of years, an Afghan legislative body has been either non-existent or symbolic in even the most open and forward-looking regimes. Instead, legislative authority was controlled primarily by decree through the incumbent king, prime minister, or president. With every conqueror came a new set of legal rules and changes to the form of the quasi-legislature. Although Afghanistan's history dates back thousands of years, its formal legal institutions are less than 150 years old and were never allowed to mature. What has been consistent is the struggle to find a balance between positive law and the various schools of Islamic law (AHDR 2007: 84–5).*[41]

Post-2001, the Islamic Republic of Afghanistan has been organized as a presidential system with a bicameral parliament. The executive is headed by a directly elected president as head of state and government. She or he can hold office for 10 years, or two terms, and is also commander in chief of the armed forces. The constitution codifies a strong presidential system, as presidential competences range from heading the army, appointing key political positions (cabinet, Supreme Court, governors, provincial police chiefs, district administrators), and setting up fact-finding commissions in case of political controversies and malfeasances. The president is supported by the Office for Administrative Affairs for political and legislative decision-making, comprising of a staff of 40 advisers and increased competences vis-à-vis subnational administrative structures since 2006. Two vice presidents are directly elected alongside with the president for a five years term. The legislature's maximum of 250 seats in the Lower House (Wolesi Jirga) are directly elected for five years, while the Upper House (Meshrano Jirga) consists of representatives of provincial and district councils as well as presidential appointees. The National Assembly started its work on December 19, 2005. In the first year of parliamentary sessions, the legislative output was rather negligible, with only two bills decided upon. It took until the year 2007 for the first private member bill to emerge from the floor of the Lower House; its content – an Amnesty Bill for past human rights violations – clearly reflects the dominant forces within the Assembly (see discussion below). (Ruttig 2008: 24; AHDR 2004: 85–6, 130; BBC News 2008c)[42]

> *The 2004 Constitution identifies the National Assembly "as the highest legislative organ and is the manifestation of the will of its people and represents the whole nation." The wolesi jirga [sic] is specifically tasked to "review as well as investigate the actions of the Government", giving it a primary accountability function. Since its inauguration, the National Assembly has faced the colossal task of reviewing 433 Presidential decrees and pieces of legislation that the Transitional and Interim Authorities of Afghanistan had passed since the end of the Taliban era. The new National Assembly has also had to review and approve all members of the Cabinet of Ministers, the nine judges on the Supreme Court, and all new pieces of legislation drafted by the Ministry of Justice (AHDR 2007: 85).*

For both houses, reserved seat reservations apply for women and the Kuchi minority (see above for details). The Wolesi Jirga currently disposes of 18 standing commissions with 10 to 15 members each and the Meshrano Jirga of 16 commissions for "reviewing draft bills pertaining to the committee's specific area of competence, proposing amendments to draft bills, and preparing and presenting reports and references about the bill to the full National Assembly" (ibid.: 86; UNIFEM Toolkit 3: 17, 20). Parliamentarians from both houses can rely on organizational support of a staff of 275, which started working a year before parliamentarians took office after training from the United Nations Development Programme (UNDP) and the State University of New York. Each parliamentary commission is aided by at least two staff members. In addition, parliamentarians can rely on "a small research group and library" (Katzman 2008: 4). Parliament is in session for nine months per year, divided into two sessions of four-and-a-half months (UNIFEM Toolkit 3: 9).

The political system is thus, at a first glimpse, characterized by a "strong presidency and a two-chamber National Assembly with extensive powers of inquiry, which cannot be dissolved by the President" (AHDR 2004: 130; cf. BBC News 2008c).

Table: Political system of Afghanistan post-2001 (AHDR 2004: 130, 133)

	President	
Judicial Branch	Executive Branch	Legislative Branch
– Supreme Court (members appointed by president, approved by Wolesi Jirga) – High Court (Appeal Courts), primary courts (judges recommended by Supreme Court, appointed by president)	– Cabinet (chaired by president, ministers) – Central administration – 2 constitutional agencies – 30 ministries – Central agencies and independent bodies – Local administrative units (e.g., provinces / districts)	– Meshrano Jirga (two-thirds elected from provincial and district councils, one-third appointed by president with 50% female appointees requirement) – Wolesi Jirga (all directly elected, reserved seats for women and Kuchis apply)

According to the 2004 constitution, both houses of the National Assembly have equal legislative powers even though the Wolesi Jirga has the final word in case of disagreement over development programs or budget matters. Both are entitled to ratify, amend, and abrogate laws and decrees, which only become effective after a presidential endorsement (UNIFEM Toolkit 3: 3–4). There are three sources of law in Afghanistan's post-2001 legislative system: the 2004 constitution, Islamic Sharia law, in addition to ratified international law enactments such as human rights conventions or treaties (Ibid.: 6). Furthermore, lawmakers can issue different types of law according to the constitution: (a) parliamentary acts, that is, government-sponsored or private member bills; (b) legislative decrees drafted and endorsed by the government in extraordinary circumstances, which have to be submitted within 30 days to the parliament for approval; (c) regulations issued by government agencies to further define a specific law content or rules of procedure issued for the internal regulation of specific political institutions or government agencies. Only the government can initiate legislation on budgetary issues. (Ibid.: 7, 4)

> *When ten members of either house of Parliament introduce a Private Members Bill they must submit it to the speaker of the House, accompanied by an explanatory statement. If a government bill is being brought forward, the Minister to whom the bill relates may introduce it alongside the State Minister for Parliamentary Affairs. At the stage of introduction and tabling of a bill there is no debate, the bill is simply referred by the speaker to the relevant commission. After their*

> *introduction Government Bills are placed on the agenda of the Wolesi Jirga plenary session first. Private Member Bills will first be considered by the house in which they originated (Ibid.: 13).*

While the Constitution and the Rules of Procedure of the National Assembly codify the executive as primary legislative initiator, no law can be enacted without its submission to and approval by parliament. All government-sponsored bills undergo the process of prior review by the General Department for Law Making and Academic Legal Research Affairs (Taqnin) and necessitate the signature of the respective minister responsible for this area of jurisdiction. (Ibid.: 4)

> *[O]nce a Bill has been sent to a Commission it must be approved within 20 days. […] Once the Main Commission has considered the Bill they will nominate a reporter who sends notification to all other commissions and Parliamentary Groups of the Main Commissions work on the Bill, this must be accompanied by a specified time frame in which the other commissions may carry out further work on the Bill. The Main Commission, all other commissions and [p]arliamentary groups may make amendments, additions and modifications to the Bill during their work (ibid.: 14–5).*

The commission's chairperson will refer the draft bill for discussion in the parliamentary plenary in both houses. If the bill is not endorsed by both houses, a joint commission is established to find a compromise. Nevertheless, the Wolesi Jirga has the option to bypass the Meshrano Jirga if no consensus was reached by sending the law for presidential approval if a two-thirds majority of the Lower House voted in favor of the bill. The president can simply sign or submit comments to the Wolesi Jirga on any bill presented – as Karzai has done, for example, in the case of the Amnesty Bill in order to include paragraphs related to the rights of victims of past human rights abuses. (Ibid.: 14–5)

A parliament "in the making" – inroads made?

Afghan parliamentarians are currently in the second half of their mandate, having deliberated and approved a number of government-sponsored bills, decrees, national budgets, and having discussed current affairs. As mentioned earlier, the Afghan parliament – pre-

dominantly the Lower House – is regarded as a fragmented legislature composed of "independents" and few organized parliamentary groups, and therefore marked by a paucity of collectively organized political programs and strategies to follow. This lack of organizational strength (or factional discipline) is one major point of critique with regard to legislative functionality and viability, in particular for effective control of government policies and decision-making. Furthermore, largely absent or dysfunctional political parties and / or parliamentary groups lead to an increase of (informal) caucusing and coalition-building based on factors such as ethnicity, rather than on broad-based interest aggregation and agenda-setting, which accommodates cross sections of societal interests and social groups. (Cf. Ruttig 2008: 28–9; Maaß 2006)

> *The 2005 parliamentary elections, held on a non[-]party basis, led to the emergence of a politically fragmented legislature. […] However, the absence of organized political blocs makes the parliament a wild card with a potential either to strengthen or weaken the political process in Afghanistan. […] The absence of strong political parties and the prevalence of shifting political alliances foster the survival of patronage networks based on personal-client relationships. Government wheeling and dealing with such a system hinders the development of state institutions and impedes the emergence of a viable and service-oriented administration. The absence of a ruling party tends to make the president act as a "supreme khan." Much depends on the nature of emerging political caucuses and the effectiveness of mechanisms in place to enhance understanding and cooperation between the executive and legislative branches (Jalali 2007: 45–6).*

The parliament can be roughly classified into three blocks:

- a divided pro-government bloc with shifting voting strength of approximately a hundred-plus MPs and which is composed of conservatives (e.g., former mujahideen) as well as of progressive MPs (e.g., Third Line parliamentary group members), who support the government but not each other;
- a quite organized opposition bloc of approximately 80-plus MPs and a stable vote bloc, although they do not team up in joint parliamentary groups;

– a diverse bloc of independents with approximately 50 to 60 MPs and shifting voting patterns, that is, pro-government or pro-opposition depending on interests and issues involved and thus constituting an important legislative vote bank.

In addition, several Afghan observers emphasized the intra-parliamentary ethno-linguistic cleavages as being decisive for coalition-building and interaction patterns in the Wolesi Jirga primarily.[43]

At the same time, political parties and parliamentary groups have not really been absent from Afghanistan's electoral politics and parliamentary proceedings. Most attention has been given to the establishment of the National Front in 2007, which represents the biggest organizational bloc within parliament, albeit a highly disparate one, as well as the biggest opposition puissance vis-à-vis President Karzai's administration.

> *In April 2007, Qanooni and Northern Alliance political leader Rabbani organized this opposition block, along with ex-Communists and some royal-family members, into a party called the "National Front" that wants increased parliamentary powers and direct elections for the provincial governors (Katzman 2008c: 9–10).*

Alongside informal caucuses / coalitions, four parliamentary groups are currently to be found in the Wolesi Jirga, of which three are close to the National Front and the speaker of the Wolesi Jirga, Qanooni, and one to President Karzai (Afghan Parliamentary Group with approximately 43 members).[44] The first three groups represent rather fragile coalitions of lawmakers, given the membership from across highly contentious sociopolitical divides (i.e., in terms of ideological, ethnic, or religious-political alignment) and the fact that none commands a sufficient number of members to ensure stable majorities instead of only temporary ones (Ruttig 2008: 28–9).

> *Karzai and the National Front often battle for the support of the many "independent" deputies in the Wolesi Jirga. Among them are several outspoken women and intellectuals, including 32-year-old Malalay Joya (Farah province), an outspoken women's rights advocate and leading critic of major faction leaders. In May 2007 parliament voted to suspend her for this criticism for the duration of her term, but she is*

challenging the expulsion in court. Others are Ms. Fauzia Gailani (Herat province); Ms. Shukria Barekzai, editor of Women Mirror magazine; and Mr. Ramazan Bashardost, a former Karzai minister who champions parliamentary powers (Katzman 2008: 3).

For a parliamentary group to be institutionalized and officially recognized in the Wolesi Jirga, at least 21 MPs are needed. Smaller groups are not given resources such as offices or administrative staff – as, for example, are given to commissions – which also means that it complicates the ability to maintain a certain level of activities and to ensure collective action and hence its viability as a parliamentary group. As a consequence, other parliamentary groups have already been dissolved.[45] Given the current fragmented setup and ideological / political backgrounds of legislators, pro-democracy lawmakers might find it difficult to organize among colleagues from this marginalized minority in the Lower House (Ruttig 2008: 27).

But this brand of lawmakers is more (or even most) likely to be interested in and committed to establishing sustainable democratic institutions and complying with respective parliamentary agenda-setting and proceedings; it could thus substantiate as well as replenish such institutions beyond their mere facades. Or, in other words, it is imperative to move from structural facades to institutional functionality and viability. Their participation on an equal footing with those MPs – whose power derives from their standing and military might as a former conflict party, but whose democratic credentials and commitment is rather questionable – is paramount in order to avert the "threat of an internationally alimented facade democracy against the background of a drug state" (ibid.: 30). As one woman MP interviewed suggested, the presence of former conflict parties, which expedite a conservative agenda, impacts on other parliamentarians who are concerned with their security (or lack of thereof). They "have to be careful" when lobbying in front of conservative colleagues on certain issues such as the age clause for girls in the juvenile law, violence against women, or misinterpretation of Islam and Sharia (e.g., child marriages).[46]

Karzai has decided against forming a party, but his support base in the Wolesi Jirga includes about 40 former members of the hardline conservative Pahstun-based Hizb-e-Islam party;

supporters of Abd-i-Rab Rasul Sayyaf, a prominent Islamic conservative mujahedin party leader who was defeated for the speakership; several Karzai clan members including elder brother Qayyum and cousin Jamil Karzai (Qandahar province) and relative by marriage, Aref Nurzai. Also pro-Karzai are former militia and Taliban leaders, including Hazrat Ali (Nangarhar province), who had gained fame for directing the Afghan assault on the Al Qaeda redoubt at Tora Bora during the U.S.-led war; Pacha Khan Zadran, from Paktia province who, by some accounts, helped Osama bin Laden escape Tora Bora; and Mullah Abdul Salam ("Mullah Rocketi"), from Zabol province (Katzman 2008: 2).

The 2004 constitution actually codifies the formation of political parties and envisions a multiparty system. In mid-2009, 105 political parties were officially registered with the Ministry of Justice.[47] Significant differences subsist in terms of organizational strength, status, and assertiveness in the given power setup, and thus different opportunities crystallize for political competition: "With a clear advantage are those who possess armed forces, occupy positions in the executive and legislative and therefore have access to state-run and external resources" (Ruttig 2008: 27). Other observers question the organizational viability and functionality of many political parties that have emerged since 2001, because hardly any have fostered a political program as well as a widespread grassroots membership and societal outreach in order to strengthen its structures beyond clientelism and elitism.

Since 2001, a multitude of political alliances have emerged, who uno sono declare themselves to be democratic, multi-ethnic and non-religious. […] No differences in terms of rhetoric are discernible among many of these parties; in any event, political programmes exist only in exceptional cases. If one takes a closer look at these parties, clientele relationships determine the boundaries of their effectiveness, and merging of splinter parties with similar opinions into a single party is hindered by competing personal claims to leadership. Finally, almost all of these parties are headquartered in urban areas, mostly in Kabul, and speak for interest groups from the Afghan capital (Schetter 2006: 18).

Other critiques focus on questions of (a) liaison, coordination, and collaboration between government, ministries, and legislature; (b) capacity, that is, technical quality of laws drafted and technical legislative knowledge of actors involved; (c) proper proceedings, that is, time management and abidance by procedural deadlines; in addition to (d) conduct of lawmakers, that is, the proper exercise of the mandate assigned as people's representative (e.g., attendance of parliamentary sessions, modes of interaction with fellow MPs and constituents, compliance with codes of conduct, engagement in commission work, etc.).

The record achieved so far is rather mixed, as many civil society representatives, (inter-) national observers, and even some parliamentarians question the degree and quality of lawmaking capacity achieved to date in a continuously deteriorating environment of insecurity and highly constrained outreach of state institutions beyond urban centers, and thus the legislative impact on the majority of Afghanistan's population (cf. Maaß 2006; Oxfam 2008: 5–6).[48] One Afghan observer suggested that only 30 to 40 members of parliament were knowledgeable about lawmaking and parliamentary procedures prior to their election to office in 2005.[49] Several women parliamentarians complained about their lack of impact and limited capacity-building, for example on budgetary issues. They frequently observe poor attendance of meetings of women MPs, even when concerning capacity-building measures such as English training or computer courses. In their opinion, women MPs became disheartened with their work, as most legislative initiatives and laws are not accepted by the government (the case of the motion of no-confidence against Foreign Minister Spanta serves as proof for them; see below).

More striking was the statement by one woman parliamentarian, whose statement was supported by others present, that they are intimidated by their "clients", because they face the problem of obtaining financial resources from government and ministerial budgets in order to be able to serve their constituents and fulfill their mandates.[50] Parliamentarians are wary about people's perceptions – not only for purposes of reelection – and become disenchanted about their work. As one woman MP who does not belong to the pro-government block complained: "When we want to solve problems of people and go to the government, they don't cooperate and listen and keep the parliament as weak as they can and people don't trust

us anymore if we don't solve their problems."[51] Having said that, it is clear that not all tasks requested fall under their mandate as lawmakers. This indicates confusion in roles and expectations of political actors from within the political system as well as from the population (see section below on people's perceptions of governance).

The challenge continues for Afghanistan to fully recover "from its early convalescence as a failed state" (Rotberg 2007: 3) in order to effectively and sustainably build its institutions and to ensure its transversal functioning (i.e., effective mandates / political and territorial agency outreach). An editorial in the English-language newspaper Daily Outlook Afghanistan summarized the abovementioned concerns and critiques in spring 2008 on the occasion of many lawmakers' repeated and continuous absenteeism.

> *The election of the parliament completed the formation of a national, democratic, representative government for Afghanistan. However, questions arise about the ability and capacity of this legislative body to address the mounting challenges to stabilization and reconstruction efforts, particularly given the large presence of Taliban terrorist figures. Does the parliament have the capacity and will to address these problems? This question still refers back to the representatives themselves and the criteria which people took into account when casting their votes. Being a member of parliament requires academic, knowledgeable and political maturity. Some members of Afghanistan's parliament are hardly literate and thus people can expect little political creativity from those representatives. Will the parliament act to curb corruption and attack the narcotics industry? If rumours about corruption charges prove true in case of some MPs, how can the optimism for eradicating corruption exist alive? Despite that, Parliament has taken serious measures by calling and warning government officials and adopting anti-corruption laws. What are some of the biggest challenges for the elected Parliament? Lack of quorum that continuously mars parliament sessions is a semi instance for the case, while ethnic approaches, political confrontation and efforts to deny women of their free will within parliament seem the big pressing challenges. President Karzai's government has repeatedly committed less value to the decisions and*

resolutions of parliament, this apparently seems a disturbing cause to the MPs (Daily Outlook Afghanistan 2008: 4).

With regard to liaison, coordination and collaboration, analysts point to the Office for Administrative Affairs, whose director is, in personal union, Minister for Parliamentary Affairs and responsible for organizing parliamentary majorities when needed – sometimes allegedly using bribes to ensure voting discipline (Ruttig 2008: 24). As cabinet members cannot simultaneously be members of parliament, there does not subsist a personal hinge between both political institutions. In addition, parliamentarians and observers alike complain about blockades between government and parliament due to lack of clarity of roles and due to a government that apparently considers parliament as subordinate. Issues are, for example, confusion over proportion and relation of power and mandates, redundancies in legislative proceedings – between the Office of Administrative Affairs, Ministry of Justice (MOJ) and Ministry of Parliamentary Affairs – as well as dispensable bureaucratic steps. Incidents cited are, among other things, that the executive enacted several laws when parliament was in recess during the winter of 2006/07 or that the legislature "has been bypassed in the development process of the Interim Afghanistan National Development Strategy". (AHDR 2007: 86–8; cf. Ruttig 2008: 24, 28–9)

There remains a false understanding that the National Assembly is completely independent and that any interference by MOJ or executive is not acceptable. […] At the same time, the executive appears to believe the National Assembly is not a separate and equal arm of state, but rather another ministry to be managed (AHDR 2007: 87).

The distorted executive-legislature nexus is problematic insofar as proper interaction is required in order to ensure full accountability, functionality, and efficacy of both institutions in public policymaking – and subsequently to generate legitimacy and popular support for the new institutions and actors. In review, examples show that the (re-)actions might per se be understandable or even legitimate actions, but are highly problematic – as survey findings indicate below – for a good working relationship between the executive and legislature:

- a third of lawmakers staged a walkout in November 2007 over the Baghlan bombing incident, in which 6 MPs and 70 civilians were killed and the actions of security forces were questioned;
- several MPs of the National Front threatened to resign after a parliamentary no-confidence motion against Foreign Minister Spanta was not observed by the president;[52]
- cabinet members do not appear in parliament or before its commissions;
- the presidential cabinet remains silent on input received from the parliament (cf. Katzman 2008c: 11; Nazari 2008: 1, 3; Ruttig 2008: 28–9).

Such repeated actions cannot be considered as adequate tools to establish good working relations between both institutions, but might rather lead to further deterioration and damage to inter-institutional interaction.

> *On the other hand, on some less contentious issues, the executive and the legislature appear to be working well. Since the end of 2007, the Wolesi Jirga has passed and forwarded to the Meshrano Jirga several laws, including a labor law, a mines law, a law on economic cooperatives, and a convention on tobacco control. In early 2008, the Wolesi Jirga confirmed Karzai nominees for a new Minister of Refugee Affairs (to replace the one ousted by parliament over the Iran expulsion issue), head of the Central Bank, and the final justice to fill out the Supreme Court. Still, the parliament has had difficulty obtaining a quorum because some parliamentarians have difficulty travelling to and from their home provinces (Katzman 2008a: 15).*

The executive-legislature nexus appears to be less problematic in the case of the Meshrano Jirga, where President Karzai has, by constitutional setup, a supportive block of 34 presidential appointees, in principle, and was able to establish "the appointment of an ally, Sibghatullah Mojadeddi, as speaker of that body" (Katzman 2008: 2).

Regarding capacity and conduct, observers state a rather weak planning and following-through of legislative deliberations that become manifest in protracted readings of draft bills; blurred voting procedures; confusion in parliamentary working procedures due to a lacking knowledge of the constitution or the Rules of Procedure; or

discussions on current (inter-)national affairs; rather than a focus on deliberating bills that need to be reviewed to keep up with the legislative schedule. This is accompanied by frequent absenteeism, as mentioned earlier, and time-consuming lobbyism in ministries / government agencies or trips abroad. (Ruttig 2008: 28) As the Afghan National Development Report states in respect to the work of parliamentary commissions,

> *[…] the development of some has been characterized by a relative lack of discipline and focus rather than on specific areas of particular importance to the national interest or the expertise of each parliamentarian. In general, capacity in all technical areas remains low in the National Assembly. […] This contributes to the backlog of legislation in the National Assembly, and can impede the legislative process (AHDR 2007: 86).*

To the experience of local civil society observers, the parliamentary performance of MPs is also linked to their educational backgrounds (including legal knowledge), political alignment (pro-government / opposition), and dependent on personal interests. Illiterate male members of the National Assembly show less performance while the performance of those with primary and / or secondary education – the biggest group of male MPs – is mixed. The performance of many lawmakers is dependent on the issue, but moreover on their personal interests. Among the highly educated MPs, including some warlords and former jihadists, a core group of hard-working and continuously active and involved parliamentarians can be identified. The performance of several MPs apparently depends, among other things, on instructions from their political leaders rather than on being proactive, that is, input is given in commissions if ordered. Attendance and engagement in parliamentary deliberations and commission work is marked by the interest-based, proactive, and irregular behavior of MPs and party leaders, for instance when constituency-related issues are addressed or provincial public hearings are conducted.[53]

A high-ranking official from the Ministry of Parliamentary Affairs interviewed for this report painted a more positive picture, given the fact that this is the first parliament for a long time in the country's history and considering the long-term duration of improving the legislative capacity. In his view, parliamentarians are divided according to

their ethnic and regional backgrounds, but have been able to represent their constituencies by bringing problems of constituencies into national politics and by controlling governmental performance on constituency-related problems. Nevertheless, the capacities need to be improved when it comes to lawmaking, governmental oversight, and parliamentary work in commissions, which remains at a low level in terms of technical capacity and regular attendance. For example, the legal department or commission clerks could be used for legislative motions instead of these being presented without due preparation and staff support. Consequently, private member bills presented were of rather poor quality or even incomplete; they addressed issues such as amnesty for past human rights abuses (see below), violence against women (spearheaded by a group of women MPs),[54] social security provisions for the martyred and disabled and their families, and military and security concerns. In the official's experience, amendments to government-sponsored laws lacked the necessary cooperation and communication among MPs to ensure a successful intervention rather than foster blame among one another.[55]

Concerning proper proceedings, the Afghan National Development Report author-team stresses the narrow timeframe as a procedural challenge. Parliamentary acts, presidential appointments, as well as the budget review have to be undertaken within thirty days of their introduction to the Assembly (AHDR 2007: 86). It was only in 2007 that "the Ministry of Justice began work on a 2007 draft annual legislative work […] plan which identified 20 laws, 5 for each quarter," to which the presidential cabinet further added the same number of legislative initiatives on top of measures to be taken under the Afghan Compact (ibid.: 87). Keeping with procedural requirements such as deadlines – in due respect of necessary flexibility – is needed to strengthen parliamentary procedures, compliance of actors involved, and the development of a coherent, transparent, and sustainable legal framework (ibid.).

A diverse image of parliamentary proceedings and output emerges in various reports of national and international observers. On the one hand, the parliament is seen as being able to assert itself vis-à-vis the government and its agendas, for example in the cases of holding separate presidential and parliamentary elections instead of joint ones as initially intended by the presidency, or rejecting presidential appointments for some cabinet positions and the Supreme Court (to ensure more experienced, progressive judges) (Katzman 2008: 2;

Katzman 2008c: 10). The parliamentary record on human rights is also mixed. Highly criticized was the statement of the Meshrano Jirga on the case of the student-cum-journalist Kambaksh, who was condemned to death on blasphemy charges. The Upper House trespassed its mandate when it issued a statement in support of the death sentence in February 2008, signed by its chair, Sibghatullah Mojadeddi. It was later withdrawn, but legal experts consider the attempt to interfere with a pending case nonetheless not covered by the constitution and problematic in terms of judicial independence (BBC News 2008; Katzman 2008: 4; Sengupta 2008).

> *Parliament has both contributed to and, in some cases, slowed progress on human rights. Parliament's views contributed to Karzai's dropping of a July 2006 proposal to revive, although in a far more circumscribed form, a "Ministry of Supporting Virtue and Discouraging Vice," a ministry that was used by the Taliban to commit abuses. On the other hand, in February 2007 both houses passed a law giving amnesty to the so-called "warlords." Karzai altered the draft to give victims the right to seek justice for any abuses; Karzai did not sign a modified version in May 2007, leaving the status "unclear," according to the State Department. In debate over a new press law, both houses of parliament approved a joint version, but Karzai vetoed it on the grounds that it gives the government too much control over private media (Katzman 2008: 5).*

National budget concerns and implementation capacity

One of the key tasks of a parliament consists of controlling the national budget, which is usually issued by the government. In the case of Afghanistan, matters are slightly different given the fact that the government does not yet strategize, determine, or cover the majority of financial flows in crucial public policy areas such as reconstruction or development. Parallel to the government budget, which remains predominantly dependent on international donations rather than on its own tax revenues, several separate budget lines and spending mechanisms of different international donor states and nongovernmental organizations subsist.

> *Attempts to raise domestic revenue are stymied by the lack of control over the country's borders, the small portion of the*

> *economy in the formal legal sector and the weakness and corruption of the administration, particularly in tax collection. […] The Compact requires the government to raise domestic revenue to over 8 per cent of GDP by fiscal year 2011 and to be able to cover 58 per cent of the recurrent budget with its own sources, compared to 28 percent in fiscal year 2005 (Rubin and Hamidzada 2007: 17).*

This paucity in budgetary agenda-setting, resource generation, and implementation is problematic in various aspects with regard to state- and institution-building efforts.

> *The central state institution that co-ordinates mobilisation of resources, provision of services and legitimation of state power is the budget. And it is the process of mobilising these resources domestically, and particularly the struggle over the budget, which is at the centre of the process of state formation and legitimation (Rubin 2006: 182).*

At the Paris donor conference held in June 2008 and attended by representatives from 80 countries, President Karzai demanded $50 billion for the next five years from the international community despite criticism of the country's budget-spending capacity and accountability (BBC News 2008a).

> *Some 90 percent of the Afghan budget comes from donors – though the country is in the bottom tenth on most transparency rankings. […] While $25 billion in non-military aid has been proffered to Kabul over the past seven years, about $15 billion has been dispersed. Of this, as much as 30 to 40 percent was recouped by foreign corporations and salaries (Marquand 2008).*

Several reports and analyses outline that between 2004 and 2007, approximately two-thirds to three-quarters of donor assistance has been channeled through nongovernmental avenues outside Afghanistan's state apparatus, although governmental control is slowly augmenting (cf. Jalali 2007: 39; Nixon 2007a: 18–9). In its 2008 report, *Afghanistan: Development and Humanitarian Priorities*, Oxfam, a British charity organization, further criticized that hitherto the Af-

ghan government could not develop the capacities to implement the majority of its budget and that international donors do not coordinate their budgets with the government (Oxfam 2008: 4; cf. AHDR 2007: 31; Jalali 2007: 39).

