

“Sticking to their guns” –The United Nations’ failure to see the potential of Islamic feminism in the promotion of women’s rights in Afghanistan’

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As published in Javaid Rehman, Ayesha Shahid, Steve Foster (eds), *The Asian Yearbook of Human Rights and Humanitarian Law*, Volume 3 (Brill 2019)
<https://brill.com/view/book/edcoll/9789004401716/BP000006.xml>

Abstract

In recent years, peace and justice processes in post-conflict countries have turned into an industry of their own. With a variety of actors, norms and processes involved, the fields have not only expanded as areas of practice but also attracted considerable attention amongst scholars. Whilst the role of the international community in post-conflict states, particularly as part of peace and justice processes, has been subject of much scholarly debate, this paper focuses on international actors’ attempts at advancing women’s rights in predominantly Muslim post-conflict countries. It discusses the reluctance of the most significant international actor in a variety of post-conflict processes, namely the United Nations, to engage more closely with contextualised bottom-up approaches to women’s rights advocacy under its Women, Peace and Security agenda. The paper focuses specifically on the United Nations’ failure to see the potential of Islamic feminism in post-conflict Afghanistan as an alternative to its hitherto strategy of grounding women’s rights in Western liberal conceptions of ‘universal’ human rights. It argues for a more contextual approach to women’s rights advocacy by the United Nations that allows for the possibility of including non-hegemonic rights discourses as well as grants more attention to local bottom-up approaches.

Keywords

women, peace and security – human rights – Islamic feminism – United Nations – civil society

I. Introduction

The end of conflict or war is often described as offering potential for transformative change for the post-conflict society in question, the past of which has predominantly been one of violence, social division as well as political and economic struggles. Thus, once conflict comes to an end this point in time is seen as an opportunity to change legal, political, societal and economic structures in such a way that proves to bring about a positive transformation leading to sustainable peace in the post-conflict state. The two primary phases, which ought to bring about such transformation, are transitional justice and peacebuilding. Processes and measures falling under these two fields attempt to assist the post-conflict society in addressing and coming to terms with their violent past as well as moving towards a peaceful future. Particularly, for marginalised groups, which largely not only suffer from oppression before the conflict but are also significantly targeted during the conflict, this break away from a violent and oppressive past represents an opportunity for inclusion and participation.

Within these phases, the international community, in the form of international governmental organisations (particularly the United Nations), foreign states as well as international non-governmental organisations often play considerable roles in reconstruction and peacebuilding efforts in post-conflict countries. The extent to which these international actors should be involved in these processes has long been one of contention and disagreement. Should they be involved at all? If so, how much? How do they, or should they, interact with local communities who have been experiencing the conflict at first hand? As past examples of modern history demonstrate, post-conflict peace and justice periods without any sort of influence from the international community seem almost impossible. Nonetheless, it is unclear to what extent the involvement of the international community does actually affect positive developments for the achievement of sustainable peace in individual post-conflict contexts. A question which this article considers with regards to the international community's efforts in post-conflict countries in the context of the advancement of women's rights and women's participation in such processes.

The article aims to shine a light on the work of the United Nations in post-conflict Muslim states in the context of the advancement of women's rights and participation in political processes, generally known as being part of the Women, Peace and Security agenda. Unsurprisingly, the main tools of rights advocacy under this framework have been the United Nations' own normative instruments, including the various resolutions falling under the WPS agenda, the Universal Declaration of Human Rights¹ as well as other relevant treaties that have originated from the United Nations framework. These can range from the more broad based International

¹ United Nations General Assembly, Universal Declaration of Human Rights (adopted 10 December 1948, UNGA Res 217 A(III)). Hereinafter UDHR.

Covenants on Civil and Political Rights² as well as on Economic, Social and Cultural Rights³ to the more specific Convention on the Elimination of All Forms of Discrimination Against Women.⁴ However, this article suggests that international agencies, such as the United Nations, are missing an opportunity by disregarding other rights discourses that have the potential of fitting more adequately with the social and political settings of predominantly Muslim states. In this context, the article considers Islamic feminism and its use in recent post-conflict Afghanistan by local activists for the advancement of women's rights.

It is argued, that with regards to the case of Afghanistan, the United Nations have missed out on a crucial opportunity to recognise the potential of Islamic feminism in the advancement of women's rights. By considering the work that grassroots women's rights activist have been doing, specifically in rural communities in Afghanistan, the article criticises the lack of reference to Islamic feminism by the United Nations in that country, despite the fact that this tool of advocacy has shown promise and success. The article concludes by demonstrating that the use of Islamic feminism as a way of promoting women's rights in predominantly Muslim post-conflict states would be in conformity with the objectives of the WPS agenda. In fact, by reference to projects by UN Habitat and UN Women in Afghanistan, the paper demonstrates that Islamic feminism as a tool of advocacy has indeed already been taken advantage of by the United Nations, suggesting that the failure to do so on a wider level is a missed opportunity in the immensely difficult struggle of advancing women's rights in Afghanistan.

II. The United Nations Women, Peace and Security Agenda

Contextuality and local ownership have been highlighted as central factors when it comes to the question of how to ensure that peacebuilding and transitional justice processes result in sustainable peace in post-conflict states. Each post-conflict context will require different responses depending on the socio-cultural, historical and political features of the post-conflict state in question. At the same time, the centrality of local ownership of such peace and justice processes has not only been recognised

² United Nations General Assembly, International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

³ United Nations General Assembly, International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

⁴ United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 03 September 1981) 1249 UNTS 13. Hereinafter CEDAW.

but also emphasised in both scholarship and practice.⁵ Thus, former United Nations Secretary General Kofi Annan already explained in 2004 that with regards to the international community's role in such peace and justice processes, 'we must learn better how to respect and support local ownership, local leadership and a local constituency for reform.'⁶ Contrary to these recognitions, both transitional justice and peacebuilding practice have been criticised for having fallen into the trap of the liberal peace paradigm.⁷ This conception of a 'liberal' approach to peacebuilding, which is particularly pushed by international actors active in post-conflict states, focuses on top-down measures such as statebuilding, the promotion of the rule of law and universal human rights as enshrined in United Nations treaties as well as the creation of a free market economy.⁸ The reasoning of those supporting this approach is 'that the development of a free market economy and strong liberal political institutions is the most promising way to securing sustainable peace within post-conflict societies.'⁹

The liberal peace paradigm is known to be the favoured approach to transitional justice and peacebuilding by the international community,¹⁰ including the United Nations, which makes it not surprising that it focuses particularly on the promotion of ideas originated out of Western liberalism. As such, the liberal peace paradigm is a top-down approach to transitional justice and peacebuilding which not only assumes that 'all states inevitably follow the same 'developmental' route',¹¹ but also imposes this approach to peace and justice on post-conflict societies which might have considerably different perceptions and expectations.