> *More than 75 per cent of all aid to Afghanistan funds projects directly implemented or contracted by donors. This mode of delivery, although initially inevitable, is ultimately self-defeating. If prolonged, it undermines – rather than builds – the State. Enabling the state to provide services directly promotes legitimacy and responsibility integrating aid projects into the budgetary process promotes sustainability. The government must be able to report to its parliament about public expenditure in order to pass the first test of democratic governance. Three of the largest donors, however – the United States, Japan, and Germany – insisted on weakening these provisions (Rubin and Hamidzada 2007: 23).*

The significance of international actors to provide basic services instead of (or parallel to) the national government has led to a significant pay gap among Afghan public policy agents – that is, significantly higher salaries provided by international employers (not counting the even higher pay gap between expatriate ministerial consultants and Afghan staff). In a 2008 report, the World Bank urged the Afghan government to take over more tasks from the international community in the field of public administration and criticized the existence of a "second civil service" of expatriate experts. In May 2008 the Afghan parliament "approved higher pay for civil servants in an attempt to attract and retain skilled employees" (BBC News 2008b).

At the same time, government agencies and officials are hardly ever involved in the budgeting strategies, decisions, and spending of international actors while donors appear to be less accountable to the receiving country than to the taxpayers in their own countries. This can lead to discrepancies in budget priorities, spending interests, and timelines. Subsequently, international donor spending can backfire in the sense that its benevolent agendas can undermine the legitimacy- and capacity-building of the recipient government if basic service provisions and budget implementation steps are conducted by the former and not the latter (Rubin 2006: 182). Empirical findings

suggest that most state institutions (e.g., ministries) need to further develop their budgetary implementation capacity (cf. Rashid 2008: 212; Nixon 2007 and 2007a; Rubin and Hamidzada 2007). In his detailed study on the nexus of international assistance and state-building in Afghanistan, Nixon (2007a: 20) cites different reasons for the poor governmental performance of budget execution:

- *security* – that is, the impact of a worsened security situation nationwide on planning and implementation of projects;
- *reporting* – that is, overestimations in the budget, double-reporting by donors, previously unexecuted funds;
- *reliability* – that is, a "combination of unpredictability of donor disbursements and unclear cash flow plans";
- *capacity* – that is, inter-ministerial differences in the "ability to prioritise and plan projects, prepare the documents required by the Ministry of Finance and donors, manage procurement requirements, as well as implement and monitor projects themselves" as well as "selective application of reform to some ministries ahead of others."

But Nixon also cautions that, despite a low average of execution rates, the implementation problem depends on the budgetary item as well as on different institutions, their respective capacities, and previous administrative reforms conducted.

> *The development budget execution rate varied widely between ministries, for example from 71 percent in the Ministry of Rural Reconstruction and Development to only 22 percent in Agriculture across the same sector. […] In short, while there are many good arguments for channelling development money through the government, the fact remains that 40 percent of it is not likely to be spent this year (Nixon 2007a: 19; cf. Nixon 2007).*

Nevertheless, increasing the Afghan ownership in budget agenda-setting and implementation is crucial due to its direct link to capacity-building of important state institutions along with key governmental accountability and legitimacy through directly visible public policy outcomes.

> *A stable and secure Afghanistan requires a legitimate and capable state. To ensure that international aid fulfils this*

objective, the major donors will have to provide multi-year aid commitments and channel increasing amounts of aid through the government budget. There are existing mechanisms such as the Afghanistan Reconstruction Trust Fund, the Law and Order Trust Fund for Afghanistan, and the Counter-Narcotics Trust Fund for Afghanistan (Rubin and Hamidzada 2007: 11).

Parliamentarians are highly critical of their limited influence on the budget as a whole, its output areas and outcomes, in addition to the dependency on less calculable foreign donations as subsequent survey findings below indicate.

People's perceptions on governance, the legislature, and women's political participation

Assessing people's perceptions through surveys poses substantial methodological problems, for example in terms of representation and the difficult security terrain in the country. Few data sets are thus accessible and have been met with general consent on matters of approach / conceptualization and representation. A rather outstanding effort to assess people's perceptions on pertinent sociopolitical issues in post-2001 Afghanistan represents the series of micro-censuses conducted by the US-based Asia Foundation in recent years, based on more than 6,000 countrywide random-sample interviews and a sampling error margin below 3 percent (cf. Asia Foundation 2008, 2007, 2006). The series allows, to a certain extent, for assessing opinions gathered along gender, educational, urban-rural and geographic / provincial divides prevailing in Afghanistan's fragmented and segmented polity. Problematic are the lack of control questions to validate answers given to closed questions, for instance on issues of women's political participation and asking respondents if they would endorse a female president or allow (maybe even support) a female member of their qawm to seek a position of political leadership. For example, gender influenced the exercise of active voting rights of Afghans in the 2005 parliamentary elections and perceived gender differences moderated some opinions on female parliamentary representation.

Of those who said they had not voted [28.3%], the main reasons were lack of interest and lack of proper voting documents. Insecurity, as a reason for not voting, accounted for a very small number of respondents. However, the number

of women who said they were not allowed to vote was significantly high and constituted more than one-fifth of the women's electorate (Asia Foundation 2006: 6).

Even with a number of seats already reserved for women in parliament, more than two-fifths felt that they wanted more women members of parliament while an equal number said they did not. Most of those who wanted more women representatives said they did so because it would help women advance. However, those who did not want more women in parliament were mainly concerned about the fact that women were not equally educated and did not understand politics (Asia Foundation 2006: 7–8).

Interestingly, opinions gathered in this survey somehow differ from the assessment of (inter-)national analysts and observers of Afghanistan's state-building and governance performance. In the 2008 survey, two-thirds of those interviewed made a positive assessment of the central government's performance, although it was a significant decrease of 13 percent compared to the previous year. High approval rates for governmental basic services provisions can be found in the field of education (84% very good to somewhat good job), healthcare (66%), good relations with other countries (62%), and even in the field of security (59%) (Asia Foundation 2008: 54–5).

At the same time, survey data portrays a population that hardly participates politically beyond electoral participation and seldom engages with central government officials or parliamentarians. The majority of interviewees would address local elders and district and provincial authorities instead of government officials or members of the National Assembly – be it for land and property disputes, infrastructural projects, or socioeconomic problems. The few who had approached an MP also responded that the problem was only resolved in 36 percent of the cases, a lower problem-solving rate compared to traditional institutions and the security forces with a rate of 57 percent (police) to 68 percent (mullah) (ibid.: 61–3). A contradictory picture crystallizes on the performance of parliamentarians serving their people. While, on the one hand, nearly two-thirds of those interviewed agree that parliamentarians tackle predominantly national issues and problems and more than half (56%) have the opinion that the same is true for constituency-wide problems (while

a significant majority of 40% disagree), an outright majority of 76 percent consider parliamentarians to be selfish and not considerate in helping their constituents (ibid.: 64–5; 2007: 8; cf. 2006).

> *Again, levels of satisfaction with the performance of local MPs are particularly high in the North West (69%) and Central Hazarajat (71%) while dissatisfaction is highest in the South West (47%), West (46%), North East (43%) and Central Kabul (43%). Satisfaction with the performance of MPs in addressing major local problems through the national parliament has been falling steadily since 2006 when nearly four-fifths (79%) of respondents agreed with this statement, indicating increasing disenchantment with the responsiveness of central government in addressing local problems which are important to the people (ibid. 2008: 64–5).*

A meager 9 percent of respondents said they had contacted a member of parliament for help, predominantly on the issue of provision of basic infrastructure / public services (e.g., lack of water and electricity, roads and bridges, teachers) or in the case of security concerns. The response received was evenly split between a supportive and a non-supportive stance from the MP, although some of the issues raised (such as infrastructure or security provisions) do not fall within the mandate of a member of the National Assembly: the "Afghan public is not very clear either about the appropriate roles elected representatives can play" (ibid.: 66–7).

Women's issues are the focus of our survey conducted among female and also male parliamentarians in 2007 and 2008, as will be elaborated later on. These policy issues are also part of the Asia Foundation surveys, covering questions on problems and needs of women, gender equality, and political participation. According to the 2008 survey, women's major problems are lack of education (45%) and women's rights (24%).

> *Women respondents more often mention problems to do with rights and equality of opportunity such as forced marriages, domestic violence, being confined to home, or a lack of job opportunities, whereas men are more likely to highlight access and availability of public services for women such as education and healthcare (ibid.: 107).*

Albeit a significant majority of male and female respondents alike agreed with the questions presented on gender equality in terms of education, out-of-home employment, and active voting rights, numbers vary among both sexes, with more women endorsing these values in their answers. Ninety-two percent of women compared to 84 percent of men on equal education opportunities, 79 percent of women compared to 60 percent of men about women being allowed to seek outside employment, and 87 percent of women compared to 81 percent of men on women's participatory right to vote. These variations further depended on urban or rural backgrounds and geographic locations with urban populations interviewed appearing more progressive in these regards. Still, 22 percent of respondents (27% of males, 17% of females) stressed that men should guide women in their voting decisions and 11 percent (14% of males, 6% of females) said "it is acceptable for men to vote in place of women" (ibid.: 108–11). At the same time, a thin majority of 51 percent (62% of women, 40% of men) of interviewees agreed with gender-balanced political representation, although the same percentage of males considered "leadership positions are mostly for males" (compared to 20% of women) and only 6 percent of males interviewed endorsed the statement that "leadership positions are mostly for women" (compared to 13% of women) (ibid.: 112).

It needs to be stressed that, according to the 2008 survey, an outright majority of 58 percent of respondents has "no objection to being represented by a woman in governance institutions" at the various tiers of the political system (national, provincial, district, municipal), although results vary along gender and regional cleavages (ibid.: 114–15). Shortly after the establishment of the National Assembly at the end of 2005, preferences split rather evenly, depending on gender and ethnicity.

> *Asked if they would like to be represented by a man or a woman in parliament, 39 percent of the respondents preferred representation by men, whereas only 20 percent preferred representation by women. A major proportion of the respondents (40%) had no preference. More male respondents preferred a man representing them in parliament (57%), whereas only 32 percent of the female respondents wanted a woman to represent them. Thirty-five percent of the men and 46 percent of the women said it did not make any differences*

> *whether they had men or women representing them in parliament. Among the Pashtuns, 41 percent said that they would prefer a man to represent them, while 38 percent of the Tajiks and 35 percent each of the Uzbeks and the Hazaras felt the same (ibid. 2006: 70–2).*

In 2007, a significant minority of 44 percent of respondents objected to being represented by a woman in the National Assembly, which is the highest rate compared to other governance institutions such as district or community councils or even local shuras, across both sexes – "if 43 percent of men oppose a woman representing them in national parliament, 46 percent of women oppose a woman representing them in national parliament" (ibid. 2007: 95).

The Ministry of Women's Affairs and its local branches are known to the majority of respondents (59% and 56% respectively) (ibid. 2008: 115).

2 Doing politics – findings from worldwide experiences to raise women parliamentarians' political effectiveness

Worldwide, women remain largely excluded from political and societal formal and informal decision-making processes as leaders, legislators, mediators, ministers, and chief executives. Women are still perceived to be the exception from the "male rule" as politics, political leadership styles, and policies are understood in male-centered terms. This is true for nearly all societies, irrespective of their predominant culture, religion, or human development level. At the same time, public opinion polls show that many women parliamentarians are perceived by the public as important and valid political alternatives to the corrupt, violent, ineffective, and traditionally male political elite and are therefore reelected and given more responsibilities as heads of parliamentary committees, ministers, or within political parties' executive councils.

Inroads made by women politicians

By the end of 2008, 18.4 percent of worldwide legislators were women or, in other words, 8,119 women compared to 35,939 men.[56] Currently, 30 women preside over the 188 existing parliaments in all world regions, holding 11.3 percent of the 265 available posts of parliamentary president or head of one of the houses – for example in Albania, Pakistan, South Africa, Uzbekistan, Turkmenistan, the United States, the United Kingdom, Hungary, and the Netherlands.[57] Fourteen women prime ministers and presidents (7.25% of 193 countries) are currently in charge of political decision-making in various world regions.[58]

Women politicians and female political aspirants still face many hurdles in being selected as a candidate and making an impact once elected. In a way of creating a "historic jump" (Drude Dahlerup), affirmative action in the form of constitutional, electoral, or political party quotas for parliamentary mandates were introduced in many countries worldwide, primarily since the 1990s. Currently, 99 countries have quota provisions with an average female representation of 19.7 percent.[59]

The different paths to an electoral mandate, with or without quotas, leave women with different room for maneuvering and perceived

legitimacy. In general, the status and success of female political actors is largely determined by three sets of factors: (a) socioeconomic factors such as education, professional experiences, income, and financial resources; (b) the dominant political culture and its values, norms, behaviors, attitudes on politics, political behavior, and gender-ideology; (c) the institutional setup of a country in which politics takes place, such as the political system, party system, election system (e.g., quota provisions), recruitment, and nomination practices for legislators and executives (Fleschenberg and Derichs 2008: 7–24).

Nevertheless, political women have made substantial inroads in the last two decades on a worldwide scale, increasing their numbers in parliament, government, and ministerial positions and contributing decisively to women- and family-friendly legislation and policymaking. Evidence from various regions such as Latin America, Europe, and sub-Saharan Africa indicates that women parliamentarians change politics, agenda-setting, legislation, and policymaking. In South Africa and Europe, discriminatory laws against women were repealed, more protective legislation for working mothers / women was introduced and property and inheritance laws were revised through women parliamentarians' initiatives.

Differences made by women parliamentarians

Given the differently organized spaces in public and private life for women and men, women politicians play a crucial role for other women to gain access to the state and its institutions, to enhance their political participation – often seen as role models – in addition to women- and family-friendly policymaking. This is particularly true for highly gender-segregated societies where women's engagement with public institutions might otherwise be mediated via male family members as (a) direct contact with a non-related male might be considered as socially inappropriate and unacceptable behavior; and (b) female-only encounters in public spaces are the rule, for instance during election campaigns, party or other public meetings / hearings. In nearly all regions of the world, women legislators contributed to a more social welfare-oriented legislation and policymaking for the whole of society, in particular marginalized social groups like the poor, women, ethnic or religious minorities, and the elderly. In Scandinavia, South Africa, and South Asia, societies witnessed a less confrontational policy and leadership style, a more issue-, community-, and consensus-oriented work culture and decision-making as well

as more family-friendly time management of parliamentary schedules through an increased presence of women in parliament.

Evidence gathered from the experience and practices of women parliamentarians worldwide suggests that women politicians' success and political impact largely depends upon (a) their links to civil society, in particular the women's movement and their constituencies, as well as (b) the use of their critical mass in parliament through effective networking and caucusing across party lines and with society at large (including media) for lobbying, legislation, and policymaking. Furthermore, the sociopolitical context in which women parliamentarians operate can have positive or negative effects: economic and political circumstances, legislature's procedures and rules, backgrounds / experience / number of women representatives (Karam and Lovenduski 2005: 188).

> *Networking is a crucial socialization mechanism for women MPs. Networking provides quick access to knowledge that may otherwise take years of experience to acquire and enables women MPs to come together to discuss their concerns and share their knowledge and expertise, thus greatly enhancing their potential for effectiveness. Such networking takes place both within and (less frequently) across party lines. Cross-party alliances of women MPs have been successful in a number of countries including Sweden, France, the Netherlands, South Africa, Croatia and Egypt. The issues are as diverse as rape laws, electoral reform, institutional reform, personal status and other country-specific issues (such as women's rights to apply for passports without their husbands' permission in Egypt and social, political and economic rights for Dalits [so called "Untouchables"'] […] in India) (Karam and Lovenduski 2005: 194).*

Anne-Marie Goetz (2003) formulated the concept of women's political effectiveness. The ability for a woman parliamentarian to voice important women-related policy issues and follow through on them depends on the strength of the gender-equity lobby in civil society, the credibility of women politicians and their policies in the political competition and electoral politics, and the capacity of the state and the political system to respond to new policy issues, accommodate a new set of political actors, and to implement gender-equity policies.

Building a substantive and effective critical mass and voice depends on coalition- and alliance-building across the arenas and various tiers of legislatures and executives on the local, provincial, and national level ("chain of responsibility and exchange").

Worldwide examples from developing and developed countries show that women can make a difference in public policymaking even in cases of small numbers or token representation. This depends on (a) the type of women who are motivated to represent women's interests and concerns – in opposition and on the treasury benches; (b) the commitment of women parliamentarians to give high priority to women's rights, lobby in- and outside of parliament for certain legislative initiatives, and to raise political and societal awareness for certain issues; and (c) the level of collective organization and commitment, that is, the extent to which they work together through a caucus, with state institutions such as the women's ministry or ministerial gender units, as well as women's organizations.[60]

Info box: Critical mass and critical acts

The majority of women activists and academics have always called for an increased number of women legislators of up to 30 percent, *a critical mass*, so that women are enabled to make an impact in politics. Recent research evidence nevertheless indicates that women as *critical actors* can also make a difference through *critical acts* and strategic collaboration, even as a small minority in parliament. Critical acts of an individual or a (small) group / caucus of female legislators are those which manage to mobilize necessary resources to change the situation of women and lead to further changes, for example quota provisions, recruitment of women to political offices, gender-equality legislation (Childs and Krook 2006: 2, 7–8).

As exampled in West European experiences, where few women have managed to form strategic partnerships within and outside of parliaments to effect pro-women change, a critical mass or women's caucus is not a necessary precondition, although an enabling factor (Karam and Lovenduski 2005: 189). In the provincial National Assembly for Wales, "cross-party sisterhood" is exercised while no women's parliamentary caucus is in place. Active individual "equality champions"

engage outspokenly in favor of women's issues in parliamentary debates and initiate critical acts with their legislative work. While the political competition and party loyalties run very high in parliament, women from different parliamentary factions unite nevertheless to support and advance gender-equality matters and respective women-friendly legislation (Chaney 2006: 702, 704).

Understanding possible bargains, thinking strategically:

- What is the common ground shared with colleagues from other parties on important political and societal issues?
- Which policies can be implemented successfully in the given sociopolitical context and are accepted by dominant sociopolitical stakeholders?
- Who are alliance partners in- and outside the parliament, for example, media, civil society activists? What are informal, symbolic measures, and unconventional means that can be used to create space for certain policy interests and their ratification and implementation?

Challenges to female political agency

At the same time, it needs to be remembered that, often enough, women parliamentarians in the developing world have to operate in a difficult political and societal environment with a very limited space of agency. In many new and emerging democracies and countries in transition from decades of conflict, women often lack the necessary skills to engage in public; the rules of the game are often still fluid and legislative procedures have to be learned on the job with little supportive training or time and staff resources at hand. Under circumstances of post-conflict, autocratic, or highly polarized – even misogynist – political landscapes, it is a huge challenge for female legislators to advance new, divergent agendas or to create a critical mass for women-friendly policymaking and the political mainstreaming of women's issues. This is very true for the case of Afghanistan and the recent attempts to engage Taliban leaders in government talks and possible political negotiations, which would most probably further narrow the space of women-friendly policymaking and even narrow the active public engagement of women, given the Taliban regime's misogynist policy- and decision-making record from 1996 until 2001.[61]

It also has to be taken into account what personal and structural constraints women parliamentarians face, for example, their support basis, the compromises and commitments undertaken to receive an electoral ticket, the mandate received and its strength within the given political system, their affiliated party ideology and loyalties, available resources, etc. For example, women elected on reserved seats are largely perceived as tokens or proxies. In many African and Asian countries, they are considered to lack a constituency-based legitimacy and political authority and to exercise a weak political mandate, which seems to bind them even more to party power-holders and party policies. Reserved seats are often seen as the sole avenue for female legislators, with the general seats remaining the monopoly of male legislators. Moreover, in many societies, such as in Afghanistan, the concept of honor is of crucial importance for male and female politicians alike. Late working hours or encounters with the other sex, or simple rumors thereof, might be resented and regarded by colleagues and the general public as improper / bad behavior of women and lead to charges of immorality. Such challenging discourses can discourage women's political participation and / or severely narrow the space of agency for women parliamentarians to fulfill their mandate and public office tasks. As a consequence, women face an uphill battle in becoming politicians in their own right, implementing their own political interests and agendas, and successfully entering mainstream politics by being reelected on a quota or, preferably, a general seat.

Case study: South Africa[62]

Post-apartheid South Africa is a major success story of women's political representation and effective participation. After the third round of democratic elections in 1994, the proportional representation election system with closed list, the African National Congress ANC quota provision, and the party's commitment to gender equality resulted in women representing now 33 percent of legislators, 29.6 percent of cabinet ministers, and 61.5 percent of deputy ministers (Meintjes 2005: 231).

Since the first democratic elections in 1994, which gave universal suffrage to all South Africans, women parliamentarians, and ministers, accompanied by an active civil society and

women's movement, a series of groundbreaking laws and policy changes were introduced to fight gender-based discrimination and promote crucial women's issues to be set on the political and legislative agendas. One key behind this success story was a strategic coalition and cooperation of women activists and women politicians across the spectrum of races, ethnicities, and political ideologies. In a divided and polarized society such as multi-racial and multi-ethnic South Africa, such an alliance was a big challenge, as common interests among women, given their diversity, was limited and mistrust was widespread – given the long years of violent conflict and political repression.

In 1992 the Women's National Coalition was established by members of 92 civil society organizations, regional coalitions, and political parties as an interactive forum which launched a Women's Charter for Effective Equality (bill of rights). This charter was the result of intensive consultation with several thousand women across the country to document their policy and legislative needs, such as equality at work, in property, tax, and inheritance laws and to combat violence against women. The charter served as a lobbying tool in parliament and to monitor government policies and led to similar initiatives in Namibia, Zambia, and Kenya.

In 1993 women forced their way to the negotiation table for the democratization process and formed a separate women's caucus, which successfully insisted on the principle of gender equality over customary law to be enshrined in the new constitution, the establishment of a gender advisory body for government policies, and opened public debate for gender concerns.

The ANC, then a major opposition movement and in power since 1994, has a strong Women's League, its own parliamentary women's caucus, and a think tank-cum-caucus to advance a women's agenda that, for example, suggested legal initiatives for the transition negotiations and the constitutional drafting. After the first democratic elections in 1994, women parliamentarians joined efforts to make parliamentary procedures and structures more accountable to women's needs: working hours

to run no later than 6 p.m., women toilets and childcare facilities established.

But the cross-party Parliamentary Women's Group encountered difficulties due to conflicting women-related positions and policy interests of the various political parties, tensions between caucus members from treasury and opposition benches, limited institutionalized structures and resources, as well as resistance against the very existence of the caucus from some male political leaders – "the anti-party thing is stronger than the pro-gender thing" comments one ANC MP (quoted in Geisler 2000: 622). Consequently, it has been the partisan ANC Women's Parliamentary Caucus that successfully engineered gender-equality initiatives and is the key pressure group inside parliament and its committees for pro-women legislative changes.

In addition, the multiparty Joint Standing Committee on the Improvement of the Quality of Life and Status of Women serves as a parliamentary forum to identify and lobby for women-specific legislative priorities and to monitor government policies. As a result, several key laws were passed addressing sexual harassment at the workplace, women's reproductive rights, domestic violence, and financial maintenance for mothers and women in customary marriages, and recognition of customary marriages. Furthermore, women's budgets were introduced as obligatory for government budgets and policy programs for free healthcare for pregnant women and children until the age of six. These policy successes originated from intense lobbying of the ANC Women's Parliamentary Caucus and the coordinated efforts of ANC women parliamentarians with women activists in civil society, male parliamentarians, and the South African president, Thabo Mbeki.

2.1 Cooperation with parliament, women's political machinery, and civil society

Women's movements and women's policy agencies, such as commissions on the status of women, women's bureaus and women's ministries, also play a crucial role which allow women parliamentarians to make an impact in politics for legislation, policymaking, and policy-implementation.

Women's political machineries are important supportive institutional structures to jointly advance women-related political agendas within government and ministerial structures. Women's political machineries function as centralized, cross-sector approaches only if they have sufficient authority and resources to monitor, analyze, and (re)direct policymaking and policy-implementation in the different government agencies in charge (Weldon 2002: 1159f). Special committees were established within government, ministries, and parliaments of many countries worldwide. Their membership can consist of diverse political actors coming from major parliamentary factions or who are government officials and specialized bureaucrats as well as co-opted experts and lobbyists from civil society. In several countries, such committees were formed to monitor compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or to advance specific women's policy projects such as gender mainstreaming and gender budgeting (Karam and Lovenduski 2005: 196). Women's organizations serve as external lobbying and pressure groups, provide valuable and diverse input from the grassroots (Weldon 2002: 1160), training opportunities, and enlarge women parliamentarians' public support base and constituency.

Info box: Gender equality committees

As part of women's political machinery, special committees were established within government, ministries, and parliaments of many countries worldwide. Their membership can consist of diverse political actors coming from major parliamentary factions or who are government officials and specialized bureaucrats as well as co-opted experts and lobbyists from civil society. In several countries, such committees were formed to monitor compliance with CEDAW or to advance specific women's policy projects such as gender mainstreaming and gender budgeting in South Africa or European Union Member States and candidate countries.

"Formal and informal gender equality committees were successfully established in sub-Saharan Africa and the Netherlands, while the assemblies of Scotland and Wales have broadly-based equality committees, which, under pressure from

women representatives, take a close interest in equality. Also effective are committees of women legislators such as those found in New Zealand, Australia and the USA. In other cases, nationwide umbrella organizations (nongovernmental) or strong grassroots organizations can act as catalysts to get women into key areas."(Karam and Lovenduski 2005: 196).

In South Africa, the standing committee on women monitors the government commitment toward the implementation of CEDAW, and works for family-friendly working hours and childcare facilities in parliament. Nevertheless, isolation or marginalization of women's issues should be avoided and therefore also discussed in other relevant parliamentary committees responsible for legislative changes, for example, committee on public planning / infrastructure, labor, or finance in the case of income-generating projects or education for women (UNRISD 2005: 158).

In the new and emerging democracies in Latin America and sub-Saharan Africa, most successful women politicians have strong links with civil society – in particular the women's movement – or have crossed over from social activism / opposition to political activism, often through quota provisions, in the wake of democratizations. They used the window of opportunity for strategic policymaking. For instance, quotas introduced in many Latin American countries resulted in a rise of female legislators with successful political careers; property and inheritance laws have been revised and laws on sexual offences and gender-based violence were introduced in sub-Saharan Africa. In Argentina, women from political parties and nongovernmental organizations successfully joined efforts with the governmental National Council for Women to introduce a strong quota law in 1991 and ensure its compliance in subsequent elections (Waylen 2000: 776f). In Chile, political women from center-left parties formed the Caucus of Women for Democracy together with independent women activists to insert women's interests into political parties' election manifestos. They called for a women's ministry and joined hands with women from other political parties to advocate for legislation on maintenance for abandoned wives and families (Waylen 2000: 774, 784).

A less formal instrument was introduced in Sweden by Brigitta Dahl, former speaker of the parliament. She invited "guests to discuss

different aspects of gender equality but also democracy in a wider sense" in parliament while a child care center was established to allow women parliamentarians from distant constituencies to have their children close (Wangnerud 2005: 246). These informative public forums can also be instrumental to interest and win over male colleagues for the advancement of women- and family-friendly legislation. Input training on gender issues and orientation on public speaking, media interaction, or image projection should also be offered to male colleagues, who are often crucial powerbrokers and necessary strategic allies for legislative initiatives (Karam and Lovenduski 2005: 196).

Support groups consisting of women professionals and parliamentarians have been formed mainly in Europe. Furthermore, mentoring groups have been established in which senior politicians or women in leadership positions supervise, advise, and guide juniors in their career projects and paths, encouraging them to proceed in difficult times and increase their effectiveness (Karam and Lovenduski 2005: 194).

2.2 Caucusing and networking

A parliamentary women's caucus or a governmental women's policy network represent further avenues for women legislators to organize and thus gain strength from their cooperation, support, and coordination for their own agenda-setting, policymaking, and bargaining with fellow colleagues within parliament or with the government.

There are different kinds of caucuses in various worldwide parliaments: within one political party of a specific group of party members, for example women; cross-party alliances of either ruling or opposition parties or of different parties or parliamentarians for shared strategic purposes and political interests. A caucus is an "exclusive meeting of the members of a party or faction for organizational and / or strategic purposes" (McLean and McMillan 2003: 67). A caucus can be of formal or informal nature, with official membership and regular meetings or on an informal, ad-hoc, or temporary basis of those parliamentarians "who share common interests and come together in attempting to influence the agenda" (Ibid.: 67–8). The formation of a women's caucus depends on various factors: the partisan environment in the legislature, level of resistance / threat

from male colleagues, former legislative legacies of cooperation, and alliance-building. In cases of strong political competitiveness and partisanship in a parliament or one-party rule combined with strong leadership, the formation of formal or informal caucuses can become difficult (Thomas and Welch 2001: 171, 177).