⁵ See for example, Rosalind Shaw and Lars Waldorf (eds), *Localizing Transitional Justice: Interventions and Priorities after Mass Violence* (Stanford University Press 2010); Patricia Lundy and Mark McGovern, 'Whose Justice? Rethinking Transitional Justice from the Bottom Up' (2008) 35(2) *Journal for Law & Society* 265; Sara Hellmüller and Martina Santschi (eds), *Is Local Beautiful?: Peacebuilding between International Interventions and Locally Led Initiatives* (Springer Science & Business Media 2013).

⁶ UN Security Council, Report of the Secretary General, 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies', S/2004/616, 23 August 2004, para 17.

⁷ See for example, Oliver P Richmond, 'A Genealogy of Peace and Conflict Theory' in Oliver P Richmond (ed), *Palgrave Advances in Peacebuilding: Critical Developments and Approaches* (Palgrave Macmillan 2010); Chandra Lekha Sriram, 'Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice' (2007) 21(4) *Global Society* 579

⁸ Oliver P Richmond, 'A Genealogy of Peace and Conflict Theory' (n 7) 18.

⁹ Chandra Lekha Sriram, 'Liberal Peacebuilding and Strategies of Transitional Justice' (2007) (n 7) 580.

¹⁰ Roger MacGinty, 'Hybrid Peace: The Interaction Between Top-Down and Bottom-Up Peace' (2010) 41(4) *Security Dialogue* 391, 391.

¹¹ Moses Okello, 'Elevating Transitional Local Justice or Crystallizing Global Governance?' in Rosalind Shaw, Lars Waldorf and Pierre Hazan (eds), *Localizing Transitional Justice: Interventions and Priorities after Mass Violence* (Stanford University Press 2010) 279.

It is argued here that this increased focus on establishing a liberal peace and justice paradigm in post-conflict states, demonstrates a somewhat different trend than the one towards local ownership and contextuality, despite the fact that this has been recognised to be incremental to the functioning as well as sustainability of peace and justice in post-conflict states. Indeed, contrary to this recognition, it is argued that the persisting liberal peace approach to transitional justice and peacebuilding points towards an internationalisation and institutionalisation of post-conflict processes. The increasing role of international actors attempting to further push peace and justice activities into liberal ideas that correlate with Western conceptions of state and democracy as well as the primary focus on statebuilding and economic development has meant that there has been limited attention to local contexts and differing cultural and societal settings. The United Nations efforts in the context of women's rights advancement in post-conflict states as undertaken under the 'Women, Peace and Security'¹² agenda illustrates this development very clearly. The WPS framework originated out of United Nations Security Council Resolution 1325, which was adopted in October 2000.¹³ Resolution 1325 is based on a profound body of feminist scholarship that exposes the differences in women and men's experiences during and after conflict as well as highlights the importance of advancing the role of women in peacebuilding processes.¹⁴ It is based on the four pillars of prevention, participation, protection as well as relief and recovery, which embody the aims of preventing conflict and violence against women; protecting women and girls from gender-based and sexual violence as well as protecting their human rights; ensuring their representation and participation at all stages of decision-making in conflict resolution and peace processes; and meeting women's needs in recovery and peacebuilding missions as well as including them within those as actors.¹⁵ This is to be achieved primarily by mainstreaming gender throughout all conflict and post-conflict related processes. Gender mainstreaming is a policy concept based on the idea that for the achievement of gender equality it is necessary to integrate gender as a key consideration throughout all sectors and at all levels of processes, including policy

¹² Hereinafter WPS.

¹³ United Nations Security Council, *Security Council Resolution 1325 (2000) [on women and peace and security]*, 31 October 2000, S/RES/1325 (2000). Hereinafter Resolution 1325.

¹⁴ Nicola Pratt and Sophie Richter-Devroe, 'Critically Examining UNSCR 1325 on Women, Peace and Security' (2011) 13(4) *International Feminist Journal of Politics* 489, 490; Carol Cohn, Helen Kinsella, and Sheri Gibbings, 'Women, Peace and Security Resolution 1325' (2004) 6(1) *International Feminist Journal of Politics* 130; Christina Binder, Karin Lukas and Romana Schweiger, 'Empty Words or Real Achievement? The Impact of Security Council Resolution 1325 on Women in Armed Conflicts' (2008) 101 *Radical History Review* 22. ^[17]_[SEP]

¹⁵ United Nations Women, 'Preventing Conflict, Transforming Justice, Securing the Peace – A Global Study on the Implementation of UNSCR 1325' (2015), 20, <<http://wps.unwomen.org/~media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf>> accessed 18 November 2016.

development, implementation, and evaluation.¹⁶ Resolution 1325 was followed by a number of related United Nations Security Council resolutions which elaborated on individual points initially highlighted in Resolution 1325, such as sexual violence,¹⁷ women's participation in peace processes¹⁸ and most recently the role of women in counter terrorism.¹⁹ In their entirety these resolutions have been referred to as the 'United Nations Women, Peace and Security Agenda'. As the United Nations explained in its 15-year review of the resolution, the so-called 'Global Study', essentially the 'simple, yet revolutionary idea [of Resolution 1325] was the recognition that peace is only sustainable if women are fully included, and that peace is inextricably linked with equality between women and men.'²⁰

Excellent critical feminist analyses have been undertaken that consider the WPS agenda and its successes and failures in the last 18 years since its creation. This paper is not intended to evaluate the overall achievements of the WPS or consider its flaws. Instead, this article diverts the attention to the United Nations and examines whether this institution that is at the very heart of the promotion of women's rights in conflict and post-conflict settings all over the world, has become a victim of the liberal peace paradigm itself – at the cost of local ownership and the consideration of contextuality.

The United Nations' WPS agenda has become the framework that all states ought to apply when working on issues relating to women in post-conflict settings. Therefore, it plays an instrumental role in the advancement of women's rights in post-conflict contexts. With the United Nations at the heart of setting out the agenda as well as playing a major role in many different post-conflict states in the implementation of its objectives, the WPS agenda further reflects both trends of internationalisation and internationalisation. It is argued here that these trends as well as the focus on

¹⁶ Amy Barrow, '[It's] like a rubber band.' Assessing UNSCR 1325 as a gender mainstreaming process' (2009) 5(1) *International Journal of Law in Context* 51, 51.

¹⁷ United Nations Security Council, *Security Council resolution 1820 (2008) [on acts of sexual violence against civilians in armed conflicts]*, 19 June 2008, S/RES/1820 (2008); United Nations Security Council, *Security Council resolution 1888 (2009) [on acts of sexual violence against civilians in armed conflicts]*, 30 September 2009, S/RES/1888 (2009); United Nations Security Council, *Security Council resolution 1960 (2010) [on women and peace and security]*, 16 December 2010, S/RES/1960 (2010); United Nations Security Council, *Security Council resolution 2106 (2013) [on sexual violence in armed conflict]*, 24 June 2013, S/RES/2106 (2013).

¹⁸ United Nations Security Council, *Security Council resolution 1889 (2009) [on women and peace and security]*, 5 October 2009, S/RES/1889 (2009), United Nations Security Council, *Security Council resolution 2242 (2015) [on women and peace and security]*, 13 October 2015, S/RES/2242 (2015).

¹⁹ United Nations Security Council, *Security Council resolution 2122 (2013) [on women and peace and security]*, 18 October 2013, S/RES/2122 (2013).

²⁰ United Nations Women, 'Preventing Conflict, Transforming Justice, Securing the Peace – A Global Study on the Implementation of UNSCR' (n 15) 20.

liberalism may have led to missed opportunities and slow progress in the context of women's rights promotion in predominantly Muslim post-conflict countries by disregarding the success of context-specific advocacy measures taken by local activists.

The United Nations in post-conflict Afghanistan

With reference to the Afghan context, the article argues that by failing to widen their epistemology in the context of women's rights advocacy, the United Nations have missed out on opportunities to further women's rights in such post-conflict states more successfully. Before embarking on an exploration of the role of the United Nations in Afghanistan, it should be made clear that the term post-conflict as used in this research does not in any way suggest that the conflict in Afghanistan has been overcome. The term is rather used to describe countries that have initiated post-conflict processes, including transitional justice and peacebuilding.

Afghanistan serves as a good example as a result of the United Nations' dominant presence in the country since the very beginning of the conflict, namely the U.S.-led invasion that followed the 9/11 terror attacks. Represented through its different agencies, the United Nations have been working with Afghan and other international partners on improving women's rights in the country. Particularly, the United Nations Assistance Mission to Afghanistan (UNAMA), UN Women and UNDP have been involved in these efforts to advance the women's rights agenda in Afghanistan. However, when looking more closely at the work of the United Nations in this context, it becomes clear that there has been a stark focus on Kabul and urban elites present in the capital, particularly the Afghan Government. This is reflected in the list of partners of UN Women in Afghanistan as published on their website: out of the 18 partners that have been indicated, 16 are government ministries, offices or commissions and only two form part of larger civil society (and even those two are more internationally oriented than having connections to more grassroots-oriented civil society).²¹

Whilst it is of course understandable that as an intergovernmental organisation the United Nations will have close ties with the government of the country, particularly in the realm of human rights advocacy, the role of local civil society actors is of utmost

²¹ UN Women, 'Afghanistan Partners'

<<http://asiapacific.unwomen.org/en/countries/afghanistan/partners>> accessed 20 July 2018.

importance in post-conflict contexts.²² Specifically within the WPS framework, the role of civil society in realising the objectives of the agenda has been highlighted as crucial to the process, as repeated references within the different WPS UN Security Council resolutions make clear.²³ Despite Afghanistan having a very strong women's civil society, including grassroots activism, the UN agencies' focus has been on working with the Government and its different ministries. This cooperation has indeed led to some success, specifically with regards to legal reforms. With the cooperation of the United Nations, Afghan women's rights have been statutorily strengthened over the years since the fall of the Taliban. Starting with the Afghan Constitution from 2004,²⁴ the basis for a gender equal legislative framework was put into place. Article 22 of the Constitution enshrines gender equality by stating that '[a]ny kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.'²⁵ Equal rights of women were further particularly emphasised with regards to the right to work and the right to education in the Constitution.²⁶ Additionally, the Afghan Government has adopted a number of international agreements in relation to human rights. In the context of women's rights, the Afghan Government ratified CEDAW without reservations,²⁷ which further led to the adoption of the national Law on Elimination of Violence Against Women.²⁸ As

²² See for example Carol Cohn, 'Mainstreaming Gender in UN Security Policy: A Path to Political Transformation?' in Shirin Rai and Georgina Waylen (eds), *Global Governance: Feminist Perspectives* (Palgrave Macmillan 2008), 189/190.

²³ See for example Resolution 1325 (n 13) requires 'consultation with local and international women's groups', as well as the more recent United Nations Security Resolution 2122 (2013) (n 19) which

'6. Recognises the importance of interactions of civil society, [...] and commits to ensuring that its periodic field visits to conflict areas include interactive meetings with local women and women's organizations in the field.
7.(a) Requests [...] to regularly consult with women's organizations and women leaders, including socially and/or economically excluded groups of women;

11. Urges all parties concerned [...] to support the development and strengthening of the capacities [...] of local civil society networks in order to provide sustainable assistance to women and girls affected by armed conflict and post-conflict situations.'

²⁴ *Constitution of Afghanistan*, agreed upon on 04 January 2004 and ratified by on 26 January 2004. Hereinafter 'Constitution of Afghanistan'.

²⁵ *Constitution of Afghanistan* (n 24) Article 22.

²⁶ *Constitution of Afghanistan* (n 24) Articles 43, 44 and 48.

²⁷ Ratified by the Afghan Government on 05 March 2003, see United Nations Treaty Collection, 'Convention on the Elimination of All Forms of Discrimination against Women',

<https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en> accessed 07 August 2017.

²⁸ Islamic Republic of Afghanistan, *Law on Elimination of Violence Against Women*, enacted by Presidential Decree No. 91 on 20 July 2009.

Afghan women's right activist Wazhma Frogh explains, these international treaties were significant in the lobbying process of such national laws, as for example CEDAW articles were utilised during the drafting process of the country's first Elimination of Violence against Women Law during 2008/09 and many forms of violations against women that had not been criminalised before (in the 1970s Penal Code) were recognised as crimes against women including rape.²⁹

Indeed, the normative changes in Afghanistan with regards to women's rights cannot be understated. Besides the obvious constitutional changes and the laws against violence against women, Afghanistan has further been reforming its education, employment, family, and electoral law as well as other areas in order to comply with the demands of international treaties and international human rights law.³⁰ As UN Women itself sets out, working together with the Afghan Government on such legal reforms has been one of their main activities in Afghanistan.³¹ Therefore, the role of the United Nations in matters of normativity cannot be disregarded. In adherence with the WPS framework, the Afghan Government further launched their first National Action Plan in June 2015.³² Resolution 1325 calls all Member States to draw up such National Actions Plans in which they set out their strategies for the implementation of the goals and objectives of the WPS agenda, which focus on the four pillars of participation, protection, prevention, as well as relief and recovery. The Ministry of Foreign Affairs of Afghanistan together with a number of other Afghan Government ministries and commissions prepared the National Action Plan on Resolution 1325 with the 'technical support' of UN Women.³³

Thus, it becomes clear that in the context of women's rights in Afghanistan, the United Nations' main area of activity has been that of legal reform with their main partner being the Government of Afghanistan. While the success of this partnership is

²⁹ Wazhma Frogh, 'Afghanistan's National Action Plan: 'A Wish List of Many Dreams'' (LSE Centre for WPS Working Paper October 2017) <<http://blogs.lse.ac.uk/wps/2017/11/28/afghanistans-national-action-plan-a-wish-list-of-many-dreams-wazhma-frogh-102017/>> accessed December 2017.

³⁰ Wazhma Frogh, 'Afghanistan's National Action Plan: 'A Wish List of Many Dreams'' (n 29) 3/4.

³¹ UN Women, 'Programmes' <<http://asiapacific.unwomen.org/en/countries/afghanistan/programmes>> accessed 20 July 2018.