A women's policy network is "a constellation of expert or interested groups and individuals, public and private, forming around a policy area. The working of a policy system is characterized by continuous interchanges among members at every stage of the policy process, from agenda-building to implementation. From the perspective of the interest group, membership in such a policy system offers 'insider' status. Ready access to elected officials, managers and sympathetic bureaucrats can provide information on new regulations, policy shifts, and effective strategies" (Boles 2001: 78).

One challenge for effective caucusing, as evidenced in the survey findings, is the diversity of women parliamentarians themselves, which brings different positions and perspectives vis-à-vis women's issues and their possible legal and policy regulation. Women differ in sociopolitical backgrounds, life experiences, (gender) role perceptions as public representatives, values, ideological and political / party loyalties. There might be a gap between those elected on general seats and those on quota seats. According to Wordsworth (2007: 10–11), a number of women parliamentarians on reserved seats face resentment, although the majority of them appreciate "reserved seats as means to combat institutionalized inequality."[63]

> *However, while it is acknowledged by many male MPs that reserved seats for women were needed, the fact that significant numbers of men were not successful as a direct result of affirmative action is a point of contention. The discrepancy between male and female vote counts was in many cases extremely large, which often leads to women's presence in general being considered unmerited.*[64] *(Ibid.)*

Some might be reluctant to be publicly identified with women's issues "because it might be detrimental to their careers in environments dominated by men" (Thomas and Welch 2001: 167). Another challenge, hardly within the power of women parliamentarians, is the institutional context in which women politicians operate, the freedom and strength for asserting one's own ideas and agendas and

political maneuvering for parliamentarians, and level of accommodation of women and their political interests within political parties, and the government and state bureaucracy. In highly polarized or adversarial environments, a substantial number of supportive female colleagues and collective legislative work – also with male colleagues – become even more important to achieve an impact in passing women-friendly legislation (see Lovenduski 2005: 14–6; Meier 2005: 59; Carroll 2001: xv, xxi; Thomas and Welch 2001: 176, 178; Thomas 1991: 960ff).

Case study: Uganda

Uganda has a no-party system due to claims that parties will exacerbate ethnic conflict. In the mid-1990s seats were reserved for women to participate in the Constituent Assembly, but women also came through the openly contested seats making up 18 percent of its deputies (52 women).

> *Most of the women joined a non-partisan Women's Caucus, which was very strongly supported by the women's movement, particularly when it came to lobbying for gender equity clauses in the constitution. The Women's Caucus was instrumental in ensuring that a number of key provisions were included in the constitution: a principle of non-discrimination on the basis of sex; equal opportunities for women; preferential treatment or affirmative action to redress past inequalities; provision for the Establishment of an Equal Opportunities Commission; as well as rights in relation to employment, property and the family (Goetz 2003: 117–18).*

The Women's Caucus could rely on information gathered beforehand by the Women's Ministry's consultations on women's opinions about necessary legal change. The caucus was successful in introducing affirmative action in the form of reserved seats for women in local government and ministerial positions. But critics emphasize that women's political effectiveness is hampered due to the fact that women's seats were simply "add-

ed on" to political decision-making bodies instead of opening necessary space for women within the bodies, thus allowing competition and mainstreaming of political women (ibid.: 122).

After parliamentary elections (with reserved seat provisions for women), a Women's Caucus was also established in parliament but remained largely inactive between 1996 and 2001. Women legislators were not successful in reuniting in parliamentary committees on important issues for women, such as land rights. The main reason lies not with the women politicians, but rather with the political setup, as legislators need the support of the ruling movement for their initiatives (which is lacking). In 2001 a new initiative started, the Coalition for Political Accountability to Women, which aims to support women parliamentarians addressing gender equity concerns (ibid.: 124, 126).

> *But the current compromised status of women in politics in Uganda offers an important lesson: though women can benefit enormously from direct presidential patronage, their effectiveness in promoting gender equity agenda is low if they have not institutionalized a presence for themselves. […] (ibid.: 136).*

The view from Afghanistan

In contemporary Afghanistan, women parliamentarians face conservative female and male colleagues in addition to "the religious community, which has a recognizable power over the judiciary, [and] is trying to strengthen the religious / traditional aspect of the women's rights agenda. Opposition to the law reform is very strong within the judiciary, which is gaining momentum even in the parliament now" (Anwari 2007: 126). One woman parliamentarian from Kabul explained that because of the "lack of security, we have to be very careful about our activities in parliament," for instance during the debate on juvenile law and respective different age limits for boys and girls in front of conservative parliamentarians.[65] Religion is a crucial factor and highly sensitive issue in Afghan politics and society, as a high ranking government official from the Ministry of Par-

liamentary Affairs outlined. Even if women stand united on women's issues, there are divergent belief systems and powerful veto actors in place and women are not a coherent majority voting block on their own.

In times of voting, women MPs require the support from the (male) majority in both houses – highly fragmented bodies along ethnic, religious, regional, and linguistic lines, whose members range from "former mujahideen and Taliban commanders, communists, tribal nationalists, royalists, warlords, and urban professionals that do not like one another" (Johnson 2006: n.a.; cf. Bezhan 2006: 232, 235f). According to Katzman (2006: 4–5), the parliament is composed of supporters of the Karzai government plus a heterogeneous, fragmented opposition block consisting of supporters of the Hezb-e-Islami of former mujahideen leader Hekmatyar; supporters of the pro-Northern Alliance; the recently founded parliamentary group National United Front (Jabhe-ye-Motaded-e-Milli), led by parliamentary speaker Qanooni and former president Rabbani; former communists; former militia leaders; former Taliban figures; as well as a number of independent and highly educated parliamentarians, who are estimated to number 93, including numerous women parliamentarians.

Women parliamentarians, on the one hand, underline that they have enough voting power or critical mass to influence parliamentary decisions in their favor, if they stand united. On the other hand, they self-censor their own space of agency, as it is their male colleagues who take final decisions, as they hold the majority (Wordsworth 2007: 9). According to the view of a member of the Women's Political Participation Committee, who herself was a candidate in the previous parliamentary elections, the male-dominated environment in parliament means that women MPs cannot develop (good) working relations with male colleagues. Gendered interaction barriers hinder the approach of possible alliance partners of the other sex on top of the fact that, in her opinion, men are not interested in listening to women's voices and opinions and give them no time to speak.[66]

Successful legislation- and policymaking not only implies networking and strategic alliance-building within and outside of parliaments, but also an up-to-date knowledge of women's issues and possible regulations and solutions. Academic expertise of scholars from different areas, disciplines, and academic institutions can help

to develop effective and efficient legislative / policy proposals, to understand complex social problems, and to conduct surveys or feasibility studies on intended policy programs and their outcomes (Karam and Lovenduski 2005: 198).

Table: Guidelines from IDEA for women making impact through parliament[67]

	Institutional / procedural and representation	**Influence on output and discourse**
Learning the rules	– Participate in training and orientation exercises on internal parliamentary codes of conduct; develop public speaking and effective communication; and relate to and lobby male colleagues. – Network with women's organizations. – Mentoring by more senior MPs. – Understand and handle the media.	– Distinguish between women's perspectives, women-specific needs, and gender issues. – Caucus with media, national and international organizations. – Draw attention to discriminatory discourse against women. – Establish a presence within different committees (e.g., budget, defense, foreign affairs). – Clarify the value and importance of "soft" committees.
Using the Rules	– Make a point of nominating and voting for women in internal elections and within parties. – Draw attention to absence of women in key positions. – Invest in committee work. – Push for and establish government equal opportunity positions and women's ministries. – Campaign to expand existing structures to include women's concerns. – Set up networks to train in more convincing and less adversarial types of debate.	– Influence parliamentary agendas: introduce women-sensitive measures (e.g., changes in parliamentary work schedules to suit working mothers). – Establish public enquiries on women's issues and use findings to place issues on government agendas and within legislative programs. – Speak for, co-sponsor, and sponsor bills. – Seek partnership with male colleagues. – Make public issue out of certain concerns by cooperating with the media (e.g., on ways of referring to women in parliament, sexual harassment issues). – Link gender inequalities to other inequalities. – Form alliances with other excluded groups to seek representation. – Use the media as a part of the effective outreach strategy to widen women MPs' constituencies and public support bases.

	Institutional / procedural and representation	**Influence on output and discourse**
Changing the Rules	– Change candidate selection rules for the entire party, especially for leadership positions. – Introduce quota systems on certain committees or issue of proportionality of men / women representation. – Establish a women's whip, i.e., a manager for parties / legislatures responsible for the politicians' commitments to women's agendas. – Establish gender-equality committees. – Establish national machinery to monitor implementation and ensure accountability; institutionalize regular debates on progress into the parliamentary timetable. – Establish mechanisms to encourage female speakers (e.g., giving them priority over male colleagues). – Participate in institutional and procedural reform and modernization processes to ensure the resulting changes are women-friendly.	– Encourage the providing of financial incentives to programs / projects designed to facilitate women's decision-making endeavors (e.g., for leadership-training schools; increasing government subsidies to political parties with more women in leadership positions / candidates; introducing a specific women's budget earmarked for enhancing women's decision-making). – Cooperate with the women's movement and the media to change the image of women as "only" housewives, to portray them as effective and efficient politicians and to normalize the image of a woman politician. – Be proud of identifying as a woman, instead of attempting to imitate men and hide or deny womanhood. – Expand legislation to include emerging issues of importance to women (e.g., conflict resolution and peacemaking, human rights, special women's budgets).

3 Major findings of the survey on women parliamentarians

I am meeting women once or twice a week and work out the problems that they are facing like forced marriage or when girls are being traded. I went yesterday to Ghazni and met with my people (woman MP interviewed).

3.1 Personal backgrounds and pathways into politics

Afghan women parliamentarians are highly educated – a constitutional requirement according to Article 72/2 – with the majority of them having enjoyed tertiary education, in stark contrast to the majority of their fellow countrymen and women. They are by and large between 30 and 45 years of age – relatively young compared to the usually older entrance age of many women parliamentarians worldwide, owing to child and family responsibilities and gendered division of labor – married, and have on average several children. A significant number have lived outside the country during the past decades of conflict, for the most part in Pakistan and Iran (see tables below for details).

Chart: Age of women MPs

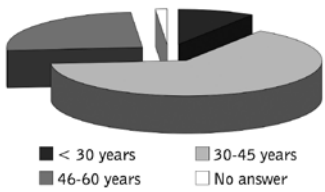


Chart: Marital status

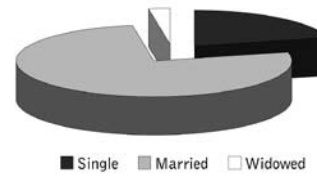


Chart: Number of children of women MPs[68]

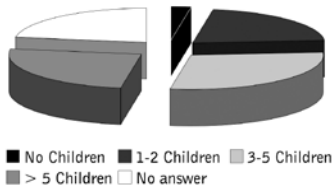


Chart: Years of schooling

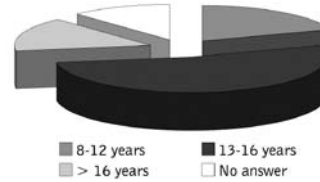


Chart: Tertiary education[69]

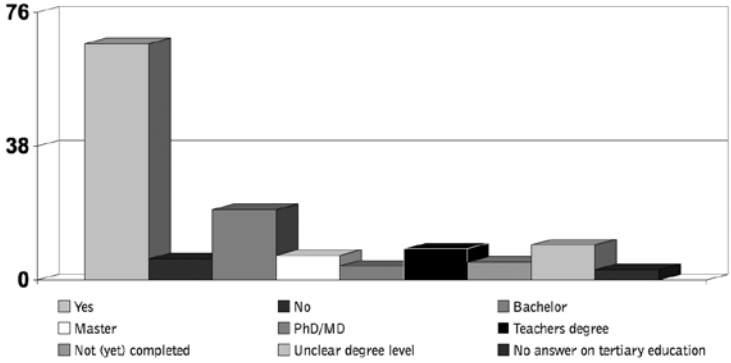
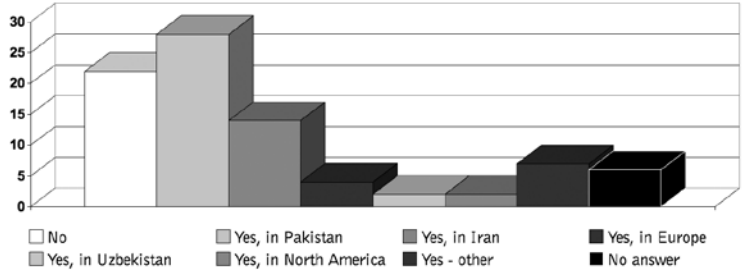


Chart: Stay outside Afghanistan (multiple answers if having stayed in more than one country)



In contrast to Afghan women in general, the overall majority of women parliamentarians had professional experience before joining parliament, primarily in the social sector, that is, education or health services or working in nongovernmental organizations.

Worldwide experiences and practices of developing and developed countries indicate that those women parliamentarians with strong links to and interaction with civil society organizations are the ones who can make a difference – in particular to advance women's issues and new policy items that diverge from the previous policy mainstream. Afghan women parliamentarians' backgrounds are split in half in this regard – half of them were or are members of civil society organizations, while the other half is not. The overall majority of them state that cooperation with civil society organizations is part of their parliamentary work, and a significant number declare being supported by civil society organizations in their political efforts. To

which extent and with which impact this interaction between women parliamentarians and civil society actors takes place was not part of the study. But Moghaddam (2006: 25f) cautions: "There are also numerous socio-cultural and functional constraints that put limits on Afghan women's individual and collective agency, including a weak civil society which mobilises in relation to funding rather than perceived needs" (see tables below for details).

Chart: Professional experience[70]

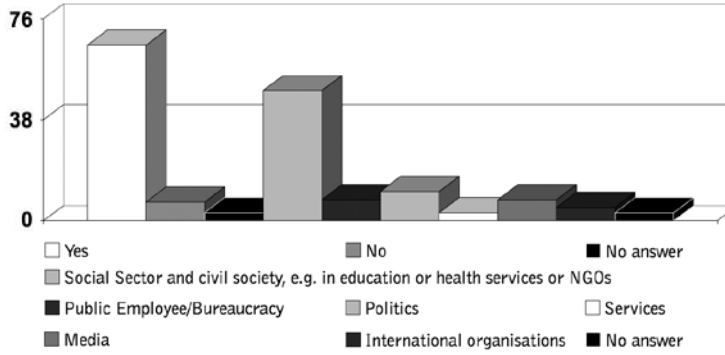
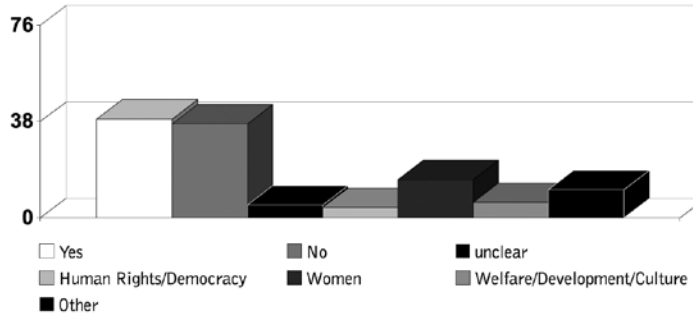


Chart: Member of civil society organization (CSO)[71] (multiple answers)



Reasons for joining politics

Three motives for joining politics can be identified among women parliamentarians in the current Wolesi Jirga and Meshrano Jirga (with some indicating various reasons): serving Afghan women, serving the people and the nation, and reasons related to personal backgrounds and specific interests.

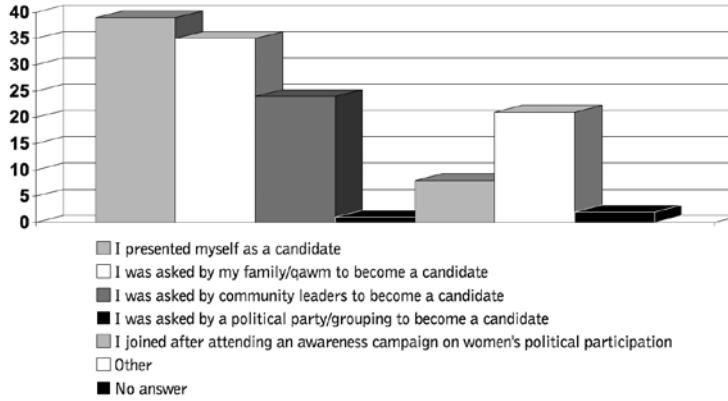
Serving Afghan women – Nineteen women parliamentarians joined politics to better the situation of women through work as a parlia-

mentarian and by working with the government. Of this group, one specifically mentioned that she joined to fight old customs regarding women, for women's rights, and against violence, while another joined to work for a better understanding of women. Seven other women parliamentarians specified that their motivation is to support / defend women's rights and secure their independence, while an additional three want to make women's voices heard in government and civil society. The novelty of women's opportunities for political participation crystallized in the reasons given by four more women parliamentarians who emphasized this participatory gap in the past and joined politics to grasp the chance provided by the new constitution as well as to encourage other women to do the same.

Serving the people and the nation – Twenty-two women MPs joined politics to serve / help people and secure the country's future, as well as people's rights, development, and justice. Entering the political arena two years back was for seven women parliamentarians important due to many years of war (3 responses) and due to the particular needs of the time, the state, and of society (4 responses). One woman parliamentarian stressed that society needs women's help, so she presented herself as a parliamentary candidate while another explained: "I was known to the people and wanted to serve the people and community in politics."

Reasons related to personal backgrounds and specific interests – Twenty women MPs were motivated by their own interest in politics and serving people and therefore joined parliament whereas, in contrast, 11 women parliamentarians were brought or requested by others, mainly "people" or family, to join politics (7 responses), or they had a political family background (4 responses). Five MPs mentioned specific personal motivations for entering the political arena, which ranged from (a) limited resources of education in the home province, (b) a model and route for the new generation / youth to follow, (c) having "sound politics for the country's development and reconstruction, such as in education and health," to (d) continuing the political struggle of the formerly imprisoned father and fight personally for democracy and gender justice.

Chart: How did you join politics?[72] (multiple answers)



Women of Helmand requested me – because they knew me – to nominate myself to work for the relief of women and rights of women – Of the 21 women parliamentarians who indicated other paths to parliamentary candidacy and mandate, the majority said they were selected or requested by the people / constituents (10 responses). Another eight responded that they were appointed as senators.

Chart: Are you a member of a parliamentary committee?[73]

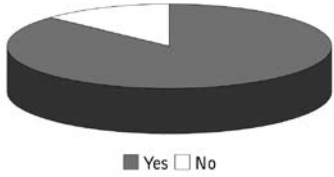


Chart: Will you stand again as a candidate in the next parliamentary elections?

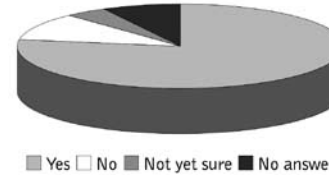
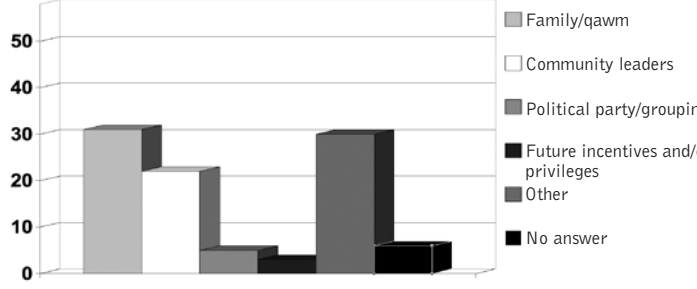


Chart: If yes, on what or whom will it depend? (multiple answers)



Those 30 women parliamentarians for whom it depends on different persons or factors than those indicated in the questionnaire mentioned primarily "people" or "constituents" (21 responses) but also personal aims ("depends on myself," 6 responses), "personal achievements and work as a parliamentarian" (1 response) or, rather general, "the nation" (3 responses). A suitable environment, the election law in place (political party-based or not), as well as religious leaders of the constituency were also mentioned.

3.2 Accountability, support, and interaction with society

Women parliamentarians feel themselves predominantly responsible to the people, their constituents, and their clientele without explicitly referring to their female constituency. Support for their work as a parliamentarian derives mainly from their personal private networks (family / qawm), community leaders, constituents, and civil society organizations.

Chart: To whom are you accountable as a parliamentarian? (multiple answers)

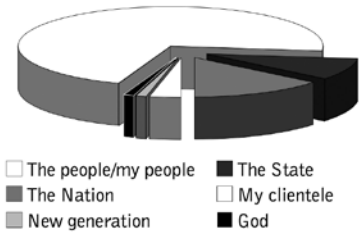
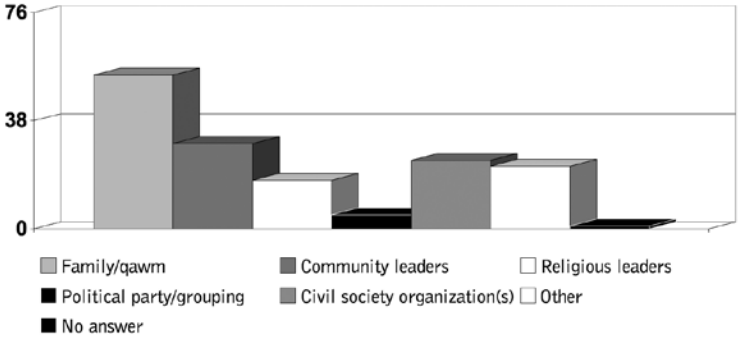
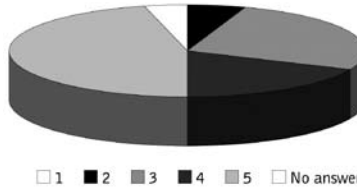


Chart: Who supports you in your work as a parliamentarian?[74] (multiple answers)



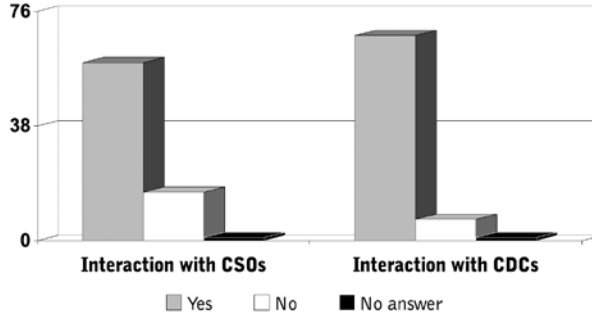
Twenty-two women parliamentarians indicated other groups of persons who support them in their work as a parliamentarian. The two most common answers were "people" / "people from the community / constituency," "wise people from the community / civil society," or simply "my people (15 respondents). Others mentioned for instance "friends," "the ones with same opinions," or objected "I'm an independent."

Chart: How often do you interact with members of your constituency? (1=never, 5=very frequently)



Women parliamentarians claim to have a good relationship with their constituents. One woman parliamentarian reported different difficulties when interacting with people in their communities – getting in touch with women was difficult, as only the men come to talk and eat with them, saying that their women are working and staying with the animals.[75]

Chart: Interaction of women parliamentarians with civil society organizations (CSOs) and community development councils (CDCs).



In contrast, findings of other studies and observations from civil society members question these self-assessments and paint a rather negative, disillusioned image.

> *A considerable hindrance to provincial representation is that MPs' return to their province is often limited by a lack of time, inadequate funds and distance combined with unsuitable roads, and seasonal weather concerns. Many MPs related these kinds of difficulties. […] Despite the numerous restrictions, a heavy reliance is placed by MPs on direct telephone contacts with constituents, limiting the communication to those areas with mobile network coverage. Constituents play a role in overcoming the communication difficulties faced by MPs by themselves travelling to Kabul to consult them (Wordsworth 2007: 25).*

The lack of interaction also extends to CSOs, in the observations made by civil society activists: Very few are available for meetings or only sit with them for a few minutes, address rather the invited media, and leave soon after instead of listening to the ideas, concerns, and suggestions of civil society.[76] Reasons might be a lack of interest or value given to civil society's work as well as the pursuit of personal benefits within the structures of the political system rather than operating on a wider range, beyond one's own political party / parliamentary group, and clientele.[77] On the other hand, they might be following their male colleagues' examples or actually do not want to be associated with certain civil society groups out of fear of spoiling their reputations with some segments of society or their support groups.[78] Several civil society members from national and international organizations complained that women parliamentarians do not respond to training and facilitation provided by different organizations with a continuous commitment and interest.[79]

3.3 Government oversight, national budget, and cooperation with the Ministry of Women's Affairs

Monitoring the government and its budget plans are two of the main pillars of (women) parliamentarians' work in which they can bring in their own political interests, concerns, and motivations. Because many women parliamentarians are elected on quota provisions, they are often understood by the general public, civil society, and their male colleagues to be first of all (but not only) representatives of Afghan women and thus responsible for the latter's concerns, to possibly be addressed in cooperation, among others, with the Ministry

of Women's Affairs (MOWA) – the chief governmental national machinery for women's issues.

Personal political concerns for the national budget – Five different concerns of women parliamentarians for the national budget can be identified from the responses given: a balanced budget with priorities for the Afghan nation and its provinces; specific policy areas and needs for the national budget; a focus on the development and reintegration of socially marginalized groups or specific social groups. Women parliamentarians appear to be critical or to even question the priorities set by the current national budget plan, the balance of allocations for ministries, provinces, and specific groups of people, such as women or youth. Special concerns for provinces, reconstruction, and provision of different kinds of social services, infrastructure, and specifically vulnerable or marginalized groups of people characterize their self-perceived personal national budget interests. However, 18 colleagues could not identify specific interests or did not answer this question.[80]

A balanced budget with priorities for the Afghan nation and its provinces – A major preoccupation of women MPs lies with the salary balance between different groups of people: four required more balanced salaries or a general rise in salaries while two were concerned with the income received by ministers, MPs, and the president. An increased salary for teachers and government officials was required by eight women MPs, while two were particularly concerned with the salaries of martyrs, war victims, and disabled persons. Six women parliamentarians' budget concerns pinpointed the need for more balance among different ministries and provinces, avoidance of extra expenditures, or a better expenditure compared to the previous year. While nine MPs were concerned with the common budget in general terms, three women would like to see a budget that prioritizes people's needs and problems as well as a budget for national unity (two responses). A significant group of 15 women MPs (19.73%) reported their concern for the allocation of a (balanced) budget for Afghanistan's provinces; two mentioned in particular the provincial expenditures for reconstruction and another one the need for good usage of provincial budget allocations.

Taking into consideration specific budget policy areas and needs – Development and reconstruction rank at the top of the list of women parliamentarians' budgetary concerns: 32 women outline their specific budget interests for development and (re)construction of

infrastructure. Urban development (e.g., of Kabul), transport means for travels to provinces, or the construction of the circle road are further responses received by five female colleagues. Following are education (30 MPs), health (21 MPs), security and peace (13 MPs), as well as agricultural and rural development (6 MPs) as prime political concerns of women parliamentarians with regard to the national budget. Other specific policy areas and needs mentioned are: a budget for emergencies and natural disaster (1), capacity-building (1), enforcement of lawmaking and the maintenance of law (3), anti-narcotics (1), anti-terrorism (1), the parliamentary budget (2), social services (2), water and energy (3), attraction of foreign aid (1), international money to be submitted to government (1), police affairs and reform (4), as well as defense expenditures (1).

A focus on socially marginalized groups / specific social groups – A smaller group of women MPs specifically referred to certain more vulnerable or needy groups of people such as the disabled and widows (1 MP), Kuchis (1 MP), immigrants (2 MPs), youth (1 MP), or women. With regard to the latter, seven female legislators complain about an imbalance in the women / gender budget allocation. Five women MPs outlined budget concerns in the field of gender and gender equality and another one in the field of women's participation (in general terms).

Negotiating the allocation of funds of the national budget – Sixty-nine women parliamentarians answered that they suggested or initiated changes to the national budget plan (90.78%).[81] Similar to answers received for the previous question, the suggestions for changes in the national budget can be categorized into five areas: (a) a balanced budget with priorities for the Afghan nation, (b) specific policy areas and needs, (c) a focus on the provinces, (d) a focus on development and reconstruction, and (e) a focus on socially marginalized and / or specific social groups in need.

A balanced budget with priorities for the Afghan nation and its provinces – Suggestions or initiatives for amendments were made to the common budget in general (2 MPs), with regard to a more balanced and well-prioritized budget without sumptuous expenditures (2 MPs), an increased budget for ministries that could not complete their work in the last year (1 MP), and a special concern – the question of salaries. Thirteen woman MPs requested and / or supported an increased salary for government officials and teachers, while two requested a review of the salary scale for martyrs and the disabled.