³² Ministry of Foreign Affairs of the Islamic Republic of Afghanistan, 'Afghanistan's National Action Plan on UNSCR 1325^[L¹SEP] Women, Peace and Security', June 2015, <<http://mfa.gov.af/Content/files/English%20NAP%206.pdf>> accessed 22 October 2016.

³³ Ministry of Foreign Affairs of the Islamic Republic of Afghanistan, 'Afghanistan's National Action Plan on UNSCR 1325^[L¹SEP] Women, Peace and Security' (n 32) 35.

reflected in the various normative changes in Afghan law and policy,³⁴ the effect of such has, unfortunately, not reached those on the ground yet. Lack of implementation of these legal changes has meant that the reality of Afghan women's lives remains one of discrimination and danger.³⁵ This is specifically the case for those women living in rural areas, far away from the urban hubs where these reforms take place. With current studies showing that 'around 70 – 80 per cent of Afghans live in rural areas with minimal or no contact to state institutions or basic services,'³⁶ the importance for a strategy of women's rights advocacy that also reaches these rural women becomes even more important. Much of rural Afghanistan consists of communities that have been self-governing for decades as a result of the lengthy wars that have been plaguing the country and are mostly governed by jirgas or shuras, which means tribal leaders, village elders and/or religious leaders rule these rural communities.³⁷ Additionally, many Afghans living in such rural areas, including women, are illiterate. It thus becomes clear that the international women's rights framework of the United Nations under the WPS agenda, even if affecting national legislative reform, as well as their efforts in urban centres, whether it is through technical support with regards to policy and law reform or the organisation of leadership and participation workshops, is of little use to Afghan women in these rural communities. Many have never heard of the National Action Plan, nor the commitments that the Afghan Government has made to women under the WPS framework.³⁸

Having been governed by customs, religion and tradition for decades, reference to such National Action Plans or international human rights treaties has unsurprisingly done little to engage community leaders to improve the situation of Afghan women, as the continuing struggle they face in securing certain basic rights clearly demonstrates.³⁹ Instead, this article argues that a more suitable approach to women's rights advocacy in these areas would be to ground the idea of gender equality in a discourse familiar to the region. Indeed, as the next sections explain, Afghan grassroots activists working on improving women's situations in rural Afghanistan

³⁴ For a list of such reforms see Wazhma Frogh, 'Afghanistan's National Action Plan: 'A Wish List of Many Dreams'' (n 29) 4.

³⁵ Afghan Women's Network, 'Position Paper: Reiterating Voices from Afghan Women – from BCA to GCA' (November 2018) available at: <<http://awn-af.net/index.php/cms/resource>> accessed 25 November 2018.

³⁶ Wazhma Frogh, 'Afghanistan's National Action Plan: 'A Wish List of Many Dreams'' (n 29) 8.

³⁷ *ibid.*

³⁸ *ibid.*

³⁹ See for example the most recent report by the Afghan Women's Network which explains that '[a]lthough Afghanistan has important laws, policies and action plans on women's legal and social protection, there is limited and weak implementation and monitoring' and that '[v]iolence against women remains a serious concern.' Afghan Women's Network, 'Position Paper: Reiterating Voices from Afghan Women – from BCA to GCA' (n 35).

have reverted to strategies of rooting women's rights in Islam itself and thereby allowing for a culturally more accepted approach of promoting women's rights. Both this strategy, which can be categorised as Islamic feminism, as well as the way Afghan grassroots women's rights activists have been using it in rural areas to secure better conditions for Afghan women will be illustrated in the next sections of this article. Before that, however, the article attempts to clarify why different contexts might call for different conceptions of rights and how Afghanistan is the prime example where international actors, such as the United Nations, ought to widen their epistemologies and understanding of women's rights.

III. Widening conceptions and epistemologies – whose women's rights?

It is argued that we ought to understand how women's rights and feminist activism as well as the techniques applied to advance women's rights are perceived and understood by the individual post-conflict societies in which various actors are aiming to establish these rights through a variety of policies and frameworks. The question of 'how logics of gender, ideas about gender, inform [...] behaviours' as well as 'which women are included'⁴⁰ in these processes is a question which ought to be asked in the context of the advancement of women's rights in post-conflict states, particularly where international actors hold dominant and influential positions. How are local populations reacting to the conception of gender equality supported and promoted by international organisations active in these societies? Are local populations responsive to the techniques used by these actors in their efforts to advance women's rights? These are all questions which ought to be acknowledged when considering both the development as well as implementation of policy by the United Nations in the realm of the Women, Peace and Security agenda.

As Laura Shepherd explains in her analysis of gender and representations of gender within the United Nations' peacebuilding framework and strategy, there is a need 'to examine *how* certain representations underlie the production of knowledge and identities and how these representations make various courses of action possible.'⁴¹ This ought to be considered in the context of the representation of women's rights by the United Nations in post-conflict states. Women's rights, and gender equality more generally, can be based on a number of different sources and be framed in a variety of

⁴⁰ Laura J Shepherd, *Gender, UN Peacebuilding, and the Politics of Space* (Oxford University Press 2017), 21.

⁴¹ Roxanne Doty, *Imperial Encounters: The Politics of Representation in North-South Relations* (University of Minnesota Press 1996), (*emphasis in original*) 7, as cited in Laura J Shepherd, *Gender, UN Peacebuilding, and the Politics of Space* (n 40) 23.

discourses.⁴² These sources can include international, regional, national legislation (ranging from treaties to constitutions or simply statutes) as well as stem from customary or religious rhetoric. Thus, the underlying concept as well as sources which ‘women’s rights’ derive from need to be considered, as that leads to the production of distinct accounts of knowledge and understandings of women’s rights, which in turn, determines the possibilities of differing courses of action. I will concretise this argument by reference to the attempts at advancing women’s rights in Afghanistan.

In the context of Afghanistan and the United Nation’s efforts to promote women’s rights, the representation of women’s rights as a construct which arises out of the Universal Declaration of Human Rights and other UN treaties have led to the association of the women’s rights movement with the West and the asymmetrical geopolitical power structures between Global North and the Global South.⁴³ As Shepherd goes on to explain, ‘[w]ithin a given discursive terrain, such as peacebuilding discourse, for example, once a particular meaning is attached to “women,” such as “agent of change” or “helpless victim,” certain policy initiatives become “thinkable,” even necessary, while others are excluded.’⁴⁴ The same can be said in the context of the representation of women’s *rights* in Afghanistan. Once associated with the United Nations, certain actions will be made possible whilst other courses of action may be precluded. Thus, whilst the presence of the United Nations in the country, as well as a number of Western states, and their dominant position in the peace process have contributed to the inclusion of the gender equality clause in the 2004 Afghan Constitution⁴⁵ and the ratification of CEDAW⁴⁶ and other human rights-related treaties, it has also led to the association of women’s rights with the ‘West’.