Two MPs were concerned with a broad rise in income, such as for employees, farmers, and / or people in general, while four colleagues suggested changes in the salaries of government officials and its ministers as well as of parliamentarians. A balanced budget or increased budget allocation for all provinces were the concern of 10 women parliamentarians, in particular the allocation of funds based on population size of province (1 MP) or to ensure that funds are spent on the allocated province (2 MPs). Two female legislators suggested having more budgets for municipalities.

Taking into consideration specific budget policy areas and needs – In particular the budget for education was subjected to intervention from women parliamentarians, 16 in total, followed by health (9 MPs), water and energy (4 MPs), and construction of infrastructure such as (circle) roads and dams (3 MPs). Other suggestions related to loans for agricultural development from banks or the international community (2 MPs), security issues (1 MP), custom money (1 MP), or the distribution of ration cards for government officials (1 MP).

A focus on development and reconstruction represented 15 intercessions by women parliamentarians, in particular issues of development and / or reconstruction of provinces and / or infrastructure (12 MPs), and agriculture and rural development (3 MPs).

A focus on socially marginalized groups / specific social groups – While women MPs identified several specific groups of people in need, their budget amendments and suggestions in this category focused on women only, for example a women / gender budget (6 MPs), budget allocations to support women and give more attention to their situation (2 MPs), budget allocations for MOWA (2 MPs), development budget allocations and projects related to women's problems (2 MPs), as well as the participation of women in military and security issues (1 MP).

Gender and the national budget

An outright majority of women parliamentarians (76.31%) is of the opinion that the national budget and government expenditures are not gender-sensitive – primarily because of influential and outspoken veto actors, resistance, or lack of support from the majority of parliamentarians, the president, and his cabinet, and lack of support and unity among women parliamentarians.

Chart: How gender-sensitive are the national budget plan and government expenditures? (1=not at all, 5=very)

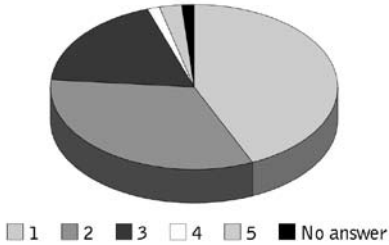
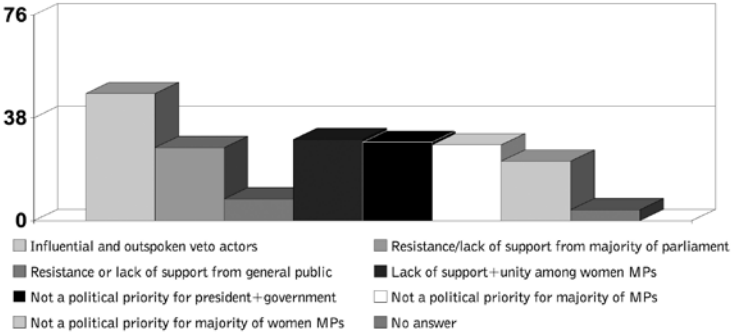


Chart: Reasons for low gender-sensitivity of the national budget plan and government expenditures (multiple answers)



Of the 47 women parliamentarians who identified influential and outspoken veto actors as the main inhibitors, the outright majority saw those veto actors in government (89.36% of answers given), while nearly 40 percent pointed to veto actors in parliament (38.29%) and a minority to veto actors outside the parliament (10.63%).[82]

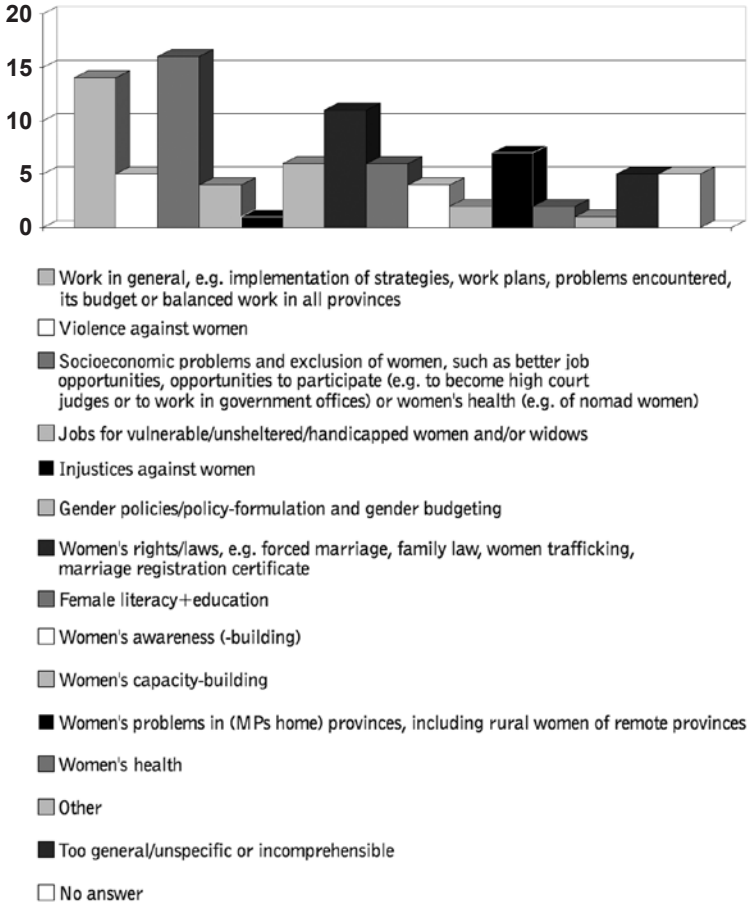
Cooperation with the Ministry of Women's Affairs

> *In 2002, MOWA was established as the first national machinery for the advancement of women in Afghanistan. Its mandate is to mainstream gender throughout government policies and programmes. The Ministry was allocated minimal resources for its own programmes in the national budget exercise, partly as a result of the government's policy of gender mainstreaming. It relied primarily on technical and financial assistance from the donor community for its support (Kandiyoti 2005: 16).*

The outright majority of women parliamentarians (72.36%[83]) replied that they interact and cooperate with MOWA on a variety of issues and in various ways. Those 20 women parliamentarians (26.31%) who do not cooperate with MOWA either do not know how or whom to contact within the ministry, do not agree with their policymaking, are of the opinion that there are other, more effective mechanisms, did not answer at all (2 respondents) or have other reasons. The latter are the alleged lack of information from MOWA about plans and programs, its perceived incapability to raise women's voices, fight against violence against women, or the lack of results of its work. One woman parliamentarian excused her non-cooperation somehow with the fact that she had "been too busy and had no time to contact and cooperate." Two women parliamentarians resented the conduct of the minister herself as she allegedly serves her own constituency and political interests as well as allegedly having the zeal of ethnicity.

Different opinion patterns of women parliamentarians toward MOWA surfaced in the answers and comments given during the survey. Opinions range from considering MOWA an important but so far ineffective ministry to the claim that, despite cooperation in place, it is an unimportant ministry that even deepens the gender divide.

Chart: On what issues have you interacted or cooperated with MOWA? (multiple answers)

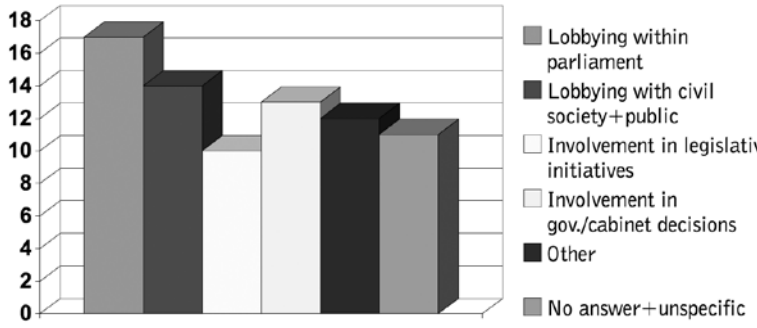


Interestingly, six of the women parliamentarians who said they do not cooperate with MOWA – as they say it is incapable of raising women's voices and fighting violence against women – nevertheless find it an important ministry despite its ineffectiveness. This is also true for several women parliamentarians who are highly critical of the output and outcome of MOWA policies, programs, and activities on a national level, but nonetheless emphasize its importance as an institution to advance women's issues and to cooperate in various fields and on various issues with the ministry. Criticism is raised by those MPs who believe that MOWA could have addressed and / or

dealt in a better way with specific policy concerns such as women's capacity-building or women's illiteracy. According to one MP, MOWA has reached and satisfied only a very low percentage of women living in the provinces and is much more involved with women living in the cities. Therefore, another MP demands that MOWA extend its activities to the provinces and districts as people in remote areas are not satisfied with its work.

One major critique voiced by several women MPs is the lack of implementation – MOWA has to be more than just a decision- and policymaking body of women's issues. On the other hand, one MP cautions that MOWA itself does not possess power of implementation. Furthermore, explains one colleague, those responsible for budgets "do not consider women's rights and also don't welcome laws on women's rights." Remarkably though, a group of women MPs who say they cooperate with and lobby for MOWA generally consider it less important in the advance of women's issues, rating its importance between 3 and 2 – even female legislators who allegedly favor a top-down approach on gender policies.

Chart: How did you involve the Ministry of Women's Affairs in the process? (multiple answers)



Additional ways of involvement and interaction between women parliamentarians and MOWA were indicated by 12 interviewees through (a) issuing support and recommendations, (b) involving / connecting MOWA to the parliament, for example with women parliamentarians, the Women Parliamentary Network, meetings with MOWA officials and / or inviting the minister to parliament and / or to the Resource Centre for Women in Politics of UNIFEM for discussions, (c) informing MOWA on information received from women

who contact MPs about their problems, (d) "sharing my experiences, skills, and views with MOWA and through my own encouragement as a woman," (e) "cooperation with the people and pressure from people on the work of MOWA," and (f) encouraging MOWA to be active in policymaking. One woman MP pointed out that MOWA itself requested a joint meeting.

Chart: Was it successful?

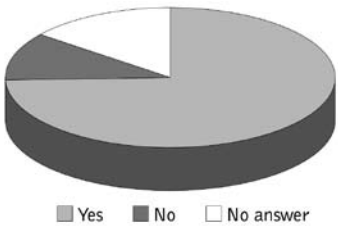
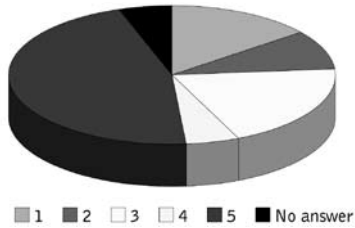


Chart: How important is the Ministry of Women's Affairs in advancing women's issues? (1=unimportant, 5=very important)



3.4 Political agendas and legislative interests

Women parliamentarians interviewed were asked to identify the top five issues of their political agendas and legislative interests.[84] As evident from the table below, women parliamentarians' agendas and legislative interests can be subsumed under six different areas: (a) ensure the proper functioning of the state apparatus and political system, (b) ensure development and reconstruction efforts across the country, (c) ensure women's issues, needs, and rights are addressed in the political arena and implemented, (d) progress with democratic values, (e) cater to minorities, specifically Kuchi nomads, and (e) work in specific policy fields, predominantly health, education, security, and youth. Women parliamentarians' agenda-setting apparently matches with the prime concerns of Afghan people, although little reliable data is available. According to a survey conducted in September 2007 by the newspaper *Kabul Weekly*, 2,000 residents from the greater Kabul area (with backgrounds from across the provinces of Afghanistan) designated security (45.75%), education (25.6%), and employment (13%)[85] as the three most important issues (Kabul Weekly 2007).

Table: Political and legislative interests of women parliamentarians (in brackets number of MPs)

Dimension / arena	**Specific interests**
State apparatus and political system	– To ensure the supremacy of law and strengthen law and its implementation (6) – Legislation-making (5) – Fight against administrative corruption (5) – Monitoring and implementation of laws (4) – Ascertain the place of parliament and its proper conduct (2) – Administrative reforms (2) – Presence of a strong and functioning cabinet (1)
Development and reconstruction	– Development / reconstruction of provinces / country, its people, living standards, and infrastructure (21) – Eradication of poverty and people's development (6) – Cultural development (2) – Agricultural sector and rural development (2) – National benefit and prosperity (2)
Specific policy areas	– Education and improvement of literacy and the education system (26) – Security (23) – Health (15) – Youth / children (8) – Capacity-building, training, and job opportunities (6) – Anti-poppy cultivation / anti-narcotics (4) and help for poppy farmers to find alternative income (1) – Increase of salaries for government employees and improved conditions for lower-level government employees (2)

Dimension / arena	Specific interests
Women and gender issues	– Women's literacy and education, including respective institutions (14) – Women's development, needs, and improved situation (13) – Women's rights (12) and also to raise awareness in families about women's and men's rights (1) – Women's participation in political and social sectors (8) – Lawmaking for women (8) and by women (1) – Gender equality (7) – Women's economic development, empowerment, and job opportunities (5) – Women's health and health sector development (4) – Women's issues (4) – Support of women from constituency / province (3) – Participation of women in government offices, works, and planning (3) – Violence against women (3) – To raise women's affairs of rights (3), in particular of those from lower tiers of society (1) – Attention of international donors to better women's situation (2) – Gender budget and / or gender equality in the budget (2)
Values	– To service people in an accountable way and solve problems of people and society (7) – Democracy and human rights (3) – Good governance and social justice (2)
Specific groups	– Kuchis, in particular women (2)

Chart: Ranking of feasibility to initiate respective legislation in the current parliament according to the policy issues identified before (1=absolutely impossible, 5=very possible)

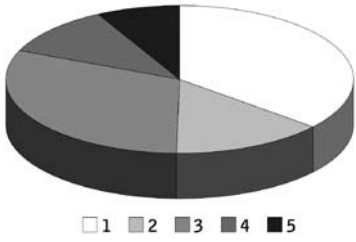
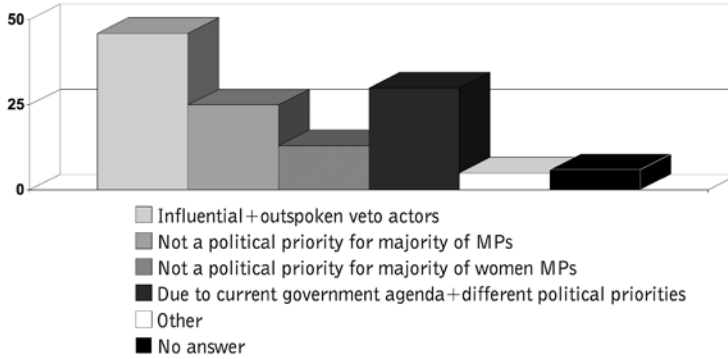
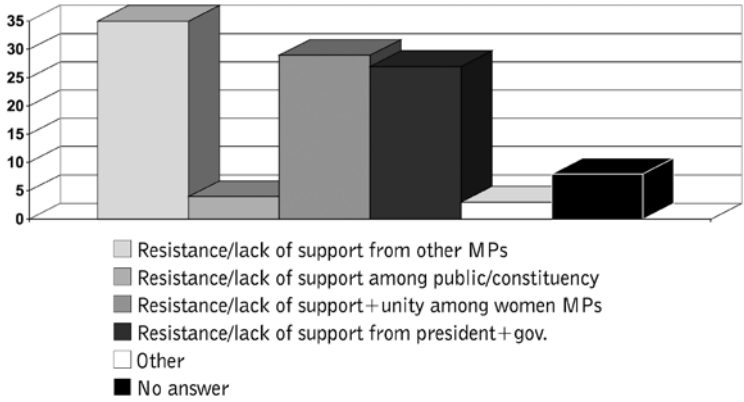


Chart: If feasible, what are reasons for missing legislative initiatives? (multiple answers)



Influential and outspoken veto actors that impede legislative initiatives from women parliamentarians are largely seen to operate within parliament (39 responses, 84.78% of answers given). None wanted to identify particular spoilers so comments were of a rather general nature, ranging from "government members" (although not belonging to the parliament!) and "outside actors" to "female and male parliamentarians who do not believe in women's work." Six women parliamentarians gave additional reasons for missing legislative initiatives: reluctance of government offices and ministries; no proper party representing the people in parliament; lack of external support and good advisers; improper environment in parliament; members opposing these issues; and "MPs do not have enough experience to initiate legislation."

Chart: If not feasible, what are the main reasons? (multiple answers)



Some women parliamentarians identified specific inhibitors or named specific spoilers who prevented them from initiating legislation. In the parliamentary arena, former mujahideen and commanders, warlords, extremists, "those who put forward ethnic, qawm and religious issues," and "those who are not in favor of democracy" were mentioned. In the arena of the general public and electoral constituencies, extremists as well as the consequences of 30 years of war and Taliban rule were referred to by two parliamentarians. Three women parliamentarians explain that lack of awareness among women MPs, different ideas among themselves as they belong to "certain parties," as well as the fact that "violence against women is felt everywhere" are among the reasons why there is resistance or lack of support and unity among them. Two women parliamentarians outline that the government interferes in legislative initiatives or rejects presidential decisions. Three more factors were observed by the interviewees: (1) suggestions brought from provinces by MPs are not taken up, (2) lack of security, and (3) according to one MP, that "some organizations, which are supporting the parliament, create a lack of unity among women MPs as they usually support one group of women and not others."

Political priorities and legislative interests in the field of women's issues

In spite of women's sizable presence in Afghanistan's Wolesi Jirga, the representation of women's gender interests remains

> *minimal. This is not to say that their political influence has not increased over the last 18 months, but rather that women have not generally used this newfound influence to promote their gendered interests (Wordsworth 2007: vii).*

Women's issues have remained at the center of international public attention and national political rhetoric and political symbolism for many years.

> *After the fall of the Taliban regime, it was hoped that the common laws of Afghanistan, related to women's rights, would quickly develop and be revised according to the principles of human rights. And, as security would increase, respect for "rule of law" will also be developed and expanded all over country. Unfortunately, this has not happened. The judiciary reform has moved very slowly, preferring to re-adopt existing laws than to develop new laws (Anwari 2007: 122).*

One major challenge of quota women is to define and position themselves as full-fledged, equal, public representatives within the political mainstream so as to ensure the substantial representation of a specific, highly heterogeneous social group and its interests to fulfill their mandate as women's representatives. To achieve political legitimacy and authority is a double-edged sword in such a double-bind context because quotas are used to create rifts in previously male-only or male-dominated power bastions. In such power bastions, women's issues and / or women's agendas are largely perceived as disruptive of the status quo and the entrenched distribution of power. They are also seen as innovative and, hence, most often as being divergent from the "classical" or "majoritarian" policy issues and embodying contentious issues of struggle among progressive and conservative political forces, as well as challenging gender norms and structures of oppression. Advancing a pro-women agenda in a highly fragmented, traditionalist to ultra-conservative setup is therefore an enormous challenge for Afghan women parliamentarians, even if they share similar views on women's issues and rights, as the following survey of women MPs' gender priorities and their respective implementation feasibility indicates. The data analysis indicated some interesting trends and correlations in answers given.

- Most women parliamentarians who ranked the presented items on women's issues as being less important mostly considered the feasibility for legislative initiatives as being very low to low.
- Most women parliamentarians who ranked the presented items on women's issues as being very important considered the feasibility for legislative initiatives as being significantly lower due to veto actors, government policies, and lack of interest from the majority of parliamentarians.
- Eight women parliamentarians who stress a pro-women agenda later on ranked most items presented on women's issues as being not so important while, in contrast (or contradiction), they considered their feasibility being significantly higher or high.
- Some women parliamentarians ranked issues of women's political empowerment, that is, having more women in political positions or in civil service, lower than a subsequent women's quota as a measure for achieving this goal.
- Several women parliamentarians showed divergent views and jumps in their ranking of the importance of several of the items presented about women's issues.
- Overall, women parliamentarians' priorities and feasibility assessments are significantly scattered between different issues of sub-items (e.g., personal status / economic status) or across the spectrum of items and / or degree of enforceability (important / unimportant; possible / absolutely impossible).

Chart: Ranking of own political priorities on women's equality in personal status (1=very low, 10=very high)

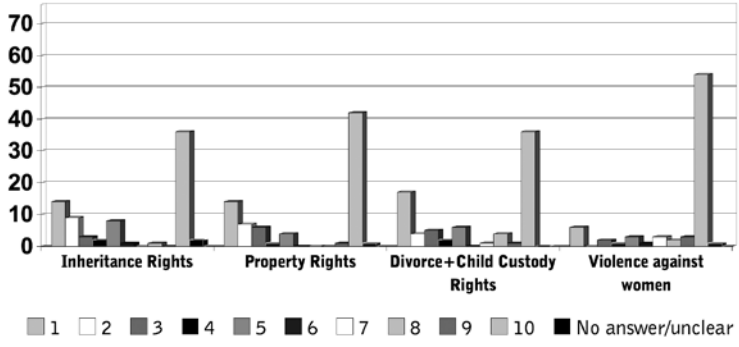


Chart: Ranking of own political priorities on women's economic status (1=very low, 10=very high)

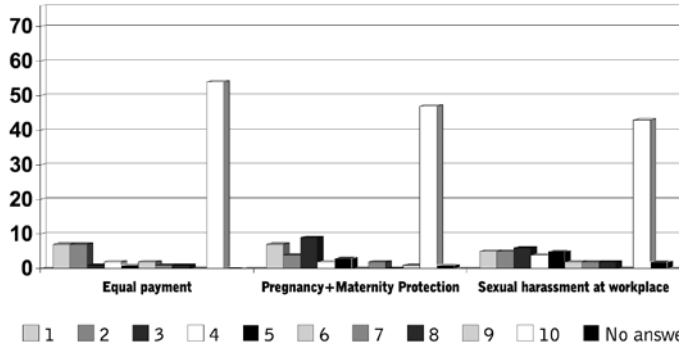


Chart: Ranking of own political priorities on women's political representation and participation (1=very low, 10=very high) – More women in leadership / decision-making positions in national and provincial government / decision-making and civil service

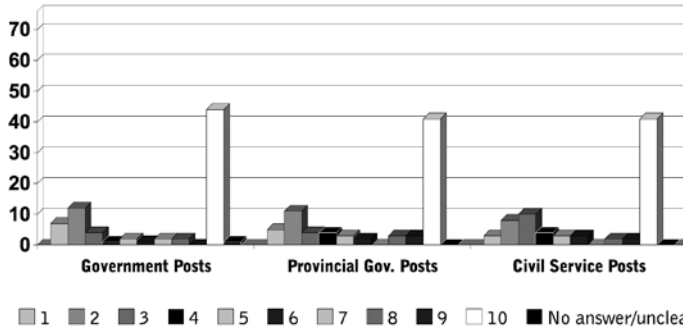
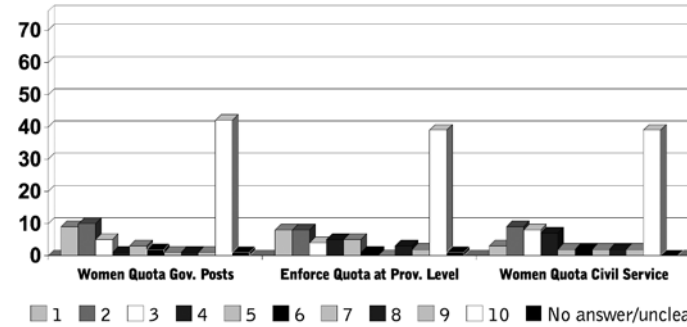


Chart: Ranking of own political priorities on women's political representation and participation (1= very low, 10 = very high) – Introduction of quota regulations for government posts and civil service, enforcement of quota compliance at provincial level (including sanctions)



Few women parliamentarians suggested other women's issues for the list of items presented in this questionnaire, although the option was available for every subgroup of items (personal status, economic status, political representation and participation). The following additional women-related priorities were identified: (a) personal status – dowry, women escaping from home, property after divorce and polygamy (no ranking), as well as the right of women to choose their marriage partner (perceived high importance, middle-low feasibility), forced marriage (perceived low importance, no feasibility indicated), and the right to education (perceived high importance, low feasibility); (b) economic status – social security (no ranking), retirement of women and rights for working and breastfeeding working mothers (high importance, low feasibility), equal opportunities for women in business / economic activities (perceived high importance but low feasibility), as well as economic independence / empowerment of women (perceived high importance, middle–high feasibility), and facilitation of job opportunities for women (perceived high importance, but low feasibility); (c) women's political representation and participation – lack of attention to women being hired for key government positions (no ranking) and equal political status (perceived high importance and feasibility).

Perceived feasibility to initiate subsequent legislation on women's issues

In the following set of questions, women parliamentarians were asked if they think it is possible to introduce women-friendly legislation on the abovementioned issues in the current parliament. As the results below indicate, women are divided on the viability to initiate women-friendly legislation, although a trend toward near impossibility on the majority of items takes shape in the data collected. Exceptions are the issues of divorce and child custody rights (medium-high practicability) and increasing the number of women in government and civil service, including respective quota provisions (medium achievability). One woman MP did not answer this set of sub-questions.

Chart: Perceived feasibility with regard to women's equality in personal status (1=absolutely impossible, 5=very possible)

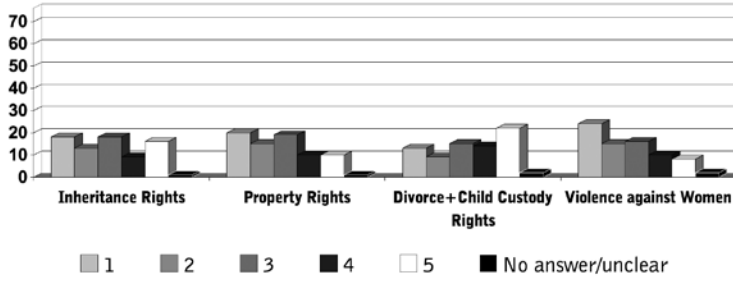


Chart: Perceived feasibility with regard to women's economic status (1=absolutely impossible, 5=very possible)

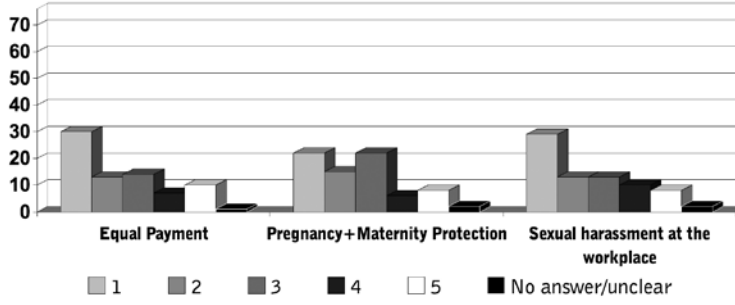


Chart: Perceived feasibility with regard to women's political representation and participation – Part 1: more women in leadership and decision-making positions in government, at provincial level, and in civil service (1=absolutely impossible, 5=very possible)

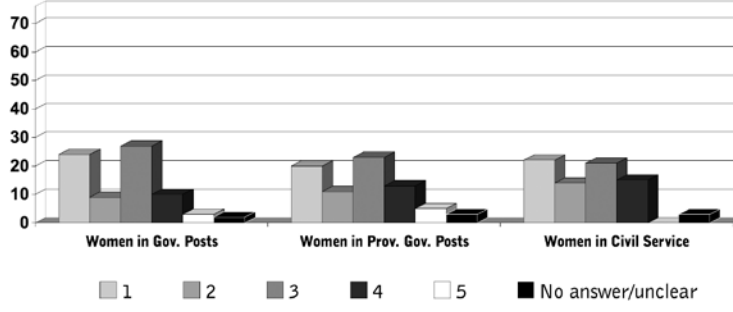
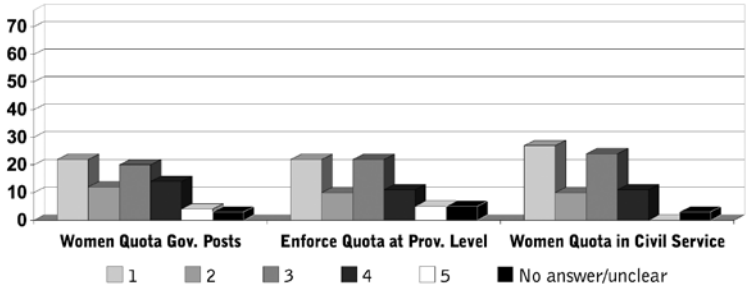
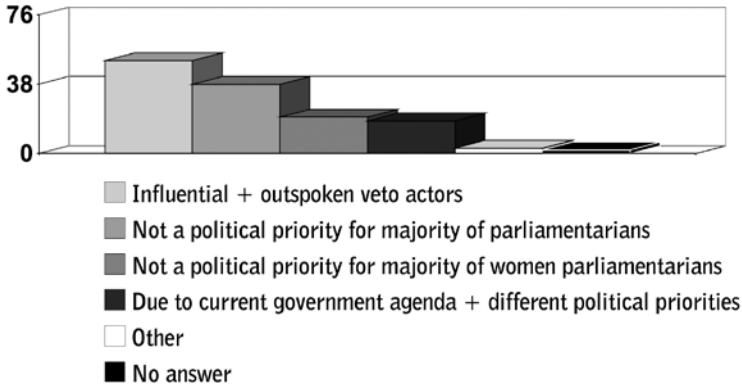


Chart: Perceived feasibility with regard to women's political representation and participation – Part 2: women's quota for leadership and decision-making positions in government, at provincial level, and in civil service (1=absolutely impossible, 5=very possible)



Influential and outspoken veto actors within the political system were identified as major obstacles by 51 women parliamentarians interviewed (67.10%) – predominantly those sitting in both assemblies (46 answers) but also cabinet members (17 answers). Some individual respondents added to particular spoilers / spoiling factors: a "wrong male culture, partly due to illiteracy," "lack of support from male parliamentarians," parliamentarians who "do not believe in women's rights from an Islamic (Sharia) point of view," as well as those "who oppose women in leadership positions."

Chart: If feasible, what are the reasons for missing legislation? (multiple answers)

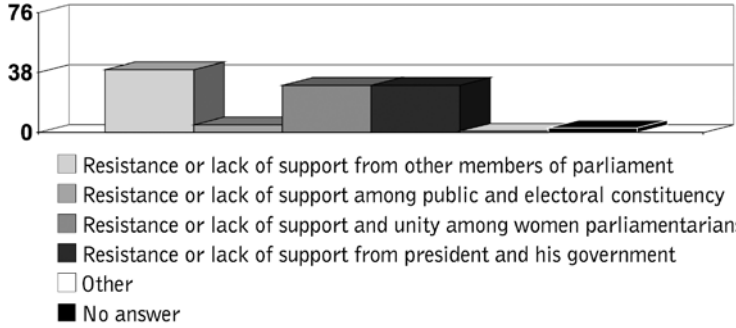


Four women parliamentarians indicated other reasons for lack of legislation. The answers seem to mirror the divided nature of current

Afghan parliamentary politics as well as a rather hostile environment for advancing women-related issues and concerns:

- lack of coordination among MPs;
- lack of unity and mechanisms among women legislators;
- varying tactics in parliament, depending on the specific dimension or issue;
- lack of control of parliamentarians on the defense and approval of laws;
- fanaticism and discrimination in government.

Chart: If not feasible, what are the main reasons for missing legislation? (multiple answers)



Among the members of parliament who resist or refuse to support related women-friendly legislation, the following group of actors were indicated by several respondents: former (jihad) commanders, warlords, extremists, traditional power holders, jihad parties, as well as members of political parties and those who want to protect party benefits. Three women parliamentarians furthermore mentioned cabinet members as impeding factors, in particular conservative ministers as well as the current interests of President Karzai's government. With regard to the general public, one woman parliamentarian mentioned resistance from Ulema and religious leaders. Four women parliamentarians are of the opinion that the resistance or lack of support among women parliamentarians is partly due to general societal ethnic, linguistic, or religious divisions and / or due to women MPs' disagreements about issues and different opinions / views.

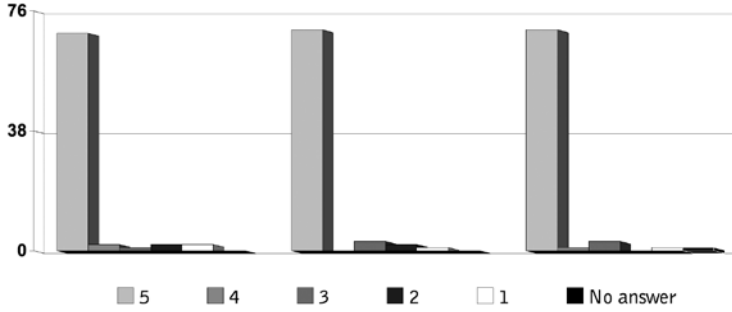
3.5 International treaties, resolutions, and cooperation agreements on Afghanistan

> *Afghanistan is a signatory to a large number of treaties and conventions, including those related to women like CEDAW. The Afghanistan Constitution clearly mentions that it is obliged to remain committed to the international treaties signed and the reporting of its implementation. […]A recent statement from the Parliament reveals that there are plans to review the commitments made by Afghanistan to the international treaties, as one of the main priorities (Anwari 2007: 126).*

Similar to the commitment to women's issues, women parliamentarians stand united when it comes to the importance of international treaties, cooperation agreements, and resolutions for their own work and political agendas, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UN Security Council Resolution 1325 on women in conflict and post-conflict peace-building.

Five women parliamentarians interviewed gave additional comments on the significance and impact of international conventions and agreements on Afghanistan, indicating a gap between the signing and implementation thereof. As Afghanistan has signed international documents such as CEDAW and the UN Declaration of Human Rights, it is morally bound to act upon them, one MP emphasized. Furthermore, civil society organizations should work with MPs to push for the acceptance of CEDAW in parliament, pledges another MP. The government has to be committed to all conventions signed, because as laws are not implemented, there is no effect on the situation of women.

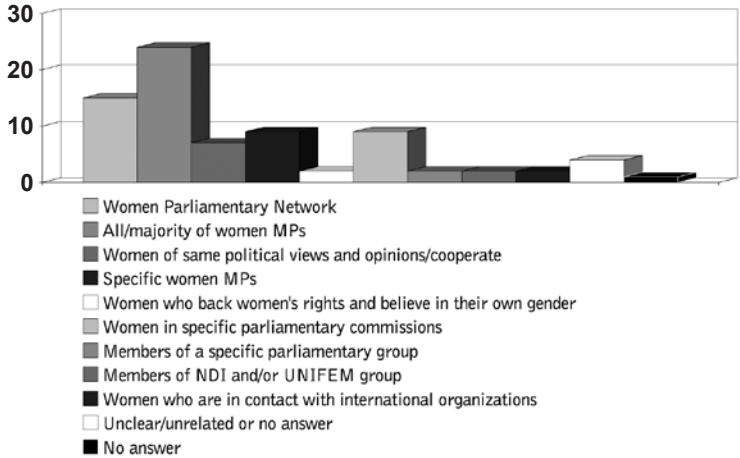
Chart: Impact of international treaties, cooperation agreements, and resolutions for women parliamentarians' work and political agendas (5= very important, 1= absolutely unimportant)



Cooperation among women parliamentarians

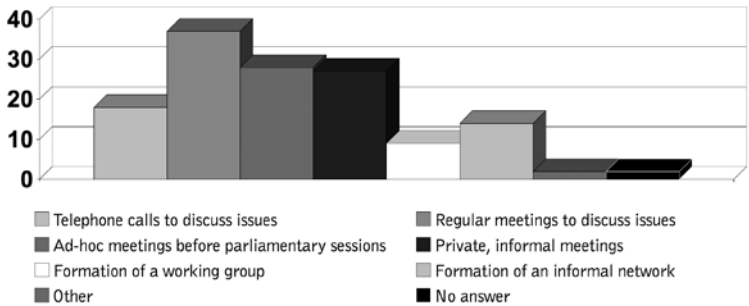
In contrast to general perceptions of civil society activists as well as female and male parliamentarians interviewed during the course of the study, 72 out of 76 women parliamentarians interviewed (94.73%) said that they interact and join in efforts with other women parliamentarians in order to raise issues and present legislative initiatives in parliament. Only four (5.26%) said that they do not interact with their female colleagues. Several reasons were given by two of them for not cooperating: One respondent said that it is not a priority for her own political agenda and parliamentary work. Such a step would furthermore encounter resistance or withdrawal of support from both family / qawm (2) or unspecified others (1). Political and ideological differences with the other women parliamentarians were also reasons for two out of four non-cooperating women parliamentarians, while one did not answer at all.

Chart: With whom do you usually work together?[86] (multiple answers)



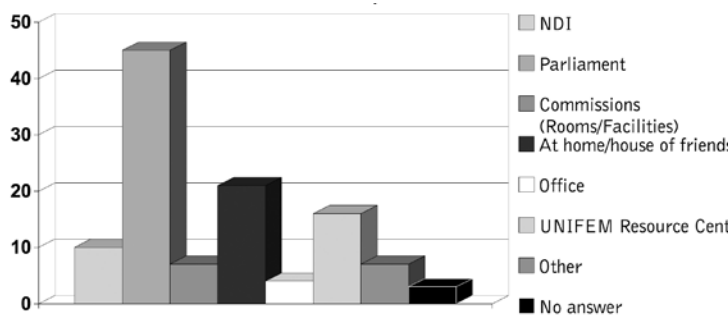
Twenty-eight different women parliamentarians' names were mentioned by their colleagues. Members of the parliamentary Commission on Women Affairs, Civil Society and Human Rights were identified by four respondents. More general answers were given by two other respondents who said they only cooperate with "women who are not in political parties" or "women who work for the national benefit."

Chart: Mechanisms of interaction and cooperation[87] (multiple answers)



With the parliament or home being the preferred place for interaction and cooperation among different women parliamentarians, some interviewees mentioned other locations such as safe / secure place or offices of other organizations such as UNDP, MOWA, IRI, youth network, or the office of the Afghan Parliamentary Group.

Chart: Where do you usually meet? (multiple answers)



3.6 Women parliamentary network / caucus

The need for a women parliamentary network or caucus is emphasized by the majority of women parliamentarians of the survey as well as by all of the civil society members interviewed. Its feasibility is judged by some as very likely and by some as impossible for the years to come. Interestingly though, some male interviewees from the Ministry of Parliamentary Affairs as well as a leading male parliamentarian were skeptical of such a mechanism, as it is believed that it might lead to further inter-gender divisions, resentment from male parliamentarians, and isolation or segregation of women from the rest of the parliament.[88] In contrast, civil society activists are, according to the information gathered, supportive of a women parliamentarians' network or caucus. Critical for them is unity and solidarity among women parliamentarians.

> *If they would come together, they could use the available resources; but at the end of the day, they need to proactively engage themselves and move things together despite the divisions. They need to be in speaking terms with their opposition otherwise the parliament won't work.*[89]

According to civil society perceptions gathered, several attempts made to support a women parliamentarian network or caucus failed mostly due to (a) lack of commitment to work together in a bigger group on a regular and organized basis, (b) identity and personality politics (personal dislike, leadership struggle, urban-rural / capital-provinces cleavage), in addition to (c) issue-based political differences (progressive-conservative and ethnicity-based cleavages).[90]

Other factors indicated were, for instance, interference from male "kingmakers" and / or unawareness of their roles and duties as a politician.[91] On other occasions it has been very difficult and even risky for women parliamentarians to raise their issues in parliament due to strong opposition from conservative colleagues – women and men alike – a traditional, male-dominated environment within society and parliament, and the unavailability of government protection for those MPs who raise controversial issues and subsequently face threats.[92]

> *We see that the [male] opposition has established its own coalition and tries to change the political setup and possibly revise the constitution. In this situation we have to make a network working.*[93]

Nevertheless, civil society members appear to be still hopeful that a closer cooperation among women parliamentarians might soon materialize and signal their willingness to work closely together with them. One reason is that civil society representatives advise them to work closer together and have the impression that women MPs will soon realize this necessity in the given political environment in order to succeed and not to lose their reputation, legitimacy, and even the quota system, which brought them into politics in the first place. Maybe a possible political inclusion of Taliban members might create enough pressure and need for women parliamentarians to work united and secure the ground already paved.…[94]

> *If we look back where women MPs stood one year ago, we see that they are less confrontational and are coming closer together. Although they stand on shaky common ground and have differences, they share a lot of common life experiences to which to relate and slowly trust is being built up among them.*[95]

Women parliamentarians stood united on few occasions: the establishment of gender units in key ministries (after a protest walkout from all women MPs present in the Assembly) and a change in the juvenile law to eliminate the gender-based discrepancy in the age-qualification clause.[96] Some civil society representatives see possible future issues that a women parliamentary network / caucus could

address: family law, maternity protection, polygamy, issues of children and war victims, domestic violence, sexual harassment, education, and security. To raise some of these and present legislative initiatives in parliament means creating strong supportive links with civil society organizations, not only to counter likely opposition on the basis of religion from colleagues or other segments of society.[97]

> *The decision to join newly formed groups is largely based on who its members are, rather than the platform it holds. […] This is emphasised in answers given to questions regarding the internationally-instigated Women's Caucus. Those women who had not heard of the group, rather than highlighting their unfamiliarity with its policy agenda and platform, were instead concerned about its predominant personalities (Wordsworth 2007: 18).*

Women parliamentarians' perceptions and answers are somehow contradictory: Claiming to cooperate, they emphasize at the same time also a lack of unity and solidarity with each other in their responses.

The perceptible lack of unity and solidarity among women parliamentarians, observed by civil society actors, members of parliament, and bureaucrats interviewed for background information – but also repeatedly outlined by several interviewees in the questionnaires (e.g., low feasibility for women's issues legislation) – is understood to be a direct consequence of three decades of conflict, which has not only caused inter- but also intra-gender confrontations. This view is also confirmed by the survey results – and irrespective of the abovementioned answers of women parliamentarians that they cooperate with each other. Apart from the legacies of decades of conflict, several women parliamentarians from both houses who participated in the survey added missing qualifications for and experience with parliamentary and political work as further reasons. Another factor is the asymmetrical status of women: As the sociopolitical power is already in male hands, it is easier for them to strategize, negotiate, and bargain across parliamentary (party) lines while women are only now in the position to prove that they can also be (good) leaders. Consequently, competition is high among women to prove themselves. Whereas some have the support of men, others lack sociopolitical support and have to go back to men who are not interested in supporting them.

In addition, women are socialized or have a belief in doing things themselves while men are more trained and exposed to doing things collectively, as said by several women parliamentarians of both houses.[98] This might actually be one of the most significant impacts of the still dominant public-private divide of Afghan society – with the public sphere being the nearly exclusive reserve of men. Given women's weaker socioeconomic and cultural positioning, powerful male leaders could use malleable women MPs, pay them, and exploit them for their own political struggles and rivalries, alleged a prominent woman MP. Consequently, "the relationships of women MPs are not based on their own understanding, but on the one of big male leaders" leading to a lack of trust, resentment, and competition. She calls for a gender-balanced approach as "women aren't the only audience – men are using women so we have to focus on that audience as well."[99]

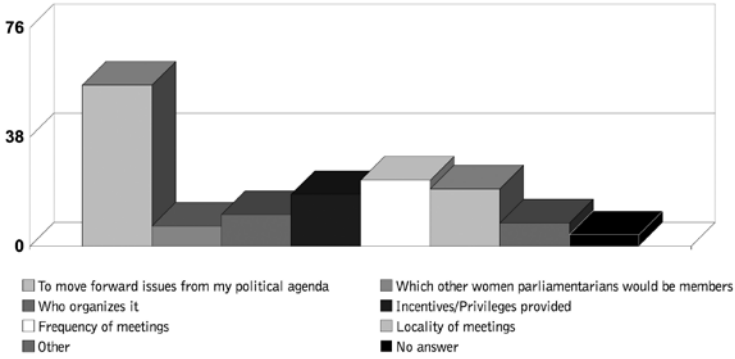
There is a need for a strong caucus; hopefully women MPs will realize this need.[100] – Nonetheless there have been various initiatives to join efforts and work together. In the early summer of 2007, some women parliamentarians joined in their efforts and formed a Women Parliamentary Network, which, at the time of the survey, had 39 members, including some civil society representatives, of which 12 are on the executive board (30.76%).[101] Its members come from different parliamentary groups, provinces, and assemblies, although they share similar views on women's issues. The focus of the network is on empowerment of women. Their meetings take place on a biweekly basis at lunchtime with a set agenda, invitation of externals (e.g., from the Ministry of Finance) for discussions of specific issues, and division of tasks among one another.[102] In a follow-up interview conducted with the leader of this parliamentary network in March 2008, she stated that the membership grew to around a hundred persons from both houses of parliament, provincial councils, executive, judiciary, civil society organizations, the media, and academia. Focal points of the work are gender-sensitive lawmaking, elimination of violence against women, gender budgeting, reproductive health, and the change of societal attitudes towards women, as well as building bridges among women from different public sectors.

During its few months in existence, the network formed committees on legislation, education / training, gender budgeting, media, and international relations. The network leader outlined as achievements, for example, the establishment of a department of equality

with the Ministry of Education as well as the continued existence of the Ministry of Women's Affairs in the government structure. But even with the network expanding and running, she pointed toward competition among women MPs in addition to ethnic, tribal, partisan, and / or provincial loyalties, which remain very important, causing resentments and opposition from female colleagues from different ethnic backgrounds vis-à-vis the network. In her opinion, women parliamentarians still have to learn how to organize, work together, and tolerate each other.[103]

Several reasons are given by a woman senator and a woman legislator as to why women parliamentarians, who share common ground on women's issues to start with, continue to stand divided: It is easy to agree on issues, but difficult to agree on modalities and solutions and to maintain the alliance "when everybody wants to be in the driver's seat." If identity and personality politics and individual leadership aspirations are not set aside when discussing (possible) common interests, it is difficult to keep a group working together and avoid a situation where collective actions are seized by individuals for their own personal and political benefit. The problem is, as one woman MP pointed out, that currently everybody acts as if individual problems and possible solutions are common ones – there is a need to get together to share different problems, learn about them, and then develop a common approach from this information – a constituency-based approach.[104] Another issue is how many women would join a parliamentary network or caucus. In the opinion of one female legislator, it will be impossible to join all of them – maybe half is a realistic figure, given political and private allegiances (i.e., time constraints, family commitments), as well as the issue of negative (leadership) competition among women MPs.[105]

Chart: On what will it depend for you to join a women parliamentary network or caucus? – Part 1 (multiple answers)



Given the immense personal and political divides among the majority of women parliamentarians, a women parliamentarians' network or caucus is a sensitive issue. Concerns about procedures and objectives of a women's caucus / network take shape in eight additional comments, with emphasis on, for example:

– need for unity among women parliamentarians;
– unity of the network and coordination of its work and program as well as its overall purpose, aims, and scale;
– presence of its members in meetings and early-enough information about the agenda;
– a secure working environment;
– assurance of peace and security for such an endeavor.

Despite the sensitivity and previously failed initiatives for a network / caucus, more than two-thirds of respondents prefer a formal structure (68.42%). The data analysis indicated some inconsistencies in the responses given, in particular with regard to possible forms of interaction. Several women parliamentarians show a simultaneous preference for a formal and informal structure, for regular meetings in parliament, as well as private, informal meetings.

Chart: On what will it depend for you to join a women parliamentary network or caucus? – Part 2: consent and support from… (multiple answers)[106]

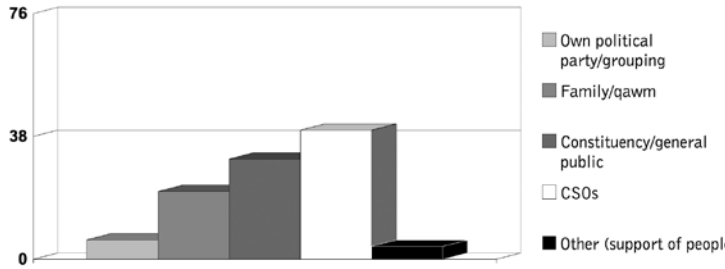
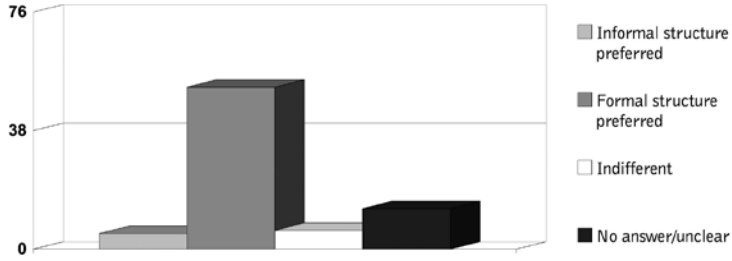


Chart: On what will it depend for you to join a women parliamentary network or caucus? – Part 3: level of commitment



Some interviewees appear not to have a clear concept about the role, capacities, and functionalities of such a cooperation mechanism or were more concerned not with possible issues, but a suitable environment and procedures for their cooperation. As with previous and subsequent questions, answers formulated often suggested procedural demands without suggesting issues (e.g., power of such a network / caucus to implement the policies of MOWA, the emphasis on capacity-building of its members inside and outside of Afghanistan, its operations under the wings of the women affairs commission, or its leadership by an international organization such as UNIFEM instead of a chosen individual woman parliamentarian).

Possible issues to join a women parliamentary network or caucus[107]– Many general or somehow unrelated comments were made without identifying specific policy- or legislation-related issues for institutionalized and formalized cooperation, for instance "national revenue / benefit," "national unity," "commitment to my voters," "my constituents' concerns," "people's independence and accept-

ance of laws benefiting them," or "people's issues / problems in general." While one MP would join "to compete with the cynic power of men," another colleague would like to assist in "workshops on gender and parliamentary issues."

A question of unity, consent and security – A considerable number of women parliamentarians interviewed expressed a primary concern about the basis and procedures of a network or caucus rather than consideration of issues as a personal guidance on the decision about whether to join or not, for example:

- establishment of unity and cooperation among women parliamentarians (9 MPs);
- "thinking alike and mutual consent among women" (1 MP);
- "friendly and peaceful environment, not for personal benefit or discrimination" (2 MPs);
- "learning from each others' experiences" and "get experienced" (2 MPs);
- "security and peace" (1 MP).

Serving Afghan women – Matters related to gender and women, their status and benefit, but predominantly addressing (common) problems of Afghan women were identified by 56 women parliamentarians as possible issues for them to consider joining a women parliamentarian network / caucus. Particularly stated were:

- women's rights / equality of rights / awareness development (16 MPs);
- living conditions of women (6 MPs);
- violence against women (4 MPs);
- social activities and participation of women (4 MPs);
- making of legislation for women and its implementation (2 MPs);
- women's independence (from male governance) (2 MPs);
- women's right to participation in all governmental and non-governmental political affairs (2 MPs) as well as in cultural and societal arenas (1 MP);
- educational development of women (2 MPs).

These were mentioned alongside individually raised apprehensions such as family law, control of abuses against women, women's economic development, job opportunities for women, or organizing women, for example, in women unions.

Possible issues for majority of female colleagues to join a network or caucus[108] – Similar to the question above, several women MPs did

not indicate specific policy issues or legislative interests that could be a basis for network / caucus membership, but made rather general comments such as "common feelings and pain," "because of being a woman," "human understanding, feeling, and love for the country," or "adhesion of thoughts." Legal problems and lawmaking issues were indicated by two women parliamentarians as possible motivations for their colleagues.

One woman parliamentarian raised skepticism as to whether her female colleagues would join a network or caucus because of a lack of acceptance of women by women and fear of other women. Another pointed out that such a body cannot have all women MPs as members. According to her and three more colleagues, women MPs would join in case of a shared benefit to succeed, to achieve electoral objectives, for political investment, and for capacity-building.

A question of unity, consent, and security – Twelve women MPs mentioned unity among / of women as possible decision guidance for their colleagues to consider membership. Three legislators pointed to shared social experiences – being of the same gender, sharing and knowing women's problems – while one colleague stressed "to unite to solve problems of Afghan women despite different backgrounds." In contrast, one woman MP indicated the need to choose non-divisive issues in terms of linguistic, religious, or ethnic divides.

Serving Afghan women – The majority of respondents focused on (a) addressing and solving women's issues, problems, welfare, and needs (21 MPs); (b) women's rights and subsequent laws (10 MPs), for instance official marriage registration (1 response) or in the case of reversal of women's rights (1 MP); and (c) the need to fight violence against women (3 MPs).

Chart: Preferred mechanisms of interaction of a women parliamentary network or caucus[109] (multiple answers possible)

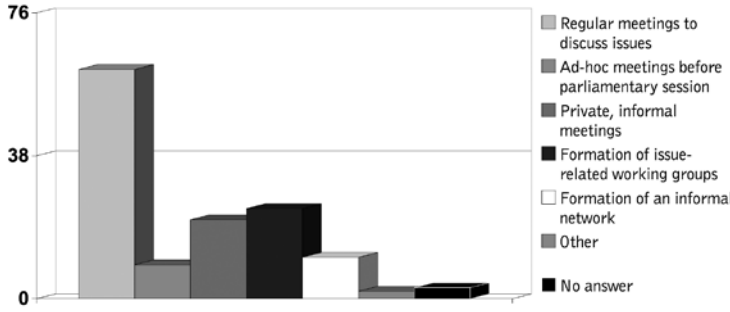
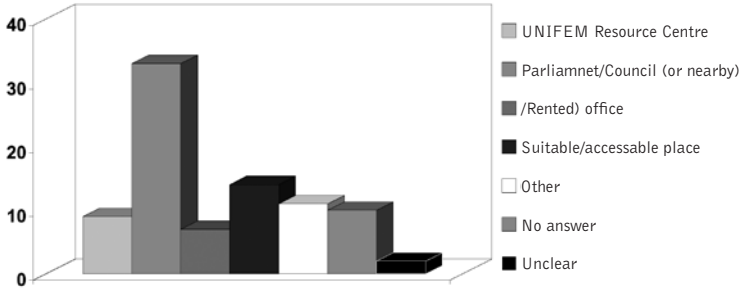


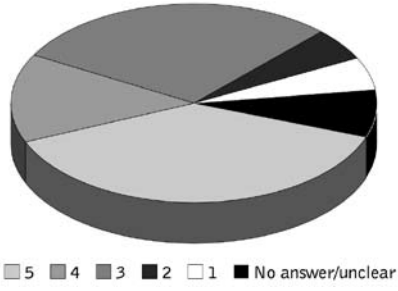
Chart: Preferred locality for meetings of a women parliamentary network or caucus[110] (multiple answers possible)



Four women parliamentarians specifically commented on the likelihood of such an enterprise as the initiative for a women parliamentary caucus in the Afghan parliament. All doubt the prospects because of different factors and experiences:

- women only unite on women's issues but not others;
- given the lack of unity among women MPs, it is very difficult to coordinate their work;
- some women MPs are interested in such cooperation, but others are not due to previous meetings without fruitful results;
- unfortunately language and qawm are very important within parliamentary network and committee structures and thus make difficult issue- or policy-based networking.

Chart: Likelihood of women parliamentarians responding positively to an initiative for a women parliamentary network or caucus (5= very likely, 1= absolutely unlikely)



4 Major findings of the survey on male parliamentarians

4.1 Personal backgrounds and pathways into politics

For more than half of male MPs interviewed in this micro sample, the pathway into politics arose during their youth and / or university, while the second biggest group linked their entry into politics with a specific political regime – becoming a member of the Democratic People's Party of Afghanistan or fighting jihad against communism (three each) or joining politics after the Taliban regime (see tables below for details on age, marital status and number of children).

Chart: Age

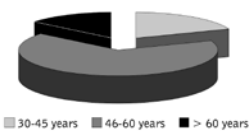


Chart: Marital status

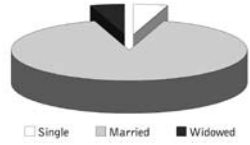
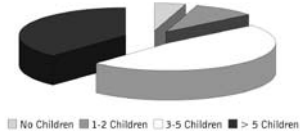
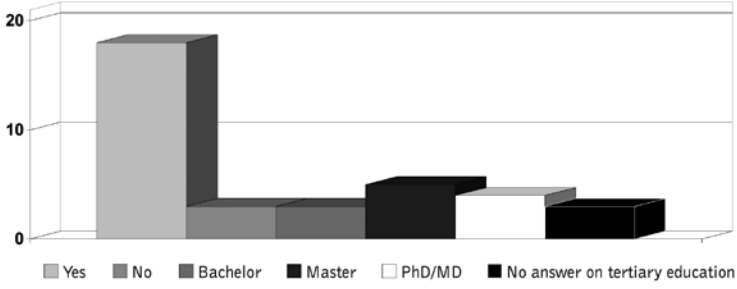


Chart: Number of children



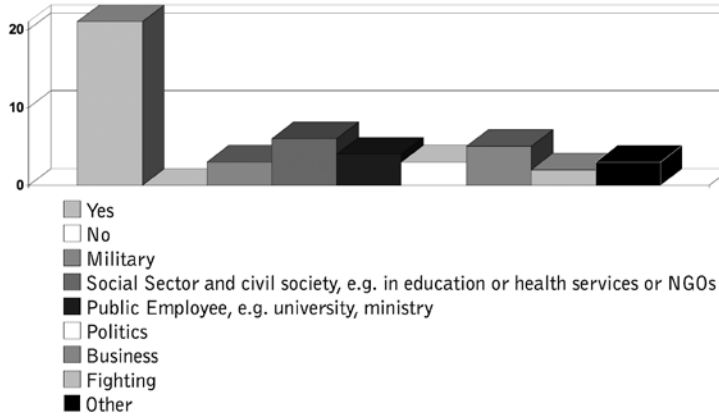
Not all MPs interviewed denoted the university degree they held nor the professional experience they acquired before becoming a parliamentarian at the end of 2005. Of the 15 answers received on tertiary education, five MPs hold a degree in social science and law, three in theology, two in engineering or a military officer degree, and one each in management and literature.