The universality discourse of ‘women’s rights are human rights’ which originated from the United Nations Decade for Women⁴⁷ and was made popular by Hilary Rodham Clinton’s speech at the Fourth World Conference on Women held in Beijing in 1995 clearly bases the origin of women’s rights in the United Nations international human rights framework, specifically the Universal Declaration of Human Rights. Especially in feminist circles in the Global North, this discourse further ignited the idea of women around the world forming a ‘global sisterhood’. This ‘global sisterhood’ was the product of ‘global feminism’, which formed part of the wider

⁴² See for example, Ratna Kapur, *Gender, Alterity and Human Rights Freedom in a Fishbowl* (Edward Elgar Publishing 2018).

⁴³ Nayereh Tohidi, ‘Women’s Rights In The Muslim World: The Universal-Particular Interplay’ (2003) 1(2) *Hawwa* 152, 175/176.

⁴⁴ Laura J Shepherd, *Gender, UN Peacebuilding, and the Politics of Space* (n 40) 23.

⁴⁵ *Constitution of Afghanistan* (n 24) Article 22.

⁴⁶ Signed by Afghanistan on 14 August 1980 but not ratified until 5 March 2003.

⁴⁷ Starting with the First World conference on Women held in Mexico City in 1975 and ending with the Third World Conference on Women in Nairobi in 1985.

liberal feminist movement of the 1970s and 1980s. It comes best to light in the works of Robin Morgan who believed that women around the world formed a global sisterhood that together could overcome the patriarchy and all its oppressions. The idea of global feminism was expressed most clearly in Morgan's 1984 book *Sisterhood is Global* where she explained how the global sisterhood is made possible as a result of the 'shared attitudes among women which seem basic to a common world view' and which stem not from biology but rather from 'a *common condition* which, despite variations in degree, is experienced by all human beings who are born female.'⁴⁸ This narrative of the global sisterhood was clearly meant to create the sentiment of proximity and familiarity amongst women in order to unite them against the enemy they all shared, namely the patriarchy. However, as explained by Judith Roof 'the unification of different women into a single sororal protagonist pitted against a figurative father [...] only tends to complete the erasure of positional differences amongst women (and all issues relating to position).'⁴⁹ Just as the global feminist movement, the United Nations 'women's rights are human rights' discourse has been criticised by particularly transnational and post-colonial feminists for universalising the experience of women by disregarding differences amongst women arising out of differing localities, cultures, and intersectionality. As explained by Chandra Talpade Mohanty,

[w]omen are constituted as women through the complex interaction between class, culture, religion and other ideological institutions and frameworks. They are not "women" – a coherent group – solely on the basis of a particular economic system or policy.⁵⁰

What these lines of narrative used by global feminism and the 'women's rights are human rights' agenda essentially represent is a hegemonic framework for the creation of an overarching international women's rights agenda to be applied to countries all over the world. However, problems arise when this hegemonic 'universality' is exported to such non-hegemonic contexts as Afghanistan. This global form of feminism as well as universal narrative of women's rights advocacy is neither suitable nor accepted by the vast majority of Afghans. With regards to the wider Muslim world, scepticism towards the West and concerns of Westernisation have led to international human rights efforts, including the promotion women's rights on the basis of international treaties and by Western actors, often being regarded as foreign and in the worst case as just another tool of Western imperialism.⁵¹ This is particularly the case in a country like Afghanistan, where the U.S.-led invasion of the

⁴⁸ Robin Morgan (ed), *Sisterhood is Global* (Anchor Press 1984) 4.

⁴⁹ Judith Roof, 'How to Satisfy a Woman "Every Time"...' in Diane Elam (ed), *Feminism Beside Itself* (Taylor & Francis 1995), 57.

⁵⁰ Chandra Talpade Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' (1984) 12(3) *boundary* 2 333, 344.

⁵¹ Susanne Schröter, 'Islamic Feminism: National and Transnational Dimensions' in Jocelyne Cesari and José Casanova (eds), *Islam, Gender and Democracy in Comparative Perspectives* (Oxford University Press 2017), 114.

country is seen by many ‘as a direct assault on their religion, which has given a new legitimacy to radical Islamist groups and undermined the position and discourse of progressive forces.’⁵² Indeed, the repeated interventions in Afghanistan by foreign, mostly Western forces, have led to a general suspicion amongst many Afghans of anything that is Western, including feminism and international women’s rights as derived from the United Nations human rights frameworks. Whilst the United Nations themselves would certainly argue that they do not constitute a manifestation of the West, but rather an alliance of all nation states, the long history of its domination by countries of the Global North coupled with the great role the organisation has played in a variety of interventions in developing countries (whether military or not), not least its support of the U.S.-led intervention in Afghanistan itself, further cement the perception that the United Nations are being used by Western powers for their own advantages and the furthering of the neoliberal agenda.⁵³ These reminders of asymmetrical geopolitical powers and past imperialist experiences in the region have been used as a means by extremist groups to portray the universal human rights discourse as not only neo-imperialist but further as a direct attack against Afghan culture as well as Islam.⁵⁴ Thus, besides giving ‘new legitimacy to radical Islamists groups’⁵⁵, this strategy has further been used by extremists to push Afghans towards a nationalism rooted in fundamentalist Islam.

In the past, colonial discourse on Islam has been prone to using the Muslim woman as ‘the symbol[] of the “backwardness” of Muslim societies’ leading to ‘native traditionalists and nationalists [turning] the very same practices into symbols of national identity and authenticity in defiance of cultural imperialism.’⁵⁶ The same issue can be observed in the Afghan context. The Bush administration’s justification for the invasion of Afghanistan was in part based on the saving of the Afghan woman. One remembers the infamous radio address by then First Lady Laura Bush, in which she spoke about how the ‘severe repression and brutality against the women in Afghanistan is not a matter of legitimate religious practice’ explaining that ‘[t]he fight against terrorism is also a fight for the rights and dignity of women.’⁵⁷ Pictures of

⁵² Ziba Mir-Hosseini, ‘Muslim Women’s Quest for Equality: Between Islamic Law and Feminism’ (2006) 32(4) *Critical Inquiry* 629, 631.

⁵³ Inderpal Grewal, ‘“Women’s rights as human rights”: Feminist practices, global feminism, and human rights regimes in transnationality’ (1999) 3(3) *Citizenship Studies* 337, 342.

⁵⁴ Nayereh Tohidi, ‘Women’s Rights In The Muslim World: The Universal-Particular Interplay’ (n 43) 163/164.

⁵⁵ Ziba Mir-Hosseini, ‘Muslim Women’s Quest for Equality: Between Islamic Law and Feminism’ (n 52) 631.

⁵⁶ Leila Ahmed, *Women and Gender in Islam* (Yale University Press 1992), as cited in Nayereh Tohidi, ‘Women’s Rights In The Muslim World: The Universal-Particular Interplay’ (n 43) 162.

⁵⁷ Laura Bush, ‘The ‘Taliban’s War Against Women’ (Radio address to the Nation, 7 November 2001), <<https://2001-2009.state.gov/g/drl/rls/rm/2001/6206.htm>> accessed 10 January 2018.