Chart: Tertiary education



The same applies for the few answers received on professional experience, which ranges from having served as a diplomat (2), working in an import-export business (3), working as university teachers / teachers (4), to working as religious teacher or as journalist, among other things.

Chart: Professional experience



Similar to women MPs, male parliamentarians stayed outside of Afghanistan for a significant number of years during one or several of the last political regimes, mostly in Pakistan, Europe, or Iran, but also in countries such as Russia, India, Iraq, Turkey, or in one of the Central Asian republics.

Chart: Stay outside Afghanistan (multiple answers if having stayed in more than one country)

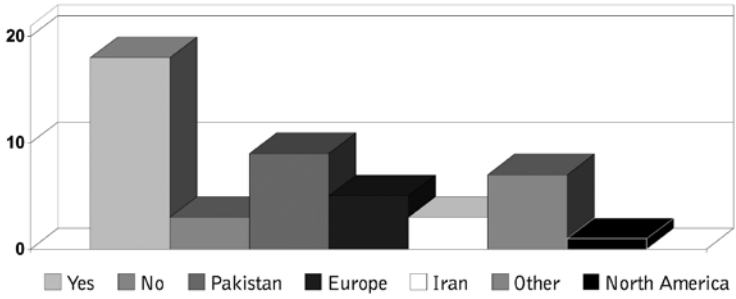
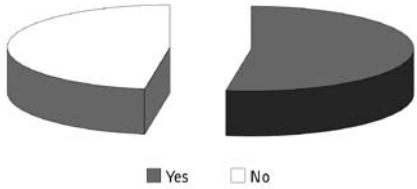


Chart: Member of civil society organization



Reasons for joining politics

Different motivations for joining politics can be identified among male parliamentarians in the current Wolesi Jirga (with some indicating various reasons). The most frequent ones can be clustered as follows:

– *Serving the people and the nation:* 15 of the MPs interviewed mentioned specifically that they joined in order to serve / support / work for the people and their welfare, to serve the country and / or to change the situation of Afghanistan or the specific province they come from;
– *Serve and establish specific political values and structures:* four MPs joined politics to realize and support democracy, a government serving all people, freedom and / or justice while another two joined politics to fight against an arbitrary government, dictators, and imperialism. Another two were motivated by the perceived need to fight either fundamentalists, that is, the Taliban and Al Qaeda, and / or to join the jihad against communism.

Furthermore, two parliamentarians stated that they joined politics after being asked by people from their province or during the course of the Bonn process by Interim President Karzai, while another two were rather appendage politicians, following the path of a family member – "like an inheritance from my father."

Chart: How did you join politics?[111] (multiple answers)

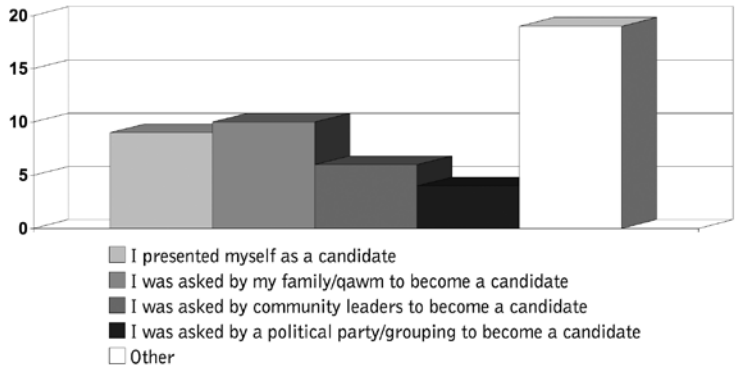


Chart: Are you a member of a parliamentary committee?

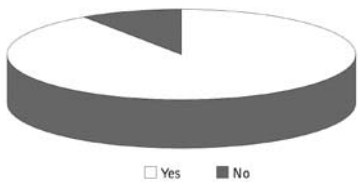


Chart: Will you stand again as a candidate in the next parliamentary elections?

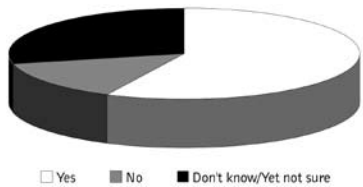
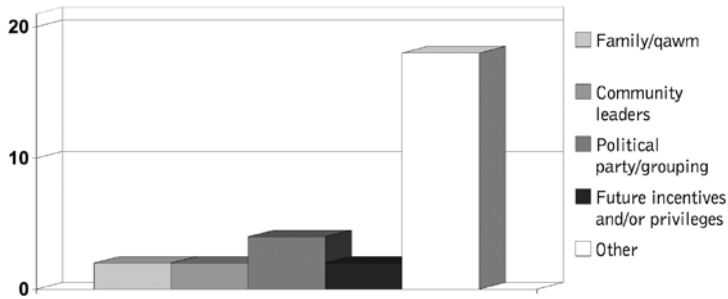


Chart: If yes, on what or whom will it depend? (multiple answers)



For women, prime factors of standing again for elections depended on their family / qawm, community leaders, on "people," and on their own plans. In comparison, 17 of 21 male colleagues interviewed responded that it depended on "other" factors – mostly on people ("if people want"), the young generation, and in particular the political

situation of Afghanistan. In additional comments, one MP conditioned his reelection bid on the question "if the government is democratic and the power of warlords and fundamentalists is reduced," while three others were doubtful about running again, citing a lack of performance and / or approval of people:

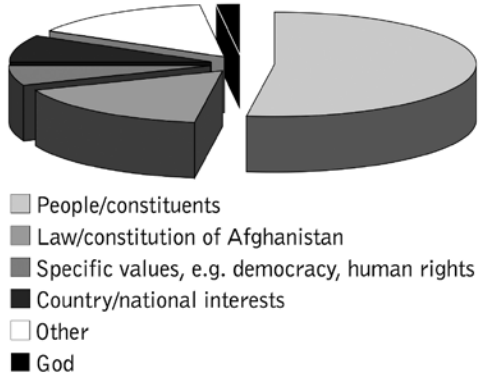
"I am not sure. Parliament acts negatively. People don't agree."

"I will not stand again because of lack of work in parliament."

4.2 Accountability, support, and interaction with society

As mentioned before, women parliamentarians feel themselves predominantly responsible to the people, their constituents, and clientele. Support for their work as parliamentarians derives mainly from their personal and private networks (family / qawm), community leaders, constituents, and civil society organizations. The same applies to male parliamentarians who see themselves primarily responsible to their constituents and Afghan people and – in a quantitative difference to answers given by their female colleagues – the constitution and laws of Afghanistan. Several MPs pointed several times to the Afghan constitution during the course of the interview, with one even bringing it to the interview session.

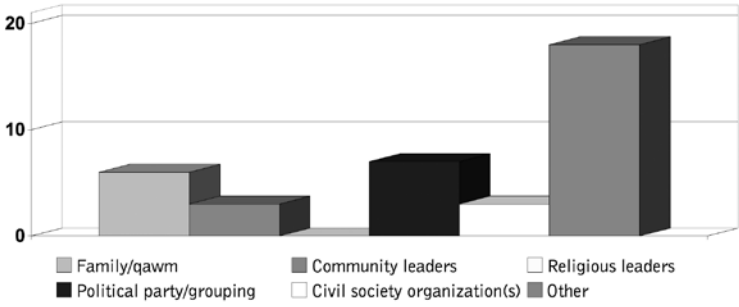
Chart: To whom are you accountable as a parliamentarian? (multiple answers)



When it comes to support received, women MPs rely predominantly on the family / qawm, community leaders, and "the people," while male lawmakers' answers project, on the one hand, more independence from the family and community leaders but, on the other hand, also refer to "people" as the main support system (15 out of 21 re-

spondents). Interestingly though, more male MPs said they were supported by political parties / groupings, such as the ones headed by Gailani or Qanooni, the National Front, or the Third Line. In addition, individual interviewees referred to university students and professors, the council of Kuchis, friends, and business colleagues as support groups.

Chart: Who supports you in your work as a parliamentarian? (multiple answers)

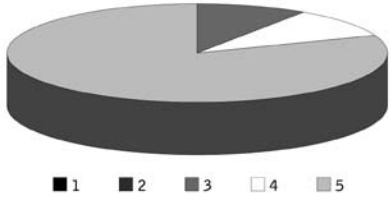


The overall majority claims to interact very frequently, that is, daily / several times a week, with their constituents, which mostly refers to those coming to their offices and (guest) houses in Kabul, with fewer visits in the province given the difficult security situation. An outstanding case is former minister for planning and lawmaker Bashardost, who had received the most votes in the last parliamentary elections. After first mounting a tent for public meeting hours and voter services in a Kabuli park, he moved to the opposite side of the street in front of the entrance to the parliament where he held daily attendance hours for people from various ethnic and provincial backgrounds seeking his support and advice, which last several hours unless important meetings were scheduled. The frequency of visits to the constituency varied among male MPs interviewed – from once a year, several times a year (e.g., to Kandahar), to monthly visits, depending on the distance and location, that is, security status, of the province in which the constituency is situated:

– "Daikundi is too far. During the winter, the way is completely closed because of snow."
– "In Kabul during work time, in holidays in Bamiyan, not in winter."
– "In Paktya and Kabul 30 to 40 people daily."

One MP said that he interacts with constituents by phone, given the difficult security situation in Helmand.

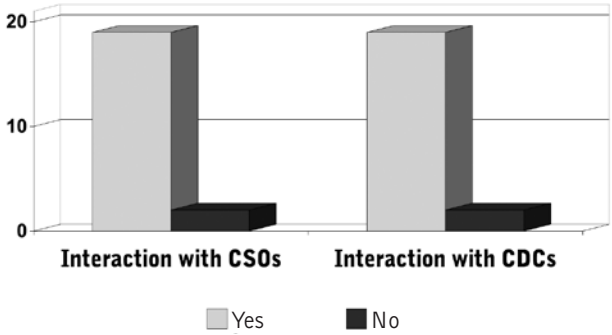
Chart: How often do you interact with members of your constituency? (1=never, 5=very frequently)



The majority of respondents said that they interacted with civil society; only two explained that they do so if they are contacted by civil society organizations. In contrast, findings of other studies and observations from civil society members question these self-assessments and paint a rather negative, disillusioned image. During the last months, complaints about distant policymaking in Kabul, a lack of impact of modern state institutions for the common Afghan, and frequent reports on patronage, nepotism, and corruption were some of the factors fuelling resentment against the Karzai government and the post-2001 Afghan state among the population. Nevertheless, during the course of our interviews, we frequently observed numbers of petitioners and constituents approaching lawmakers in person in offices, homes, or by phone, although no qualitative and quantitative assessment of the kind, depth, outreach, and quality of interaction could be conducted.

The rather negative perception of parliament in civil society is reflected in a statement of one civil society activist who, in an interview last year, said that only 20 percent of male MPs are allied with civil society (approx. 64 MPs). He considers them to be "so 'mobile' that you cannot trust them" – in contrast to the women MPs with which he cooperates who have a better standing in civil society and never lose position or change their minds. This would only be the case, in his view, with three male MPs that his organization can count on.[112] Human and women rights activists find it difficult to contact and interact with male lawmakers, partly due to the lack of interest of MPs in cooperating with these organizations and to address women's issues and problems (in contrast to claims made by MPs during the interview series, see below).[113]

Chart: Interaction with civil society organizations (CSOs) and community development councils (CDCs)[114]



4.3 Government oversight, national budget, and cooperation with the Ministry of Women's Affairs

Monitoring the government and its budget plans are two of the main pillars of parliamentarians' work in which they can bring in their own political interests, concerns, and motivations. MOWA was established to advance women's issues, gender mainstreaming, and gender budgeting at the various levels of governance. The ministry should be a crucial partner for any legislative and policy initiatives to advance a gender policy agenda, but its existence is controversial and its capacity and performance questioned by different political actors.

Personal political concerns for the national budget

The answers received from male lawmakers on personal political concerns for the national budget varied and a significant number of answers were complaints, vague or of a general nature without specifically mentioning specific policy issues to be taken into account for budget allocations:

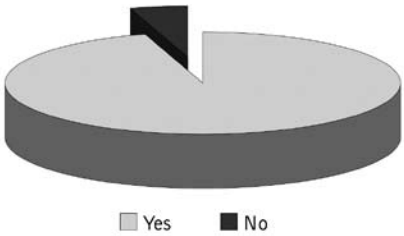
- unspecific answers by four MPs ("any budget that removes terrorism and war, improves peace," or "any budget that reduces poverty and supports the government system and brings justice");
- general complaints about the decision-making process for the national budget, in particular (a) from the side of the government (four MPs), which dominates budget decisions in addition to ministers and governors transferring most of the budget to their prov-

inces; (b) the role of the international community, which leaves the majority of budget allocations beyond the reach of national decision-making (6 MPs); (c) lack of transparency, agenda-setting, and decision procedures (3 MPs);
- general complaints on budget allocations in the country, for example not an equal / just budget (5 out of 21); corruption (1 MP); not spent well and where needed (4 MPs), for example on (equal) development of provinces; not beneficial for more employment (2 MPs), vulnerable people, and / or equal pay; not enough budget for education, development (2 MPs), security, theological affairs, or public employees;
- rather general claims for what the budget should be used for, for example, to support human rights and civil society, for the needs of Afghan people, or to solve problems of public employees (3 MPs);
- specific policy concerns, for example, budget allocations for reconstruction, development, and improvement of provinces (8 MPs), education (2 MPs), Kuchis, the Ministry of Migration, military and police, security, employment, agriculture, or the social and economic infrastructure.

Negotiating the allocation of funds of the national budget

Twelve out of 21 respondents either complained about the decision-making process on the national budget or stated that they had suggested changes, for example budgets for provinces or development of councils, the ministries of immigration or education, agriculture, electricity and water, security. One MP from Kabul specifically mentioned the need for a gender budget to achieve gender justice as the "living standard of women is very low compared to men in Afghanistan," which is, in his opinion, due to religion, tradition, and human actions.

Chart: Have you initiated changes / amendments to the national budget?



A significant number of lawmakers interviewed complained again about the constraints to decide on the budget (7 MPs) or capacity problems in specific areas to implement the budget (1 MP):

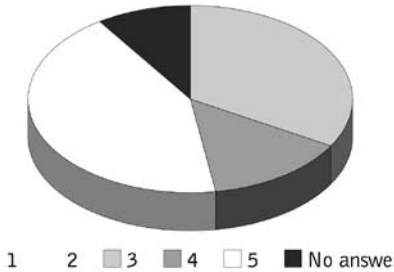
> *We tried. We have mineral resources, for example gas, petrol, etc., but we can't touch it, extract it.*
>
> *We tried always to bring some amendments to the national budget. Our budget is controlled from outside. We must agree with the UN.*
>
> *In the first and second year, I suggested an alternative […]. I suggested [it] several times, but it was not accepted in the Wolesi Jirga. For the Parliamentary Affairs Ministry relationship is more important than laws, rules.*

Gender and the national budget

An outright majority of women parliamentarians (76.31%) is of the opinion that the national budget and government expenditures are not gender-sensitive – primarily because of influential and outspoken veto actors, resistance, or lack of support from the majority of parliamentarians, the president, and his cabinet and lack of support and unity among women parliamentarians. Of the 47 women parliamentarians who identified influential and outspoken veto actors as the main inhibitors, the outright majority saw those veto actors in government (89.36% of answers given), while nearly 40 percent pointed to veto actors in parliament (38.29%), and a minority to veto actors outside the parliament (10.63%).

In contrast, male lawmakers interviewed largely viewed the national budget and government expenditures as gender-sensitive. Three MPs, ranking the gender sensitivity of the national budget with "3", commented individually that the budget should be equal to the structure of Afghan society and equal to all people of Afghanistan, not just for specific persons, emphasizing that every Afghan has rights and everyone should benefit, for instance, from education, health, etc. Another independent MP from Kabul was concerned for the capacity of those reached by budget allocations: "In my opinion, [the budget] should not give power in the hand of men, women, or special qawm, but to who has ability."

Chart: How gender-sensitive are the national budget plans and government expenditures? (1=not at all, 5=very)



Cooperation with the Ministry of Women's Affairs

> *In 2002, MOWA was established as the first national machinery for the advancement of women in Afghanistan. Its mandate is to mainstream gender throughout government policies and programmes. The Ministry was allocated minimal resources for its own programmes in the national budget exercise, partly as a result of the government's policy of gender mainstreaming. It relied primarily on technical and financial assistance from the donor community for its support (Kandiyoti 2005: 16).*

The outright majority of women parliamentarians (72.36%) replied that they interact and cooperate with the Ministry of Women's Affairs on a variety of issues and in various forms of interaction. Those 20 women parliamentarians (26.31%) who do not cooperate with MOWA either do not know how or whom to contact within the ministry, do not agree with their policymaking, are of the opinion that there are other, more effective mechanisms, did not answer at all (2 respondents) or have other reasons. Different opinion patterns of women parliamentarians toward MOWA surfaced in the answers and comments given during the survey. Opinions ranged from considering MOWA an important but thus far ineffective ministry to the claim that, despite cooperation in place, it is an unimportant ministry that even deepens the gender divide.

In contrast, only a third of male parliamentarians replied that they interact with MOWA (7 out of 21), while the overall majority (52.38%) say they do not cooperate with the ministry or only "indirectly" (3

out of 21, 14.28%), without the latter specifying explicitly how this takes place. Interestingly, five of those not cooperating emphasized nevertheless that they wanted to support MOWA and / or support women's issues. Asked for the reason for non-cooperation, only two specifically declared that they did not agree with the policymaking of MOWA. The outright majority stated several "other" reasons, such as "I have other things to do" / not so important (2), "not directly in my work area" (2), no specific issue to deal with (3), or are too busy / do not have enough time left to cooperate (2). In addition, three male parliamentarians were of the opinion that MOWA is rather a symbolic ministry without capacity and cannot address women's issues. Of those male parliamentarians claiming to cooperate with MOWA, few clear issues of interaction with the ministry emerged, such as schools / education for women (2) or problems of divorced women (1). They mainly indicated general issues of interaction such as women's problems (3), women's rights (2), or hearing MOWA's suggestions, improving women's abilities in provinces and CDCs, finding able women, or addressing violence against women (1 each).

Asked about the importance of MOWA, several MPs interviewed were of the opinion that there should not be a separate ministry for women as such, but that the government and all ministries should give political priority to women's issues and that these issues should be included in the budget considerations (see table below).

> *They are not able to do practical works – question of capacity. My answer is different: Is this ministry necessary? I don't know. In my opinion, we should concentrate in each ministry on women's issues. Everybody is responsible (MP from Kunduz, former mujahideen).*

> *We just have one ministry for women. I always requested that the whole government should work for women's issues (MP from Kandahar, former communist).*

Chart: How did you involve the Ministry of Women's Affairs in the process?

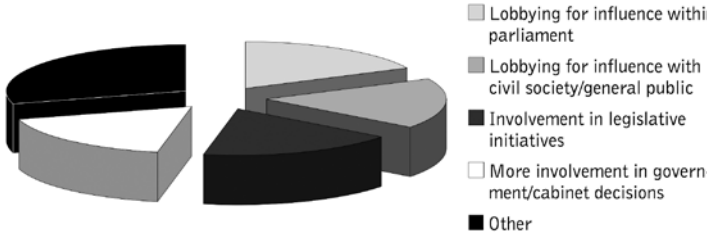


Chart: Was it successful?

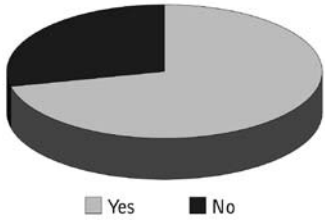
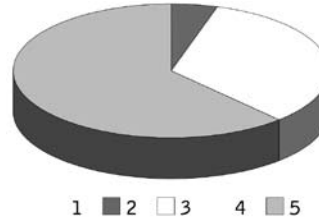


Chart: How important is the Ministry of Women's Affairs to advance women's issues? (1=absolutely unimportant, 5=very important)



Twelve of the MPs interviewed also raised concerns about the situation of women in Afghanistan and agreed on the need to provide education and capacity-building in addition to addressing injustices and women's rights. Additionally, despite general observations on the gender-related conservatism of the majority of MPs in both houses of parliament, several respondents felt the need to comment on the difficult situation of women in the country and emphasized their equal rights. How far this can be translated into support for an egalitarian / parity-oriented gender policy agenda remains questionable given the references to Islam and Sharia in the following section on women's issues and previous policy- and legislative orientation of lawmakers.

One needs to distinguish between symbolic gender rhetoric during a public statement or an interview and the political will to initiate and implement subsequent "progressive" gender policies – even at the known resistance of key figures and powerbrokers in parliament, the executive, and the judiciary. With the exception of some coop-

erative male MPs, many are perceived by women activists to dispose of discriminatory attitudes toward women, irrespective of their public statements that they want to work for women. Women activists do not see them exercising this de facto, for example in parliamentary discussions on women / gender issues. In the case of the marriage registration certificate, male MPs referred to Islam and its rules and passed the legislation despite protests from female MPs and civil society.[115]

The responses of two MPs are furthermore exemplary in this regard: Although emphasizing the concern for women's rights and problems, in particular in the provinces, and the importance of MOWA to protect women's rights, an MP from Farah refused to rank his political priorities of women's issues ("ask children or a mullah") and referred to the rules and basics of Islam and to the fact that the president cannot introduce changes for women's equality in personal status. In his opinion, other issues of women's economic and political status, for example equal pay and quotas for political representation, are related to education, qualification, and experience (and should apparently not appear under the set of questions on "women's equality"). A former mujahideen from Balkh, known to be conservative, stressed: "We should have a special priority in our agenda in all areas of government, for example for policymaking of women, participation of women in law- and decision-making, higher education. We should take care of women's rights."

4.4 Political agendas and legislative interests

> *[To] initiate laws is possible, to realise them is impossible (MP from Herat).*
>
> *It needs time; we can improve and are developing (MP from Baghlan).*
>
> *Delegates don't have enough experience. [It is a] question of capacity. The government doesn't know parliament as control organ, it doesn't cooperate with us (MP from Helmand).*

Parliamentarians interviewed were requested to identify their top five issues of their political agendas and legislative interests. Six different themes of agendas and legislative interests of women MPs

could be identified: (a) ensure the proper functioning of the state apparatus and political system, (b) ensure development and reconstruction efforts across the country, (c) ensure women's issues, needs, and rights are addressed in the political arena and implemented, (d) progress with democratic values, (e) cater to minorities, specifically Kuchi nomads, and (f) work in specific policy fields such as, predominantly, health, education, security, and youth.

Male parliamentarians' concerns could also be clustered along the six different themes, although the concern for the functioning of the state apparatus and political system (government oversight, lawmaking, and rule of law), security and peace, education and, additionally, in rather general terms, serving people and solving their problems could be identified as major political and legislative interests. In contrast to female parliamentarians, who ranked the feasibility to initiate respective legislation as low to medium, male lawmakers appear to be more confident, as the majority ranked the legislative feasibility as high to medium (see following tables).

For representatives of civil society and the government bureaucracy, common issues of male MPs are (a) religious issues; (b) women's issues, for example equality issues or the joint rejection of gender units in ministries by male MPs from the government and opposition benches; (c) personal interests; (d) security; (e) corruption; and (f) projects for job creation.[116]

Table: Political and legislative interests of male parliamentarians (in parentheses the numbers of MPs)

Dimension / arena	**Specific interests**
State apparatus and political system	– lawmaking in general (7) and to pass election law in particular (2) – monitoring / oversight of government (5) – realize "law in society" / rule of law / protect the constitution and realize it (5) – fight corruption (4) – reduce the power of warlords / military policy of warlords (3) – varied other concerns by individual MPs such as trust in cabinet, positive political competition, no dictatorial situation, work for the next election system, improving the membership of own political party and combining democratic forces
Development and reconstruction	– reconstruction, infrastructure, and development projects (5), for example highways between Kabul and districts (1)

Dimension / arena	Specific interests
Specific policy areas	– security and peace (7) – education (5) – build the Afghan economy and improve export, agriculture, and industry (2) – varied other concerns uttered by individual MPs such as good contact with other countries (2), international relations, equal pay, or health services
Women and gender issues	– women's issues and rights (2)
Values	– serve the people, their well-being and solve the problems of people and society (10) – (social) justice (4) – unity of people and the nation (3) – equality between people, for example religions, ethnicity (2) – well-being of people (2) – realize and / or improve democracy (2), establish democratic values and motivate people to respect rule of law (1) – freedom of speech and media (1) – serve Islam (1)
Specific groups	– education for Kuchis (1)

Chart: Ranking of feasibility to initiate respective legislation in the current parliament according to the policy issues identified before (1=absolutely impossible, 5=very possible)

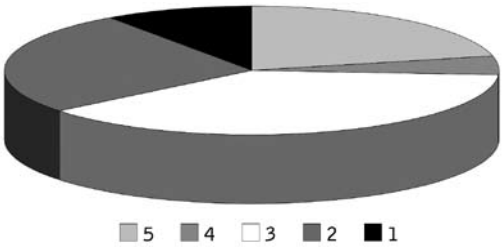
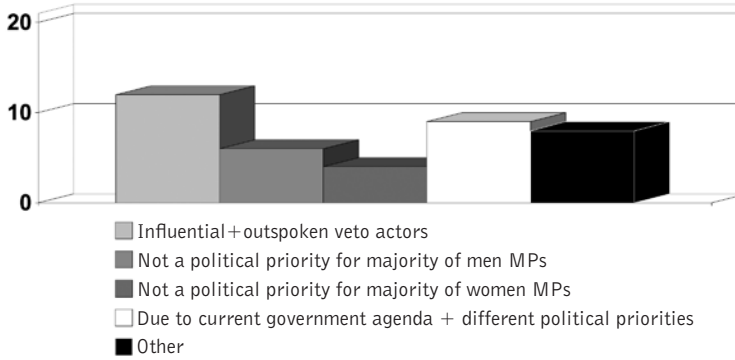


Chart: If feasible, what are reasons for missing legislative initiatives? (multiple answers)

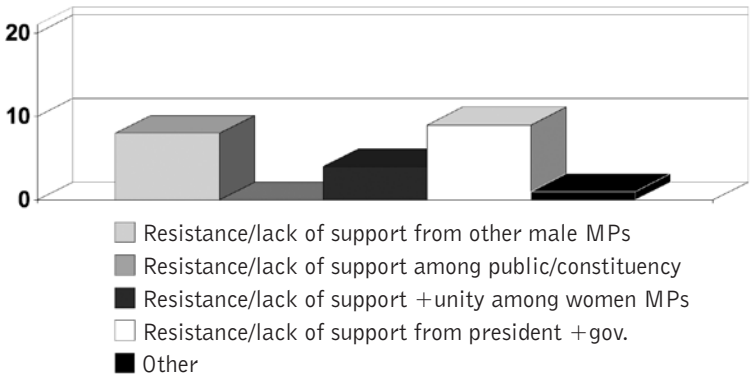


Influential and outspoken veto actors who impede legislative initiatives from women parliamentarians are largely seen to operate within parliament (39 responses, 84.78% of answers given). In comparison, more than half of male MPs (57.14%) also mentioned evenly veto actors inside parliament and / or outside of parliament as inhibitors to legislative initiatives, apart from the current government agenda (42.85%) as well as other reasons (38.09%), such as lack of experience and capacity of parliamentarians. In addition, several MPs referred to problems such as tribalization of politics and political parties, the lack of freedom of speech and media, "government problems" (e.g., no belief in democracy, support of jihadists, no cooperation with parliament), security concerns (e.g., in Helmand, Kandahar), and that more discussion and speaking takes place on topics that are out of the legislative focus / working area of parliament (see following chart).