Afghan women in their blue burqas were not only on every news channel around the world for years to come, but were further displayed on and used by human rights and feminist organisations to remind the world of the plight of the powerless and oppressed Afghan woman.⁵⁸ Thus, Islamic veiling, whether through the burqa, chador or other forms, was used as the symbol of Afghan women's oppression in a variety of different arenas in the West. Besides the obvious victimisation of the Afghan woman and the consequential reduction of her agency, this portrayal of Afghan women led to a confusion of the religion of Islam with fundamentalist groups' oppressions of women in Afghanistan; once again making the Muslim woman a contentious symbol of the differences between Western modernism and cultural traditionalism in the region.⁵⁹

By having been entangled in these clashes between religious nationalism on the one hand and Western progressiveness on the other, women's rights and feminist movements in Afghanistan and other Muslim states, have been caught in a net of opposing voices which each have used them as a symbol for the oppression of the other, whether that is as the cultural imperialist or the religious fundamentalist.⁶⁰ Indeed, Afghan women's rights advocates themselves are caught in this dichotomy of the pro-Western women's rights proponent vs the loyal nationalist/pious Muslim; leaving them, as Leila Ahmed put it, 'to choose between betrayal and betrayal.'⁶¹ However, when looking at the work done by Afghan women grassroots advocates, specifically in rural areas, it becomes clear that they may have found a way to advance women's rights that is suitable for the specific context of their country. Besides its presence in politics and the law in Afghanistan, Islam is at the very heart of the socio-culture of Afghan people, and indeed, 99 per cent of Afghans identify as

⁵⁸ Ranging from the U.S. feminist group 'Feminist Majority' that not only used Afghan women as a way to attract international attention for their women's rights campaign but also as a way to influence US politics (for more on the Feminist Majority's work on this issue see 'Amy Farrell and Patrick Dermot, *The Challenge of Human Rights Discourse for Transnational Feminism*' in Wendy Hesford and Wendy Kozol (eds), *Just Advocacy? Women's Human Rights, Transnational Feminisms and Politics of Representation* (Rutgers University Press 2005)) to Amnesty International posters around Chicago in 2012 displaying Afghan women in burqas with the tagline 'NATO: Keep the progress going!' (for a photo of the poster see <<http://links.org.au/node/2876>> accessed 15 January 2018).

⁵⁹ See Ziba Mir-Hosseini, 'Muslim Women's Quest for Equality: Between Islamic Law and Feminism' (n 52) 639, for an explanation of how this symbolism of women as 'symbols of cultural authenticity' in Islam has further complicated the work of women's rights activists in predominantly Muslim regions.

⁶⁰ Nayereh Tohidi, 'Women's Rights In The Muslim World: The Universal-Particular Interplay' (n 43) 162/163.

⁶¹ Leila Ahmed, 'Early Feminist Movements in Turkey and Egypt' in Freda Hussain (ed) *Muslim Women* (Croom Helm 1984), 122.

Muslims.⁶² When this is considered with the fact that Afghanistan suffers from deep tribal divisions, the role of religion in the country becomes immensely important.⁶³ Thus, women's rights advocacy by a variety of Afghan grassroots activists has attempted to ground women's rights within Islam itself. By using the tools and techniques of Islamic feminism (set out in the next section), Afghan women's rights activists have successfully been able to work together with village elders and religious leaders in order to improve the situation of women and girls in rural Afghanistan. By grounding their arguments and advocacy in Islam itself, these activists are offering those in power an acceptable and culturally apt way of advancing women's rights without falling in the Western imperialism trap. The next section attempts to give an understanding of 'Islamic feminism' as well as set out how Afghan grassroots activists have been using Islamic feminist strategies in order to advance women's rights in their communities.

IV. Islamic Feminism – a missed opportunity in Afghanistan?

Islamic Feminism – An Overview

As is the case with feminism itself, there are a number of different interpretations of what Islamic feminism constitutes. Broadly, however, it is accepted that Islamic feminism represents the interpretation of the main sources of Islam in a way that allows for the grounding of gender equality and women's rights in Islamic discourse and within Sharia itself. Sharia, or Islamic Law, represents the rules and laws governing the lives of Muslims and is primarily based on the two revelatory sources of Quran and sunnah (the teachings of prophet Mohammed).⁶⁴ The interpretation of the Sharia on the other hand is called fiqh. Thus, while Sharia is regarded as the 'revealed or divine law', fiqh is explicitly set out as the 'jurists' law' which derives from jurists' interpretation of the Sharia.⁶⁵ As with many other religions, 'Muslim

⁶² Pew Research Center, 'The World's Muslims: Religion, Politics and Society' (30 April 2013), 15, <<https://muslimstatistics.files.wordpress.com/2015/03/worlds-muslims-religion-politics-society-full-report.pdf>> accessed 10 June 2018.

⁶³ Leela Jacinto, 'Abandoning the Wardrobe and Reclaiming Religion in the Discourse on Afghan Women's Islamic Rights' *ISIM* (2006) 32(1) Signs 9, 10.

⁶⁴ Shaykh Muhammad Hisham Kabbani, 'Understanding Islamic Law' (The Islamic Supreme Council of America)

<<http://www.islamic supremecouncil.org/understanding-islam/legal-rulings/52-understanding-islamic-law.html>> accessed 28 January 2018.

⁶⁵ Khalid Muhammad, 'Muslim Jurist's Quests for the Normative Basis of Shariah' (Inaugural Lecture 2001 at Leiden ISIM), 2, <<http://www.en.islamic->

jurists [have made] continuous efforts to keep Islamic law acceptable to the people by bringing the legal norms close to social norms' through fiqh adapted to time and place.⁶⁶ Therefore, this distinction between Sharia and fiqh is of importance specifically to those who wish to adopt a more contemporary interpretation of the Sharia. Indeed, it is the fiqh, specifically the interpretation of the Quran, which has been central to Islamic feminism. Whilst accepting the Sharia, it is the interpretation thereof, thus the fiqh, that Islamic feminists criticise. They argue that the patriarchal interpretations of Sharia that exist in a number of Muslim countries are the product of extremist and unfounded readings of the Quran and other Islamic sources, and instead support a 'feminist reading of the Sharia' which enables the grounding of women's rights within Islam itself.⁶⁷

In order to facilitate such interpretation, Islamic feminists have reverted to feminist hermeneutics in order to draw attention to those parts of the Sharia that have either been wrongly interpreted or disregarded in the context of women's rights and gender equality.⁶⁸ Although different Islamic feminists focus on different Islamic sources in this endeavour, most attention has been given to the Quran and its verses (ayaat). Margot Badran has set out the three main approaches to feminist hermeneutics used by Islamic feminists:

1. revisiting ayaat of the Qu'ran to correct false stories in common circulation [...] that have shored up claims of male superiority;
2. citing ayaat that unequivocally enunciate the equality of women and men;
3. deconstructing ayaat attentive to male and female difference that have been commonly interpreted in ways that justify male domination.⁶⁹

Through these analytical strategies, Islamic feminists have revisited the Quran and other sources of the Sharia in order to offer an interpretation that is line with gender equality and the rights of women. However, whilst many Muslims, women and men, may be arguing for such reformed interpretations of the Sharia, it also ought to be noted that not all will identify with the label 'Islamic feminist'. In many Muslim circles, there still exists skepticism towards 'feminism' as a construct of the West that seeks to interfere with society and more traditional cultures.⁷⁰ This is certainly also

sources.com/download/E-Books/Jurisprudence/Muslim-Jurists-Quest-for-the-Normative-Basis-of-the-Sharia.pdf> accessed 20 January 2018.