A high-ranking government official from the Ministry of Parliamentary Affairs acknowledged that the legislative capacity and the work of parliamentary commissions need to be improved, for instance by using the legal department and commission clerks for legislative motions more often. In his experience, motions are not prepared before or just in the house, sometimes by the speaker instead of by the staff. Furthermore, during the procedures for reading and amending government-sponsored laws, the need to rewrite motions along with insufficient cooperation and communication between lawmakers surfaced.[117] Government officials from the Ministry of Parliamentary Affairs further added that lawmakers were more

active in monitoring the government than in lawmaking during the last three sessions, hence missing the chance. Of the 64 laws sent to parliament by the ministry, only nine were worked on by MPs to his knowledge until the end of September 2007. Apart from poor attendance of MPs of parliamentary sessions, at the time of the interview at the end of March 2008, only three private member bill initiatives had occurred as previously discussed.[118]

Chart: If not feasible, what are the main reasons? (multiple answers)



Political priorities and legislative interests in the field of women's issues

> *The political stakes around Islam and the fact that different ethnic and political constituencies are locked in struggles of representation in defence of their collective rights, point to substantial risks that women's rights could have significant divisive potential (Kandiyoti 2008: 168).*

Women's issues have remained at the center of international public attention and national political rhetoric and political symbolism for many years.

> *After the fall of the Taliban regime, it was hoped that the common laws of Afghanistan, related to women's rights, would quickly develop and be revised according to the principles of human rights. And, as security would increase, respect for "rule of law" will also be developed and expanded all over country.*

> *Unfortunately, this has not happened. The judiciary reform has moved very slowly, preferring to re-adopt existing laws than to develop new laws (Anwari 2007: 122).*

As already outlined, the Afghan government committed itself through the Bonn Agreement (2001), CEDAW (2003), the Afghanistan constitution (2004), the Afghan Compact (2006), the Millennium Development Goals, as well as through the Afghan National Development Strategy (2006) to gender equality and the implementation of the National Action Plan for the Women of Afghanistan until the end of 2010, that is, "female participation in all Afghan governance institutions, including elected and appointed bodies and the civil service to be strengthened" as well as to "[r]ecognize in all policies and programs that men and women have equal rights and responsibilities" (UNIFEM 2007).

Despite these commitments and formal codifications to fight gender discrimination in international and national conventions, the Afghan Independent Human Rights Commission reported an increase of violence against women in 2007, for example cases of forced marriage, self-immolation, domestic violence, under-age marriage, and women "given away" in order to resolve disputes (Majumder 2008). At the same time, conservative political figures such as Rabbani, Mohaqeeq, or Sayyaf use their religious authority to frame politics, jurisdiction, and political discourses, for example on gender issues, with Islam as a major political resource and superseding source of authority and legitimacy for societal issues (cf. Schwerin 2008: 31ff).

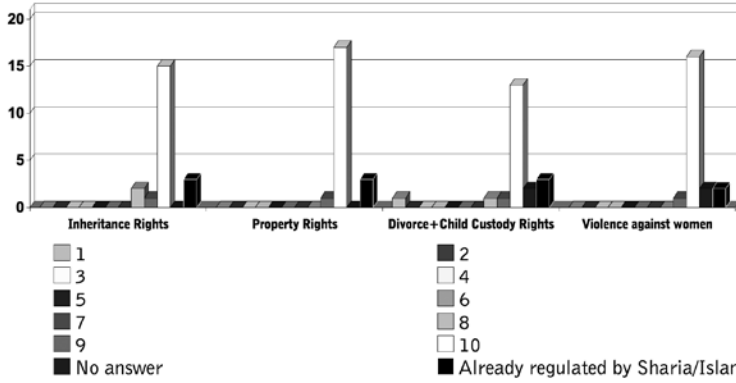
Consequently, some fear a re-Islamization (or even re-Talibanization) of Afghan politics, which could have a heavy impact on post-2001 gender-equality achievements. In April 2008, the parliament "voted to ban wildly popular Indian soap operas from airing on Afghan channels" and religious conservatives introduced a draft proposal to ban "T-shirts, loud music, women and men mingling in public, billiards, video games, playing with pigeons and more – all regulations from the notorious Taliban era" (Gopal 2008). According to Ahmad Idrees Rahmani, from Afghanistan's Center for Research and Policy Studies, conservative MPs are attempting to gain political leverage for the 2009/10 presidential and parliamentary elections "by claiming to defend the religious and cultural values that segments of the population feel are under attack" (ibid.). Although he sees

"religion as a powerfully sensitive issue in Afghanistan […] [t]he people pushing these laws are a minority in parliament, but no other MPs have the courage to stand up to them" (ibid.).

Two MPs did not answer the full set of questions below, stating that these issues are already regulated by Sharia and the Afghan Constitution and are thus not subject to change. In particular, the section on women's equality in personal status led to the refusal of one or two other male MPs to rank these issues, because in their opinion they are already regulated by Sharia / Islam. We could also observe that some of the interviewees appeared to not feel comfortable answering this set of questions, given their body language, which indicated irritation or impatience. For instance, one former mujahideen-cum-MP elected from Baghlan showed some anger in his mimic and gesture when asked questions on women's issues, repeatedly saying that there cannot be laws outside of Islamic laws.[119] On the other hand, seven MPs stressed again the importance of ensuring that women and men have equal rights, as regulated by the constitution and Islam. But some differences of opinion emerged in additional comments when ranking the different set of equality items.

Civil society representatives re-interviewed for the second part of the survey were of the opinion that male MPs maintain discriminatory and domineering attitudes toward women and pay only lip service to accepting women's rights and women in decision-making positions as well as cooperating with them. When women's issues are addressed in parliament, most female and male lawmakers' positions usually fall apart, although some male MPs increasingly cooperate with their female counterparts. One male observer put it quite bluntly: In his opinion, there is no issue on which female and male members of parliament would cooperate across party lines – only fundamentalists would cooperate across party lines.[120]

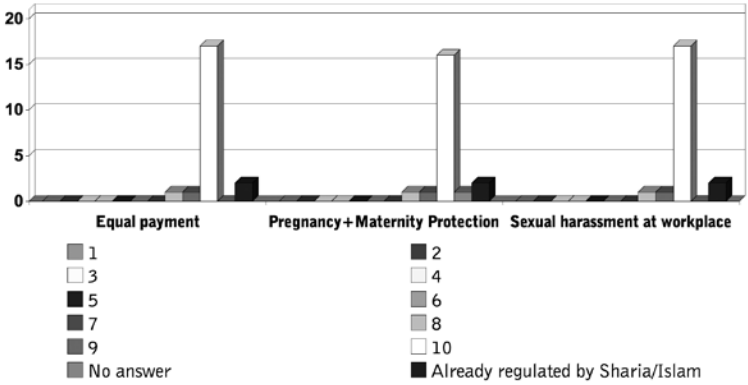
Chart: Ranking of own political priorities on women's equality in personal status (1=very low, 10=very high)



Two MPs stated that divorce is granted if conditionalities are agreed to before the marriage by the couple and that a long absence due to traveling or bad living conditions could also be a reason for divorce. Two other MPs were of the opinion that divorce and child custody rights are regulated by religion and can only be given to women if men want to give them; the prime right of divorce and child custody lies with men (e.g., former Taliban from Zabul and a Kuchi representative).

Similar to comments made with regard to quota provisions and equal payment depends for two MPs on women having equal abilities / qualifications. At the same time, some MPs stressed biological differences between men and women (e.g., women "can't work as hard as men," pregnancy), so they should not be able to take over certain activities and only work according to their physical capabilities, for example no involvement in fight against Taliban or hard responsibilities in social and political activities for pregnant women.

Chart: Ranking of own political priorities on women's economic status (1=very low, 10=very high)



With regard to quota provisions, seven MPs are of the opinion that there should only be more women in executive and legislative positions if they have the ability / capacity to occupy such posts ("[It is] not logical if we divide – they should take positions by themselves, if they have the qualifications," said a former communist MP from Kabul). Another one added that the increase of women in government positions should be in accordance with the constitution.

Chart: Ranking of own political priorities on women's political representation and participation (1=very low, 10=very high) – More women in leadership / decision-making positions in national and provincial government / decision-making and civil service

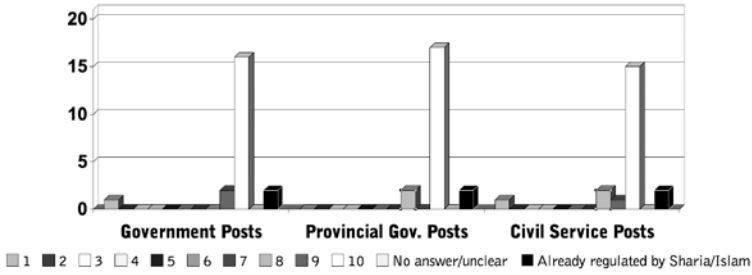
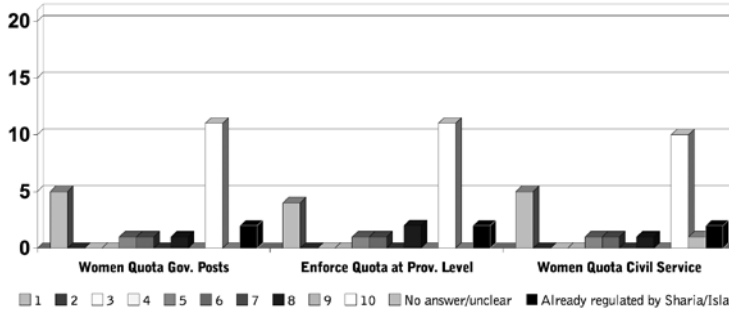


Chart: Ranking of own political priorities on women's political representation and participation (1= very low, 10 = very high) – Introduction of quota regulations for government posts and civil service, enforcement of quota compliance at provincial level (including sanctions)



Perceived feasibility to initiate subsequent legislation on women's issues

In contrast to the male MP's survey, women parliamentarians were asked in detail if they thought it was possible to introduce women-friendly legislation on the abovementioned issues in the current parliament. Male lawmakers were asked to rank the possibility of introducing legislation that addresses the rights of women in the current parliament (see following chart).[121]

Some male respondents commented that the feasibility to initiate such laws is low due to religion, "religious people" in government, jihad leaders, and fundamentalists in parliament. In this regard, one comment of an MP from Helmand is exemplary for the religious framing and constraints when addressing women's issues. He underlined that it is very possible to legally address women's rights if it is according to Islam, because otherwise it would be absolutely impossible. Another MP saw no necessity for further legislation, as those issues were already regulated in the current constitution of Afghanistan, while one stated that no legislation was passed that did not consider women's rights (see following charts).[122]

Chart: Possibility to introduce legislation that addresses the rights of women in the current parliament (1=absolutely impossible, 5=very possible)

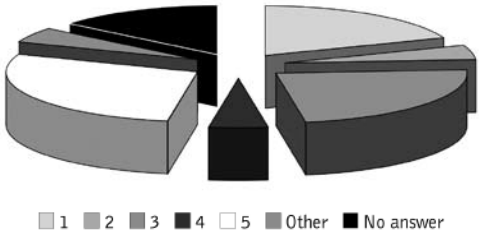


Chart: If feasible, what are the reasons for missing legislation? (multiple answers)

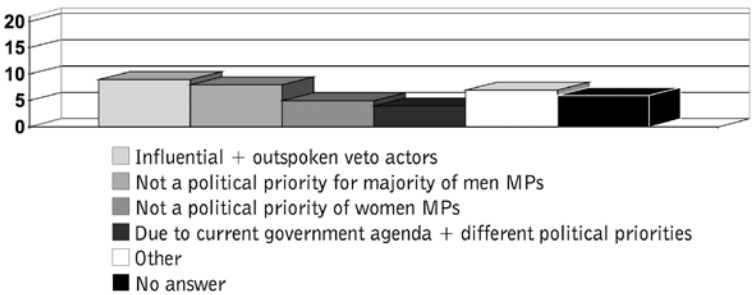
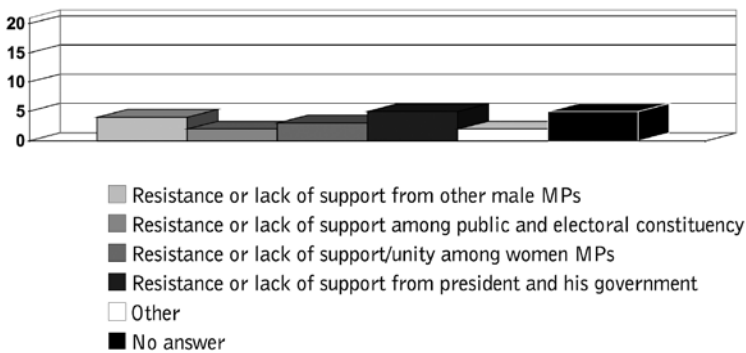


Chart: If not feasible, what are the main reasons for missing legislation? (multiple answers)



4.5 Cooperation among parliamentarians

Except for one MP, all others stated that they cooperated with other colleagues in parliament – interestingly, with men and women alike without any differences in modes and means of interaction and co-operation.

In contrast, civil society representatives are highly critical of the practices of interaction of male MPs with their female colleagues: (a) in the male-dominated environment of parliament, women cannot develop good (working) relations with male colleagues, such as approaching them as possible alliance partners; (b) male MPs do not accept female colleagues and are not interested in listening to women's voices and ideas / opinions in decision-making processes or giving them time to speak; (c) male lawmakers are a primary reason for women MPs not getting together and cooperating with each other on policy issues.[123]

Chart: With whom do you usually work together?[124] (multiple answers)

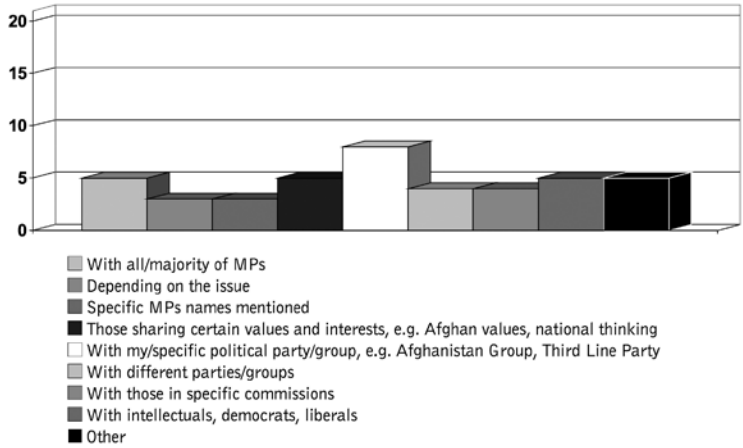


Chart: Mechanisms of interaction and cooperation (multiple answers)

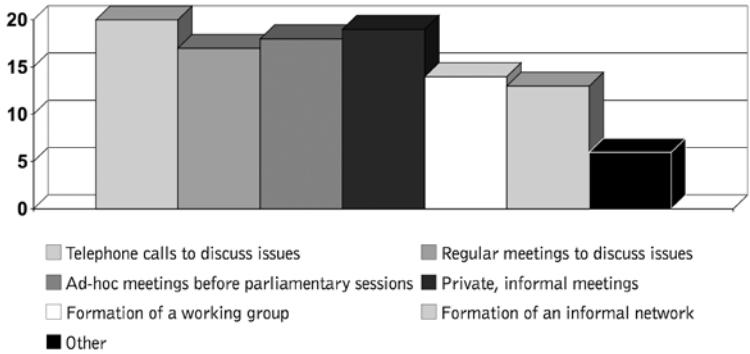
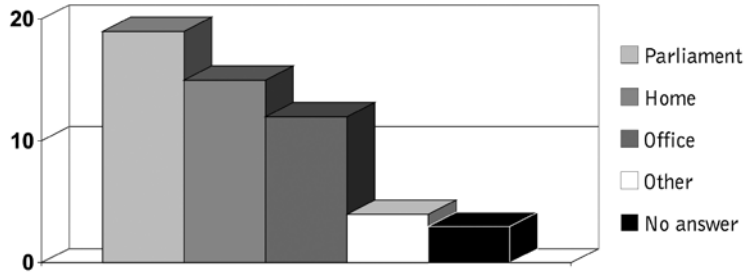


Chart: Where do you usually meet?[125] (multiple answers)



Civil society representatives are critical of the parliamentary practices and political performance of male lawmakers shown so far. In contrast to male MPs claims, they question the accountability of male MPs to their constituents, albeit acknowledging that constituents approach them for support with ministerial and other problems in Kabul. Some civil society representatives pointed out that MPs do not represent people of their constituency, but specific group interests (ethnic, regional, linguistic, and political affiliations), and that some are supported by neighboring countries such as Iran, Pakistan, and Russia, hence questioning their orientation vis-à-vis Afghan national interests. (At the same time, civil society activists are also sometimes perceived as being "westernized" and not representing genuine Afghan societal interests.) Another critique relates to the perception that lawmakers do not fulfill tasks and work assigned to them along with a poor attendance of parliamentary sessions. According to civil society activists, the tasks' fulfillment depends on

three factors:

- *interests* in the issue concerned and in which political group raised it (pro-government, opposition, independents), that is, lawmakers are only proactive if it serves their own personal and political interests (privileges, constituency-related issues, amnesty law, election law, public hearings in their province) and lack of people- and welfare-orientation;
- *demands of political party / group leaders*, that is, input in parliamentary commissions if ordered and male MPs often toe the line of these opinion-makers;
- *educational backgrounds* of male MPs – the more than a dozen or so illiterate lawmakers showed little performance while those without higher education (approx. 100 in number) demonstrated a mixed performance that is highly interest-dependent. The second largest group of 40 to 50 highly educated lawmakers, among them former jihadists and warlords (e.g., Rabbani, Sayyaf), show a high performance level. In their experiences, some are very involved in big debates, but less so in the daily legislative work and in parliamentary commissions, while others (e.g., MP Ranjbar) are very cooperative and engaged in every issue and at every level.

Popular expectations were also not fulfilled due to a lack of legislative capacity, tolerance, and positive political competition among the different political groups.[126]

5 Conclusions and the way forward

> *I don't really see unity of women MPs in the next years, but more and more women are getting interested in politics and I am confident we will have strong women politicians, even if they fight with each other.*[127]

> *The more education opportunities and cultural, social activities a society has, the more laws will be followed and also the development opportunities for women get better. The situation and opportunities in Afghanistan are good – we must invest in these chances (MP from Bamiyan).*

In an environment of Taliban resurgence and public criticism of parliamentarians' and government's failures in many areas, it remains to be seen how far the parliament can consolidate and renovate itself as a democratic, people- and task-oriented institution in the course of the upcoming elections. The Bonn process brought a significant and serious legacy for this institution through its policy of political inclusion of former warlords and human rights violators, largely discredited in the eyes of the population. The question of dialogues (or political negotiations) between the government and the re-empowered Taliban has been raised repeatedly during the last years (cf. Giustozzi 2008), but could be another step toward stimulating democratic institution-building and political dialogues to address crucial policy issues of the Afghan nation and to overcome strengthened ethno-linguistic, regional, and political cleavages within the political space.

> *I see a lot of the current people come back – big people will come back with support of guns and money, good people due to the work done and service provided. Big faces and personalities will return. Also a lot of women will come back; many went back to the constituencies and were kind to constituents, will return on that.*[128]

It is important to stress the need for an intense promotion and strengthening of spaces and opportunities of interaction, capacity-

building, and public leverage of the currently marginalized progressive and democratic parliamentary forces, for example, Third Line parliamentary group in addition to the small number of other cooperative male MPs. In the course of the interviews conducted with MPs and civil society, they took shape and were open for discussions about advances of a gender policy agenda combating gender-related violence, discrimination, and injustices. Access to legislative practices and experiences of women's machineries in related Muslim countries and subsequent interchanges with involved lawmakers, bureaucrats, government officials, and civil society activists were also seen to be beneficial. It seems unlikely that conflicting political interests, agendas, and values, the high level of factionalism in the current parliament, and the scheduled parliamentary elections will make it possible to address women's issues in large-scale, inclusive political dialogues.

Another avenue would be a strengthened interaction and communication policy of MOWA with possible allies within parliament, but also more conservative ones who should be involved in mapping problems and possible solutions for women's issues. Several MPs stated that those issues are important, but then responded that MOWA's work is not relevant for their own legislative tasks or that they are only cooperating "indirectly." Despite the high probability that the statement on the importance of women's issues and rights is of a merely rhetorical nature, this could be used as an entry point to hold MPs more accountable and to indicate to them the personal and political benefits, for example increased number of votes or funds for constituencies if projects are carried out, which is highly relevant in reelection bids.

This survey only gives a small impression of the complex realities, backgrounds, and challenges of Afghan women parliamentarians. The survey yet permits to identify entry points for future initiatives to support cooperation among women parliamentarians and to advance an effective gender policy agenda.

A Women's issues

The survey results outline that women parliamentarians are divided on women's issues and their feasibility in terms of agenda-setting and policymaking, despite a strong interest and identification with such issues. Most women parliamentarians who ranked the presented items on women's issues as "very important" for the most part

considered the feasibility for legislative initiatives to be significantly lower due to veto actors, government policies, and lack of interest from the majority of parliamentarians. Very few of them presented additional women's issues as being important for them. Exceptions are, for instance, the issues of divorce and child custody rights (medium-high practicability) and increasing the number of women in government and civil service, including respective quota provisions (medium achievability). But only the latter is regarded to be doable. Further research and analysis in this regard is required to find out why that is so. Why exactly are these items being picked up, which are most likely to be implemented given the current setup of power in Afghan politics? Is it a good example that has been set or is it due to exposure, as these issues have been discussed by civil society and international actors in several workshops? Why do women parliamentarians not take it as a positive example or sign for also improving women's status in other fields? Or are they indicating that the number of women in politics could decrease in the future?[129]

B Environment for possible cooperation

Furthermore, uncertainty about mandates, roles, agendas, and procedures of political and social actors are detectable among a certain group of women parliamentarians interviewed in this survey. Apart from a missing clear concept about the role, capacities, and functionalities of a women parliamentarian network or caucus, some were more concerned not with possible issues, but a suitable environment and procedures for their cooperation. This suggests a rather fluid and hybrid understanding of the functions, positions, and agencies of a women's network / caucus among women parliamentarians. Secondly, they point toward a volatile and rather hostile environment marked by high levels of insecurity and ongoing violence in which women parliamentarians operate (thus needing assurances from inside and outside the political apparatus) as well as an ongoing learning process of the role of a parliamentarian and parliamentary functions. Only a few years after the first free parliamentary elections in decades, the parliament is still under construction in terms of capacity- and institution-building. In addition, several women parliamentarians show divergent views and jumps in their ranking of the importance of several of the items presented on women's issues (e.g., higher representation of women in offices and subsequent quota provision).

C Disunity vs. will for cooperation

Simultaneously, a contradictory picture emerges: Women parliamentarians point to their own lack of unity and gender solidarity and even a high level of mistrust, which is partly responsible for missing legislation and policymaking for women and on women's issues. Resistance or lack of support among women parliamentarians derives – according to the view of four women parliamentarians – from "those against unity and in favor of ethnic, linguistic, and religious divisions," "selfish women MPs," "women who pretend to be leaders," and, more generally, because women MPs allegedly do not agree on any issues or share views. Nevertheless, they declare willingness to cooperate with their colleagues and, for a large majority, to be interested in further caucusing in the form of regular meetings and issue-related working groups.

D Security, religious expertise, and a supportive environment

Moreover, survey results mirror the impact of the overall sociopolitical context within which women parliamentarians have to conduct their legislative work. Lack of security was one prime concern visible in various responses to different questions. Others added a women-unfriendly culture (disbelief in women's rights and women in leadership positions) as crucial spoilers. Religion is of paramount importance in Afghan politics and daily life; it is an important frame and base for political and societal behaviors, arguments, issues, and visions. Women parliamentarians need more knowledge of Islamic laws and practices on different issues and policy fields – usually the exclusive domain of male scholars, clerics, and leaders – which could be very helpful for women's political argumentation and bargaining, in particular vis-à-vis conservative opponents and traditional power holders. Exposure to regulations, practices, and discussions in other Islamic countries, and findings of debates and struggles from women parliamentarians and activists – such as the transnational network Women Living under Muslim Law – would most certainly be a further asset. Female legislators also identify paucity of support or reluctance from the government, ministries, the majority of fellow parliamentarians, as well as influential veto actors outside of parliament as the main barriers to asserting and implementing their own political interests and agenda points. Some of them mentioned furthermore as additional obstacles to legislative initiatives a lack of:

- external support and good advisers;

– parties representing people's will in parliament;
– an enabling environment in parliament;
– sufficient experience of MPs to initiate legislation.

It was also mentioned that suggestions brought from the provinces by MPs are not taken up. Although the survey design did not include in-depth or narrative interviews, it appears that some women parliamentarians have a critical stance on the role of external organizations for their parliamentary work and interaction. According to one MP, "some organizations, which are supporting the parliament, create a lack of unity among women MPs as they usually support one group of women and not others."

E Common denominators for cooperation among women MPs

This survey intended to find existing common denominators that could serve as starting points for a joint women agenda for decision-making. Following the data acquired, two entry paths take shape: women's issues or general / non-divisive issues, given the concerns raised by several women parliamentarians about unity, security, and consensual / cooperative procedures. Given the constrained space of agency outlined previously for political dialogues as well as for successfully addressing progressive women's issues, it is recommended to initiate political dialogues on non-divisive issues to allow as unconstrained and uncontroversial an agency as possible. More general issues would also allow a broader outreach as well as impact on and support a wider group of constituents, which is needed, for instance, for reelection to consolidate one's position, for networking, and for caucusing in order to follow through on a political agenda. "General / non-divisive issues" are understood to be those which do not primarily focus or do not explicitly denominate / state to target an improvement of women's rights or to address women's needs or interests. It is understood from the findings of the gender power composition of state institutions as well as society at large that these might be considered very controversial, contested issues or even limit women parliamentarians to be regarded as women's representatives alone. This might impact on women's ability to enter the (male-dominated) political mainstream. However, this does not mean that general issues do not include women's perspectives. The author considers that gender concerns and perspectives are inherent to any kind of public policy issue, be it road construction, police reform or

various development projects. In terms of strategizing vis-à-vis a conservative legislative body and in terms of increasing one's chances of reelection, it might actually be a wise choice for women parliamentarians to focus on such perceived "general" societal issues. This still allows parlamentarians to include women's concerns and to push for a gendered analysis of policy and legislative outcomes.

a. *Women's issues*: Civil society actors recommended family law, maternity protection, polygamy, domestic violence, and sexual harassment as important agenda topics. But several also cautioned against it given the difficult enforceability in the current sociopolitical setup. Several women MPs suggested during the survey to address women's economic independence and empowerment and, generally, women's rights in general (26) and women's problems / welfare / needs (21). Looking at the data set, women's literacy and education, including respective facilities, are prime concerns for at least 14 MPs, in addition to divorce and child custody rights and more women in government and civil service.
b. *General / non-divisive issues*: Civil society actors suggested education, security, children, and the needs of war victims as non-divisive issues that women parliamentarians could address when networking / caucusing. Survey results pointed to the following set of (highly gendered) topics that women parliamentarians place high on their own agendas: education (26), security (23), development and reconstruction of provinces (21), health (15), and youth (8).

It remains to be seen which topics will and can be picked up in further networking and caucusing efforts of women parliamentarians. A major determinant is probably their own backgrounds. Many entered politics without prior experience on a quota provision due to the support from individuals, political parties, or their own families and / or ethnic groups.

F The way forward – some recommendations

a. *Political dialogues* – Given the experiences of the women parliamentarians network already in place since 2007 and given the survey results pointing toward the interest of women parliamentarians to cooperate on several issues if assured a proper environment and proceedings, it is highly recommendable to organize a set of political dialogues on topics of interest, such as education,

development and reconstruction, health, youth, or security for women parliamentarians. Having in mind the current situation within and outside of parliament, it is suggested to organize such dialogues as confidential roundtables that apply Chatham House rules to allow confidence-building as well as maximum interaction among women from different parliamentary factions.

The proceedings of these roundtable dialogues should be enriched with inputs from invited experts for one session of the program, in particular academic and (inter)national civil society experts in addition to fellow parliamentarians from other countries that had to master similar challenges. Linking women parliamentarians with possible national, regional, and local partners from civil society or the state apparatus, such as the Ministry of Women's Affairs, would allow them to expand their support system and define the next steps to follow after the political dialogues. Women will need to create their own networks and constituencies to engage with their constituency members, find solutions for the latter's concerns, and, ultimately, to be reelected either via the quota provision or on a general seat.

In a second step, it would be advisable to organize another round of issue-based dialogues with potential male key allies within parliament, government, the ministries as well as civil society to allow cross-gender alliance-building and coalition-making, which is essential for agenda-setting and legislative initiatives – be it as government initiatives or private member bills. As evidence from other countries indicates, gender-mixed work as well as critical acts by coalitions of small, but determined numbers of parliamentarians can be fruitful and successful in advancing an effective gender policy agenda.

b. *Training* – There is a further need for training on lobbying, alliance-building, and conflict mediation techniques among women parliamentarians, training which could be enriched through exchanges with successful women alliances from other post-conflict countries through study tours and workshops for sharing experience, concerns, and possible solutions. In order to allow many Afghan parliamentarians to participate in capacity-building experiences, such events should be adjusted to the calendar of parliamentary sessions and preferably should take place in Afghanistan, if the security situation allows, with simultaneous translation into Dari

and Pashto for maximum outreach and in-house benefits.[130] In this regard, the work of the Inter-Parliamentary Union, engaged in supporting post-conflict parliaments as well as women parliamentarians, could be an entry point worth considering.