⁶⁶ *ibid.*

⁶⁷ Ziba Mir-Hosseini, 'Stretching the Limits: A Feminist Reading of the Shar'ia in Post-Khomeini Iran', in May Yamani (ed.), *Feminism and Islam: Legal and Literary Perspectives* (Ithaca Press 1996).

⁶⁸ Margot Badran, 'Islamic Feminism: What's in a name?' (*Al-Ahram Weekly Online*, Issue No. 569, 2002), <<http://weekly.ahram.org.eg/Archive/2002/569/cu1.htm>> accessed 09 January 2018.

⁶⁹ *ibid.*

⁷⁰ Amal Grami, 'Islamic Feminism: a new feminist movement or a strategy by women for acquiring rights?' (2013) 6(1) *Contemporary Arab Affairs* 102, 103.

the case with regards to Afghan women's rights activists. Whilst some may even identify as an Islamic feminism, the mere act of labeling oneself as a 'feminist' whether Islamic or not would defy the whole purpose of finding an approach to women's rights advocacy which cannot automatically be dismissed as Western. As Badran explains, whilst Islamic feminism can manifest itself as a term of identity,⁷¹ it can also take shape as an analytical tool.⁷² It is its use as such an analytical tool that Afghan women have been reverting to in order to progress the rights and improve the lives of women on the ground.

Islamic feminist advocacy in Afghanistan

To derive women's rights from a religious framework might at first seem problematic and perhaps even paradoxical to some, particularly to those from Western states which have a tradition of secularism. However, what ought to be considered is the context in which this strategy is being used. Islam is of great centrality to not only the political and legal sphere in Afghanistan but also in the socio-cultural context of the country. 99 per cent of Afghans identify as Muslims with recent research suggesting that not only do those 99 per cent also favour Sharia to be 'the official law of the land', but that 80 per cent further believe that their religious leaders should have some, if not a large, influence on politics.⁷³ This connection of Islam with law and politics is further reflected in the Afghan Constitution which not only clarifies in Article 2 that '[t]he sacred religion of Islam is the religion of the Islamic Republic of Afghanistan' but goes on to set out in Article 3 that '[n]o law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.'⁷⁴ This latter Article in conjunction with Article 121 of the Constitution, which gives the right to review any 'law, legislative decree, international treaties as well as international covenants for their compliance with the Constitution' to the Supreme Court,⁷⁵ essentially allows the Supreme Court (which is selected by the President and thus far has consisted of a number of different Islamic hardliners) to strike down laws which are not in accordance with their vision of Islam. Whilst some have described this as a worrisome state of constitutional law,⁷⁶ it also needs to be considered that in

⁷¹ A phenomenon that is particularly common amongst younger diaspora Muslim women in the West who identify and call themselves Islamic feminists. See for example activist Sarah Zouak in France or 'it-girl' Amani Al-Khatahtbeh in the U.S.

⁷² Margot Badran, 'Islamic Feminism: What's in a name?' (n 68).

⁷³ Pew Research Center, 'The World's Muslims: Religion, Politics and Society' (n 62) 15 and 64.

⁷⁴ *Constitution of Afghanistan* (n 24) Articles 2 and 3.

⁷⁵ *Constitution of Afghanistan* (n 24) Article 121.

⁷⁶ See for example, Nusrat Choudhury, 'Constrained Spaces for Islamic Feminism: Women's Rights and the 2004 Constitution of Afghanistan' (2007) 19(1) *Yale Journal of International Law & Feminism* 155, 157.

Afghanistan, Islam is the unifying factor amongst many dividing lines, specifically those arising out of the long-standing ethnic divisions amongst its different tribes. Whilst there are differences in the schools of Islam Afghans believe in (the vast majority are Sunni Muslims with a minority of Shia Muslims), being Muslim has nevertheless been the shared and unifying identity the vast majority of Afghans have in common.⁷⁷ With Islam featuring so prominently in Afghan people's lives as well as the country's politics, the strategy of reverting to Islam to make a case for women's rights by Afghan grassroots activists seems plausible.

Indeed, many Afghan women's rights advocates as well as female Afghan politicians themselves have emphasised that their aspirations for improved women's rights in Afghanistan are all situated within the realm of Islam itself. Not only have they repeatedly made clear that they themselves are devout Muslims but they have further explained that their approach to gender equality and the promotion of women's rights is within an Islamic framework.⁷⁸ This centrality that Afghan women's rights advocates themselves give to Islam in their advocacy is further highlighted by the 'Afghan Women's Bill of Rights'. This document was set out by 45 Afghan women from across Afghanistan and contained a number of specific demands which were intended to include women's rights in the Afghan legislative process, including the drafting of the constitution. The very first sentence of this bill referred to Islam as the religion of these women: '[W]e the Afghan Muslim participants in the conference [...] make the following demands on behalf of the women of Afghanistan.'⁷⁹ Besides their personal religious conviction, Afghan women's rights activists strongly believe that in the current state of affairs in Afghanistan, progress regarding women's rights will only be possible slowly and within the framework of Islam.⁸⁰ Thus far, however, efforts in the promotion of women's rights in Afghanistan by international actors, including the United Nations, have centred on legal reforms through the international

⁷⁷ Kaja Borchgrevink, 'Religious Actors and Civil Society in Post-2001 Afghanistan' (PRIO Papers 2007), 21, <https://www.cmi.no/pdf/?file=/afghanistan/doc/071212%20Religious%20Actors%20and%20Civil%20Society%20in%20Post-2001%20Afghanistan%20_Paper.pdf> accessed 16 December 2017.

⁷⁸ Leela Jacinto, 'Abandoning the Wardrobe and Reclaiming Religion in the Discourse on Afghan Women's Islamic Rights' (n 63) 10/11.

⁷⁹ Conference on Women & the Constitution: Kandahar 2003, 'Afghan Women's Bill of Rights', 5 September 2003, as cited in Nusrat Choudhury, 'Constrained Spaces for Islamic Feminism: Women's Rights and the 2004 Constitution of Afghanistan' (n 76) 167/168.

⁸⁰ Amnesty International, 'Afghanistan: Women Still Under Attack - A Systematic Failure To Protect' (29 May 2005), AI Index: ASA 11/007/200, 26, <<https://www.amnesty.org/en/documents/ASA11/007/2005/en/>> accessed 08 June 2018.

human rights framework as well as on urban elites as their partners and audience.⁸¹ Nonetheless, it has become clear that such efforts will be of little use to women on the ground, particularly in rural communities, if attitudes and perceptions deeply entrenched in society do not change. For that to happen, more than top-down measures of normative changes through international human rights law and consultation with urban elites are necessary. Local communities ought to be addressed and not in the language of international treaties and universalism, but through a discourse familiar to them. The following examples demonstrate the success that some Afghan women's rights activists had in rural Afghanistan once they grounded their advocacy in Islam and particularly the Quran itself.