Given the importance of Islam for Afghan politics and society, women MPs need to acquire in-depth knowledge and expertise of the Islamic legal framework / body of religious law, its precedents, and interpretations for future legislative initiatives. The transnational network of Women Living under Muslim Law, among others, is renowned in this field. Other research and advocacy organizations of other Muslim countries could be an important entry point for information-sharing on legislative solutions, as well as know-how transfer and exchange.

c. *Research* – As mentioned before, survey findings point toward the fact that more research is needed for a full assessment of the institutional setup, power context, and interaction patterns of Afghan parliamentarians.

Mapping techniques might be a valuable tool in this regard, for example: (1) mapping of interaction networks, frequency, content, and quality of contacts among women parliamentarians as well as among female and male parliamentarians; (2) mapping of influence and power structures within parliament as well as between government and parliamentarians to understand "who stands for whom and who stands behind whom" and to identify entry points for alliance-building.

Given the multiple identities of women parliamentarians, an intersectional analysis of women parliamentarians' identities formed by gender, social status, ethnicity, and migration / exile would allow further insight into their patterns of interactions with male and female colleagues, their support systems, as well as their political agendas.

In a predominantly male-dominated society with influential conservative veto actors, lack of support for women by society, lack of security, and with institutions still in the making, the space of agency and autonomy of women parliamentarians remains limited, in particular with regard to controversial and innovative political issues (as many women's issues will be perceived). There is also evidence that women parliamentarians are used as a tool in personal power

struggles among male politicians who also exploit linguistic, religious, regional, and ethnic cleavages for their own interests.[131] Nevertheless, as many interview partners outline, it is a first in Afghan history for women to enter politics in such numbers – the ground is merely prepared for any parliamentarian to be effective and efficient, to meet the expectations of people and the international community, which is keeping a close watch and maintaining its influence. Many caution against harshly judging women parliamentarians' political performances given their short time in office and the limited capacity-building conducted – it is still "learning on the job" – as well as the overall context and status of state- and institution-building with all its struggles and challenges. It is of paramount importance to keep the space open for women parliamentarians to find their own political identity, to find their working and cooperation patterns, and to improve on the job for other women to follow.

چگونه باید ورقی رای خود را به
صورت درست نشانی گذشید

Abbreviations

ANC	African National Congress
ANDS	Afghan National Development Strategy
AWN	Afghan Women's Network
CDC	Community development councils
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CLJ	Constitutional Loya Jirga
CSO	Civil Society Organizations
GLWG	Gender and Law Working Group
IDEA	Institute for Democracy and Electoral Assistance
IRI	International Research Institute
MOJ	Ministry of Justice
MOWA	Ministry of Women's Affairs
NDI	National Democratic Institute
NAPWA	National Action Plan for the Women of Afghanistan
NGO	Nongovernmental organization
TLO	Tribal Liaison Office
SNTV	Single non-transferable vote
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
WCLRF	Women and Children Legal Research Foundation
WGI	World Bank Governance Indicators
WPPC	Women's Political Participation Committee

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Endnotes

1 The three interviewers were asked to fill in separate feedback forms after each interview conducted in order to inform about problems encountered and additional information received before, during, and after the interview. Apart from frequent difficulties getting interview appointments and frequent changes in time and location, 14 were conducted in an environment of noise, interference, or disruption by other persons, mainly because they were done in parliament and not in the Resource Centre for Women in Politics of UNIFEM, or the office, or at home. Four interviewees did not appear to be interested in answering the questionnaire and seemed bored, while one female senator left many questions unanswered, claiming the questions were mainly for Wolesi Jirga members. Being busy with the cell phone during the interview was a problem encountered while interviewing four women parliamentarians, whereas four others took the questionnaires from the interviewers to fill them in themselves. Apart from two parliamentarians being extremely reluctant to answer questions and to be interviewed, two others had difficulties answering the questions due to either an apparent lack of knowledge of the issues being asked or because of being a Pashto speaker. One parliamentarian even requested that the interviewer help to answer the questions. Those women legislators not interviewed were either reluctant or simply refused to give an interview, were too busy, or abroad during the time of the survey. The data analysis was cross-checked between Dari originals and the English data entry by the research consultant with an Afghan colleague (many thanks to her) and calculated twice to ensure utmost correctness.

2 In addition, background information was gathered during the months of April, June, and September 2007 in (a) two roundtable discussions with eight women activists from the Women's Political Participation Committee (WPPC) as well as with several women senators and legislators; (b) six interviews with representatives of the Afghan civil society, in particular women activists, and several private discussions with representatives of the international community; (c) four interviews with government officials of the Ministry of Women Affairs and the Ministry of Parliamentary Affairs; (d) four semi-structured interviews with parliamentarians, three female legislators from the Wolesi Jirga, and a leading male parliamentarian of the Wolesi Jirga as well as a member of the parliamentary group National United Front. Further information was gathered from a series of previously conducted interviews from 2006 in February (Colombo, Sri Lanka) and April (Berlin, Germany) with members of Afghan civil society organizations, among them several women activists, as well as two (unsuccessful) young parliamentary candidates during international conferences.

3 Altogether, two government officials from the Ministry of Parliamentary Affairs, two women politicians (one party leader, one from the women parliamentary network), and 10 civil society representatives from local, international, and women NGOs were interviewed for background information in March 2008 in addition to relevant statements taken from previous interviews conducted in the 2007 series.

4 Interviews conducted March 2008, Kabul.

5 Ibid.

6 "Many women participants felt they were prevented from giving any substantive input. Only a few women were able to speak, and some reported their microphones were cut off after five minutes. In contrast, powerful *mujahideen* leaders […] were given half-hour-long speaking slots" (Human Rights Watch 2005), 8) More freedom for female political participation was reported from the Constitutional Loya Jirga but "many female delegates still faced threats and harassment during the proceedings, or censored themselves due to fear of retaliation upon return to their home communities" – which a number of them actually faced, for example, social reprisal, job dismissals, and transfer to less desirable positions as their right of participation was principally contested and resented (ibid.).

7 According to Abirafeh, a "dangerous outcome of talking gender and doing women is that it fuels men's perception that 'gender' has become synonymous with women's power over men" (ibid.: 13).

8 http://www.anfrel.org/en/pics/current/Election%20Law.pdf (Electoral Law in unofficial translation prepared by JEMB, accessed July 15, 2006).

9 According to Wilder's calculations, 19 women outperformed male rivals in 18 provinces throughout Afghanistan: 14 of them ranked among the top 15 and 10 among the top 5 in their respective constituencies (Ibid.: 13). In the second chamber of the Afghan parliament, women provide 23 of 102 senators (22.5%) – six elected by Provincial Councils and 17 appointed by President Karzai according to the reserved seats provision in Article 84 of the constitution (ICG 2006: 8; http://www.ipu.org/wmn-e/classif.htm, accessed July 15, 2006).

10 Interviews conducted in Colombo, Sri Lanka, in February 2006. I thank Anna Larson for reminding me of this crucial aspect in her peer review (cf. Larson 2008).

11 http://www.quotaproject.org/displayCountry.cfm?CountryCode=AF (accessed Sept. 23, 2007).

12 I thank Semin Qasmi for pointing out a significant problem linked to female political leadership: They are hardly leaders in their own right, but, allegedly or not, influenced by male relatives and advisers, as was the case of former presidential candidate and former Minister of Women's Affairs member Massouda Jalal, whose principal advisers were her husband and people selected by him. As a consequence, Moghaddam (2006: 29) explains that women often lack social capital to be real, independent change agents: "They are often not heads of communities, tribes, or kinship groups, resulting in the absence of a constituency base for them. [...] They rely on family connections and other types of patronage to succeed."

13 I thank Meryem Aslan for discussing this point and sharing her insight on the complex (post-)conflict scenario in Afghanistan and its consequences for social and political relations and cultures.

14 Interview conducted on April 10, 2007, Resource Centre for Women in Politics of UNIFEM, Kabul.

15 Ibid. April 12, 2007.

16 For a detailed review of the SNTV system and its consequences, including further literature sources, see Fleschenberg 2007.

17 Information given during a discussion with members of the WPPC, April 12, 2007, Kabul.

18 Data according to information provided by former Gender in Politics Advisor Caroline Hames, UNIFEM.

19 Discussion with members of the WPPC, April 12, 2007, Kabul.

20 The lack of security is a structural problem for most Afghans and impacts distinctly women who enter the public arena as politicians, civil society activists, or working women. After the murder of two women journalists, Zakia Zaki and Shekiba Sanga Amaj, members of the Assembly of Afghan Women, the WPPC and Afghan Women Unity called to the government to provide women with security as "many groups were trying to ban the participation of women in the political and social affairs. Women who attended the conference emphasized that Islamic fundamentalism was growing in the country, which aims for restrictions on women's rights" (*Afghanistan Times*, 2007a: 8). But insecurity is also a problem in the private realm where women in political and societal leadership positions are subjected to domestic violence and polygamous or adulterous marriage arrangements and are often trapped in order to avoid the stigma of divorce or losing child custody (Moghaddam 2006: 31).

21 I would like to thank Anna Larson for pointing this out in her peer review.

22 The same media report on accusation against 22 parliamentarians further mentions the name of a former female minister who faces corruption charges.

23 A note of caution is appropriate here concerning the data gathered from different indices and statistics: As in many other developing, and in particular (post-) conflict countries, statistically sound data is difficult to come by given the challenging context of representative data-gathering. Figures presented should therefore be read as "indicators" with a certain error margin, so far impossible to avoid. Nevertheless, this information was included because, while the data included may not be statistically accurate, it nonetheless allows us to gauge the extent of various societal challenges, form estimates and infer important developments.

24 http://info.worldbank.org/governance/wgi/sc_chart.asp (accessed Jan. 8, 2009).

25 http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=292&Itemid=452 (accessed Jan. 2, 2009).

26 http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=294&Itemid=40 (accessed Jan. 2, 2009).

27 http://www.bertelsmann-transformation-index.de/116.0.html?&L=1 (accessed Jan. 2, 2009).

28 I would like to thank Hangama Anwari, one of the peer reviewers, for sharing her view and insight as a CLJ observer on this point.

29 http://www.ands.gov.af/ands/Provincial_Consultations/details.asp?id=22&index=7#pic (accessed Jan. 15, 2009).

30 http://afghanistan.unifem.org/prog/MOWA/napwa.html (accessed Jan. 15, 2009).

31 Ibid.; http://afghanistan.unifem.org/docs/pubs/07/NAPWA_brochure.pdf (accessed Jan. 15, 2009).

32 Interview conducted March 24, 2008, Kabul; cf. Gulzari 2008.

33 Kandiyoti (2008: 171) further highlights women's exclusion "from customary bodies of local governance, dispute settlement, and arbitration such as tribal jirgas or village shuras," while, at the same time, "[w]omen's community participation and leadership roles escape detection in Afghanistan because they do not take place in public arenas commonly associated with modern civil society. The politics of alliances and reputation play a central role in tribal and village societies and women participate in decision making through important roles in matchmaking, gift exchange, and participation in life cycle rituals." In addition, women occupied communal positions of leadership such as arbabs (notables) in rural areas (Riphenburg 2003: 196).

34 Giustozzi (2008: 35, 42–3) estimated the strength of the Taliban in 2006 with the following numbers: 6,000–10,000 active Taliban at any given time, with a total strength of 17,000 Afghan Taliban in addition to 2,000 foreign volunteers, and 40,000 Pakistani Taliban. Voluntary and forced enlistment of "village jihadists" make up approximately 15 to 25 percent of the Taliban. A quarter of Taliban fighters are recruited in madrassas while half of the fighters are local allies alongside a small group of 10 to 15 percent of mercenaries in 2006.

35 Feedback discussion on survey findings with women MPs in the Wolesi Jirga, March 13, 2008, Kabul.

36 Opinion gathered in interviews conducted; see also Asia Foundation 2004.

37 "I have problems travelling to remote areas. I can't take guards with myself, because I don't have enough money to give them. Men don't need guards for themselves. It is a problem for women independent candidates" (Wolesi Jirga women candidate, former teacher, from Mazar-e-Sharif quoted in Human Rights Watch 2005: 24).

38 Nourzai Charkhi, a female candidate from Logar province, reported that one "man called Asef Palang – who was known under the Taliban as Mullah Palang – told me, 'You are a servant of the Americans, aren't you ashamed of yourself? If you come to the village of Charkhi, your life will be in danger. We will place a mine under your car'" (Esfandiari 2005b).

39 According to a Human Rights Watch report, not only women candidates were targeted: "Through intimidation and armed attacks, local warlord factions, the Taliban, and other insurgent forces have forced the closure of projects […]. Female journalists, activists, and governmental officials have reported death threats, harassment, and attacks for speaking out about sensitive women's rights issues" (Human Rights Watch 2004).

40 As additional factors can be considered limited opportunities for jobs and education, stressed by Hangama Anwari in her thoughtful peer review comments.

41 Cf. AHDR 2007: 85, for a short review of Afghanistan's early legislative history.

42 Cf. https://www.cia.gov/library/publications/the-world-factbook/print/af.html (accessed May 31, 2009).

43 Interviews with Afghan civil society representatives working for (inter-)national nongovernmental organizations, March 23–26, 2008, Kabul.

44 Interview with Afghan civil society representative working for an international nongovernmental organization, March 26, 2008, Kabul.

45 Ibid.

46 Interview conducted April 10, 2007, Kabul.

47 Interestingly, there is a discrepancy between the English and the Dari/Pashto website of the Ministry of Justice on the number of registered political parties. According to the English version, 84 parties are officially registered, while on the other website versions, the information given is about 105 registered political parties (http://www.moj.gov.af/?lang=da&p=label19; http://www.moj.gov.af/?lang=en&p=e16 (accessed May 31, 2009)). I thank Anna Larson for drawing my attention to this fact.

48 Interviews conducted March 23–26, 2008, Kabul.

49 Interview with Afghan civil society representative working for an international nongovernmental organization, March 24, 2008, Kabul.

50 Feedback discussion on survey findings with women MPs in the Wolesi Jirga, March 13, 2008, Kabul.

51 According to notes taken from English translation of Dari-conducted interview, April 10, 2007, Kabul.

52 The motion of no-confidence was passed by the Wolesi Jirga in May 2007, but without any immediate effect, as the foreign minister continues to exercise his mandate due to support from the Supreme Court: "The Afghan Supreme Court has sided with Karzai, causing some National Front bloc members to threaten to resign from the parliament, an action they believe would shake confidence in Karzai's leadership. Spanta remains in his position, to date, but the dispute is unresolved" (Katzman 2008c: 11).

53 Interviews conducted with Afghan civil society representatives working for (inter-)national nongovernmental organizations, March 23–26, 2008, Kabul.

54 Women MPs submitted their own proposal to the speaker of the Wolesi Jirga, Qanooni, in response to a draft law on violence against women submitted to parliament by MOWA and the government. The private member bill did not qualify as an accurate formulation of a law, as one member of Afghanistan's Independent Human Rights Commission and women's activist explained (interview conducted Mar. 25, 2008, Kabul).

55 Interview conducted March 26, 2008, Kabul; cf. Interview with Afghan civil society representative working for an international nongovernmental organization, March 26, 2008, Kabul.

56 In Nordic countries women represent 41.4 percent of parliamentarians, followed by the Americas with 21.7 percent, Europe with 21.2, Asia with 18.3 percent, sub-Saharan Africa with 18.0 percent, the Pacific with 13.09 percent, and the Arab state bns with 9.7 percent (http://www.ipu.org/wmn-e/world.htm; accessed Feb. 3, 2009).

57 http://www.ipu.org/wmn-e/speakers.htm (accessed Feb. 3, 2009).

58 These are Michelle Bachelet in Chile (president since 2006), Luísa Días Diogo in Mozambique (prime minister since 2004), Tarja Halonen in Finland (president since 2000), Ellen Johnson-Sirleaf in Liberia (president since 2006), Gloria Macapagal-Arroyo in the Philippines (president since 2004), Mary McAleese in Ireland (president since 1997), Angela Merkel in Germany (chancellor since 2005), Pratibha Patil in India (president since 2007), Sheikh Hasina Wajed in Bangladesh (second term as prime minister since 2009), Jóhanna Siguřeardóttir in Iceland (prime minister since 2009), Michèle Pierre-Louis in Haiti (prime minister since 2008), Zinaida Grecianîi in Moldova (prime minister since 2008), Yuliya Tymoshenko in Ukraine (second term as prime minister since 2007), and Cristina Fernandez de Kirchner in Argentina (president since 2007).

59 http://www.quotaproject.org/country.cfm (accessed Feb. 3, 2009).

60 For detailed case studies and examples, see Fleschenberg 2007.

61 Makya Syawash from the women's rights organization Assembly of Afghan Women criticized in June 2007 the government policy to invite the Taliban and other radical parties for political negotiations (*Afghanistan Times*, 2007a: 8).

62 Cf. Meintjes 2005; Hassim 2003; Meintjes 2003; Geisler 2000; Seidman 1999.

63 Wordsworth (2007: 12) also reports that a minority of female legislators has serious concerns on the quota provision because they "were considered guarantee of electoral success, and as such considerably weaken the incentive to generate sustainable constituency support."

64 Even if it is the case that women elected received on average 2.3 percent of the votes cast, one should also consider that, under the electoral system applied and the huge numbers of candidates running, two-thirds of people's votes (68%) have to be counted as "lost votes" as they did not go to winning candidates. Only 32 percent of the votes transformed into selecting a winning candidate. Furthermore, 30 out of the 33 successfully elected MPs in Kabul received between 0.4 to 2.5 percent of the votes cast. As a comparison, the number of so-called wasted votes in similar founding elections in Iraq was 5.3 percent and in South Africa less than 1 percent (Johnson 2006; Reynolds 2006: 112f, 115).

65 Interview conducted April 10, 2007, Resource Centre for Women in Politics of UNIFEM, Kabul.

66 Information given during a discussion with members of the WPPC, April 12, 2007, Kabul.

67 Karam and Lovenduski 2005: 192–93.

68 Women parliamentarians who did not give an answer in this question were all single.

69 A further seven women parliamentarians hold a degree in pedagogy, six a degree in law, while some have a degree in Islamic studies.

70 Multiple answers possible due to different professions. A significant share of women parliamentarians worked as teachers. Under the rubric "Politics" women parliamentarians mentioned having been members of ministerial commissions or of the Loya Jirga for instance.

71 Some mistakenly mentioned, for example, hybrid parliamentary networks (e.g., Women Parliamentary Network with primarily parliamentary membership) or entities of the Ministry of Women's Affairs as civil society organizations to which they belong(ed).

72 Many respondents gave several answers as to how they joined politics. Most frequent was a combination of the first three options (self-presentation as candidate, asked by family / qawm and/or community leaders).

73 Some respondents mentioned other bodies / institutions that are not parliamentary committees, for example political parliamentary groups or the Women Parliamentary Network (11 responses).

74 The following political parties / groupings were mentioned by name by four women parliamentarians: Jumhori Party, Afghan Parliamentary Group, Independent Parliamentary Group, Third Line Parliamentary Group. One woman MP hopes to be supported by a political party in the future ("hopefully in the future the party will do so, not yet the case"). Particular types or names of civil society organizations mentioned by women MPs: Human Rights Commission or human rights organizations in general (two responses), women's organizations (five responses), international organizations such as UNIFEM (two responses) or NDI (one response), civil society organizations of the MPs province or those working on reconstruction (each two responses), youth / student organizations (two responses), journalist union and Isar Society (each one response).

75 Interview conducted April 10, 2007, Resource Centre for Women in Politics of UNIFEM, Kabul.

76 For one leading civil society activist, only 10 percent of women MPs are close to civil society organizations (compared to 15–20% of men) (interview conducted on June 30, 2007, Kabul).

77 Information given by one woman activist from the Afghan Women Network during an interview on June 27, 2007, Kabul, and two WPPC women activists during a discussion with group members, April 12, 2007, Kabul.

78 I thank my colleague Marion Müller for pointing this out.

79 Interviews conducted, and information received in personal conversations in April, June, and September 2007, Kabul. As one of the peer reviewers outlined with regard to a previous version of this study, it should also be mentioned that so many organizations were interested in such a small number of parliamentarians that the participants were maybe also overwhelmed with the attention and the offers.

80 Other: 1; no answer: 12, unrelated / unspecific / incomprehensive answer: 5. Multiple answers given by respondents to this question.

81 Multiple answers given. Only two women MPs negated the question, three gave no answer at all, and another two gave unrelated, unspecific, or incomprehensible answers or comments.

82 With regard to veto actors, some women parliamentarians gave further explanations for the lacking gender-sensitivity of the national budget and government expenditures or identified particular spoilers: current male-dominated government (1), no respect for or positive image of women (1), lack of education (1), lack of effective gender plan (1), gender is not considered (1), government leaders (1), presidential advisers (1), minister of finance (1), foreign interference, interests, and benefit-orientation (1). In the societal arena ("general public") two women parliamentarians mentioned as reasons a male-dominated society and women's problems not being on a national level yet.

83 No answer given: 1.

84 No answer given: 1; due to the variety of answers given, only those are listed that have been mentioned at least by two women MPs or could be attributed to a broader category.

85 A wrong figure was printed in *Kabul Weekly* – the corrected figure given by the newspaper is 13 percent (260 responses).

86 Under this section, some MPs indicated a different group of actors than identified by the question itself, for example, they mentioned instead *spingiri* / elders or the Afghan Parliamentary Group, which is neither a women parliamentary cooperation mechanism nor a commission, but a parliamentary faction of both male and female legislators, predominantly from Hazara and Pashto backgrounds. Their number is said to have been around 50 members, but decreased to approximately 20 members who are trying to influence the parliamentary and government agenda.

87 Two parliamentarians responded that other forms of interaction with female colleagues are during conferences / seminars at NDI and UNIFEM or via emails.

88 Interviews conducted September 22 and 24, 2007, Kabul.

89 Information given by international gender expert during private conversation, April 13, 2007, Kabul.

90 Information gathered in interviews and personal discussions with civil society activists and members of international organizations in April, June, and September 2007, Kabul.

91 Interview conducted with Afghan civil society representative working for an international nongovernmental organization, September 19, 2007, Kabul.

92 Interview with women activist, June 27, 2007, Kabul.

93 Citation taken from one member of the WPPC during a discussion with several women activist members, April 12, 2007, Kabul.

94 Opinions gathered in a private conversation with an international expert, April 13, 2007, Kabul, and from one member of the WPPC during a discussion with several women activist members, April 12, 2007, Kabul.

95 Citation taken from one member of the WPPC during a discussion with several women activist members, April 12, 2007, Kabul.

96 Interview with woman activist June 27, 2007, Kabul, and Afghan civil society representative working for an international nongovernmental organization, September 19, 2007, Kabul.

97 Interviews conducted June 27 and 30, and September 25, 2007, Kabul. A similar opinion was expressed by a high-ranking government official within the Ministry of Women's Affairs, who explained that conservative MPs hamper efforts to raise women's issues in parliament (June 27, 2007, Kabul).

98 Discussion with women parliamentarians of both houses after a lecture on women parliamentary networks and caucuses, April 10, 2007, Resource Centre for Women in Politics of UNIFEM, Kabul.

99 Interview conducted April 12, 2007, private home, Kabul.

100 Ibid.

101 Information provided by one woman parliamentarian during the survey. Involved civil society members mention a number far lower – between 12 to 16 parliamentarians as network members (interviews conducted in June 2007).

102 Information provided by a participating woman activist, June 27, 2007, Kabul.

103 Interview on March 23, 2008, private home, Kabul.

104 Discussion with women parliamentarians of both houses after a lecture on women parliamentary networks and caucuses, April 10, 2007, Resource Centre for Women in Politics of UNIFEM, Kabul.

105 Interview conducted April 12, 2007, Resource Centre for Women in Politics of UNIFEM, Kabul.

106 One respondent explained that it also depends on the consent and support from community and religious leaders.

107 Too general, unspecific, or incomprehensible answer given: 20; no answer given: 4. Some of those answers are of a rather procedural nature such as equality of members should be ensured (center-province cleavage), ordered, regular and managed sessions, support and cooperation of the president, high-level government and social actors.

108 Too general, unspecific, or incomprehensible answer given: 19; no answer given: 5.

109 The request was made by one MP that UNIFEM should work with all women MPs from both assemblies and from all different provinces.

110 Other places mentioned by women parliamentarians were: at home or house of friends (3), at a secure / safe place (3), at NDI (2), at women's network (1), open area (1), where international organizations meet (1), hotel (1), or at the office of its members (1).

111 Explanations given under the category "other" included predominantly the reference to "people" by 14 lawmakers apart from others citing individually the support of the government / civil society organizations / political parties / specific political leader, immigrants, Kuchis, own political backgrounds, or the fact of being known through media to people.

112 Interview conducted in June 30, 2007, Kabul.

113 Interviews conducted March 23–26, 2008, Kabul.

114 Only a few MPs interviewed explained which CSOs they interacted with; two mentioned the media, one human rights organizations, and two declared that they cooperate with them "if they come" to the MP. Two male parliamentarians interviewed referred specifically to provincial councils (and not to CDCs) in their answer.

115 Interviews conducted March 23–26, 2008, Kabul.

116 Interviews conducted with representative of international NGO and of Ministry of Parliamentary Affairs March 26, 2008, Kabul.

117 Interview conducted March 26, 2008, Kabul.

118 Interviews conducted September 24, 2007 and March 26, 2008, Kabul.

119 I would like to thank my research assistant Mohammad Shafaq for pointing out his observations and for trying to carefully guide reluctant respondents through this set of questions in order to get their answers and opinions.

120 Interviews conducted with Afghan civil society representatives of (inter-) national nongovernmental organizations, March 23 and 24, 2008.

121 This decision was taken after concerns of Afghan team members that the questionnaire topic was already very sensitive and the questions on women's issues rather controversial, predominantly for a significant share of conservative male MPs, who might be reluctant or simply object to answer the initial set of questions. As a consequence, the questionnaire for male MPs was slightly shortened and two general questions included on the legislative (non-)feasibility of women's issues rather than an individual ranking per women's issue.

122 Asked about the reasons for feasibility or non-feasibility of such legislation, several respondents opted for the answer "other" with reference individually to insufficient lawmaking capacity and experience, economic problems, the political system, the lower number of women MPs compared to men, the lack of societal development, and the need for women to become active. With regard to women MPs affecting the feasibility, in both variants four male MPs pointed toward women's missing unity ("always fight each other"), jealousy of each other and / or problems of discipline (1). One MP mentioned that such legislative changes would be against the constitution.

123 Interviews conducted with civil society representatives of local and international organizations as well as the women's political participation committee on March 24, 2008, and April 12 and September 19, 2007, Kabul.

124 Other (1 answer each): former immigrants, women, Kuchi delegates, educated people, or "with intellectual mujahideen."

125 Answers given under the option "other" (1 response each): my guesthouse, hotel, restaurant, commissions.

126 Interviews conducted with several civil society representatives March 23–26, 2008, Kabul.

127 Interview with Afghan civil society representative working for an international nongovernmental organization, September 19, 2007, Kabul.

128 Afghan civil society representative working for an international NGO interviewed March 26, 2008, Kabul.

129 I thank my colleague Marion Müller for pointing this out to me.

130 I thank Anna Larson for raising the concern over time management and rifts among MPs over the preference given to English-speaking lawmakers for study trips abroad during her peer review comments.

131 Several civil society activists interviewed pointed this out. This is further aggravated by the lack of unity among women parliamentarians, as one woman activist explained.

The involvement of women in Afghanistan's public life is decreasing. Attacks, vigilantism, and legal processes that contradict the basic principles of human and women's rights are the order of the day. The security situation is worsening in step with the disenchantment arising from the lack of results and functional shortcomings of existing democratic structures. In the face of such difficulties, we often forget who should create the legal underpinnings for the power in Afghanistan: the women and men in parliament who are working to build a state in these turbulent times of transition. To what extent will these elected representatives succeed in creating alternatives to established traditional power structures? What are the obstacles they face? What kinds of networks or caucuses are they establishing? This book, which is based on interviews of male and female members of parliament held in Kabul in 2007 and 2008, examines the realities of parliamentary work in Afghanistan. It shows how varied and coercive the patterns of identification prevalent in Afghanistan can be, and it provides a rare opportunity to gain insights into the self-images and roles of women in parliament.

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HEINRICH BÖLL STIFTUNG
The Green Political Foundation
Schumannstraße 8 10117 Berlin
www.boell.de