The organisation Women's Activities and Social Services Association (WASSA) was founded after the fall of the Taliban and 'works directly with communities in order to bring change in social attitude of the community' and to promote women's rights at the very grassroots level.⁸² One of WASSA's strategies in order to achieve these objectives has been to go to local communities and attempt to change accepted conservative readings of passages in the Quran which are in relation to women and their rights in Islam. By reaching out to religious leaders in the communities and bringing them together with reformist religious scholars and sharia experts, WASSA aims to create a conversation through which community leaders may be convinced to accept these other interpretations of the Quran. Once that hurdle has been overcome, WASSA organises literacy and other workshops for the women and girls in those communities. The latter is not possible without the former, as the founder of WASSA, Nilofar Sakhi, makes clear '[y]ou cannot ever be against religion in Afghanistan. You must work through it.'⁸³

Besides the centrality of Islam in efforts to convince village, tribal or religious leaders to allow for the improvement of women and their rights in their communities, activists have explained that in their experience, many Afghan women themselves look to Islam as a source for their rights. Thus Lina Abirafeh, former director for Women for Women International in Afghanistan, explains that not only do 'Afghan women feel strongly that Islam [...] guarantees equal rights to men and women' but when it comes to their rights they 'want to search for answers in the Koran, or through other practicing Muslims' as well as themselves 'know more about Islam and the rights that it affords them.'⁸⁴

⁸¹ Jennifer Fluri, 'Armored peacocks and proxy bodies: gender geopolitics in aid/development spaces of Afghanistan' (2011) 18(4) *Gender, Place & Culture* 519, 520.

⁸² Women's Activities and Social Services Association, 'About WASSA' <<http://wassa.org.af/about-us/>> accessed 05 August 2018.

⁸³ See Isobel Coleman, *Paradise Beneath Her Feet - How Women Are Transforming the Middle East* (Random House 2010), 397-400.

⁸⁴ Lina Abirafeh, 'The Role of Religion in the Lives of Women in the New Afghanistan' (2003) 1 *Critical Half* 36, 36, as cited in Nusrat Choudhury,

In fact, the acquisition of religious knowledge is an important step for women in countries like Afghanistan where religion plays such a central role. This was also recognised by Sakena Yacoobi, director of the Afghan Institute of Learning, who has been organising workshops in rural communities around the country for women to inform them about their rights and does so by teaching them about the Quran. She emphasises how ‘[b]y working within our culture, and respecting our traditions, we are able to give them the tools they need to communicate—and negotiate-better with their husbands.’⁸⁵ Indeed, according to Sakena’s experience on the basis of using the Quran many women were able to resolve family disputes with their husbands and improve their lives and that of their daughters.⁸⁶ Just as the other activists cited here, Sakena highlighted the centrality of grounding their advocacy within Islam itself:

We work with the local mullahs to make sure they have no objections to our materials. And we welcome the involvement of husbands too. All of us observe our culture and traditions ourselves. We go slowly, and very carefully ... I don’t want to criticize the work of foreigners, but when they come here and start teaching the women about their rights, the women often go home and criticize their husbands and their life just gets worse. We are helping the women learn how to negotiate with their husbands. The Quran is most helpful for that.

As the above examples demonstrate, Islamic feminism and the approach of grounding women’s rights in a discourse and framework that is not only familiar to Afghans but forms a central part of their political, social and cultural lives, opens doors to Afghan activists that the often skeptically regarded ‘foreign’ international human rights language denies them.

The United Nations’ role

Having considered the success of Afghan women’s rights activists in employing Islamic feminism as a rights advocacy strategy, the paper now turns to the role of the United Nations in this context in Afghanistan. It is argued that as such a crucial international actor in post-conflict Afghanistan, particularly regarding women’s rights advocacy, the United Nations should learn from as well as support the successful work of grassroots activists and their use of Islamic feminism in the promotion of

‘Constrained Spaces for Islamic Feminism: Women's Rights and the 2004 Constitution of Afghanistan’ (n 76) 165/166.

⁸⁵ See Isobel Coleman, *Paradise Beneath Her Feet - How Women Are Transforming the Middle East* (n 83) 335-337.

⁸⁶ *ibid.*

women's rights. In fact, as will be shown in this section, it is in accordance with the United Nations' own WPS framework to consider the specific conditions in Afghanistan and carry on with a form a women's rights advocacy that would not only fit the socio-cultural and political climate of the country but further has already shown promise and success. Further, with reference to two separate activities of UN Women and UN Habitat, the paper demonstrates how the United Nations has indeed already reverted to Islamic feminism and its technique of grounding women's rights in Islam.

As explained, thus far, the United Nations' work as part of the WPS agenda in Afghanistan has primarily been of a top-down nature with a stark focus on normative changes as well as training and support of urban elites, particularly the Afghan Government, on matters of women's rights. However, as Quhramaana Kakar, director of the organisation Women Peace & Participation, explains

[t]he solutions provided by the international community do not work for women outside of the capital and other major cities, because their context is different — they are not as educated and open-minded. Many people believe that mechanisms for mainstreaming gender are a Western imposition; it is often understood as empowering women against their male counterparts. So there is a need for a contextualized implementation of U.N. Security Council Resolution 1325 [...] so that it supports women from all backgrounds and areas.⁸⁷

It is this lack of contextuality of the United Nations' efforts in promoting women's rights in Afghanistan which this article has been criticising. As set out previously, contextuality and local ownership have been highlighted as incremental to a successful peace and justice process. However, by clinging on to the universal rights discourse and conceptions of women's rights as found in international human rights treaties, the United Nations might be able to find consensus with urban elites and the Afghan Government, but has failed to sufficiently change the live of the vast majority of Afghan women. As Kakar explains, rural communities are mostly more conservative and reject Western impositions of human rights or gender equality. Instead, these communities are governed by tribal structures, and most importantly, by religious customs and traditions. Although 'religious leaders, mosques and religious educational institutions have a central place within Afghan communities', they are rarely considered as forming part of local civil society by international actors in post-conflict processes in Afghanistan.⁸⁸ Disregarding not only the centrality of religion but further also the crucial role of religious actors in Afghan civil society, means that the United Nations have missed an integral element of Afghan society,

⁸⁷ See Wadia Samadi, 'A Seat at the Table: The Evolving Role of Afghan Women Peacebuilders' (*News Deeply – Women & Peace*, 17 August 2017), <<https://www.newsdeeply.com/womenandgirls/articles/2017/08/17/a-seat-at-the-table-the-evolving-role-of-afghan-women-peace-builders>> accessed 19 August 2017

⁸⁸ Kaja Borchgrevink, 'Religious Actors and Civil Society in Post-2001 Afghanistan' (n 77) 38.

which in turn is reflected in their lack of engagement with these religious actors in their human rights advocacy.

The failure to pay more attention to the specific context of Afghanistan has meant that the United Nations' women's rights advocacy has been kept on a top-down level that has not been capable of improving the lives of Afghan women on the ground as much as it perhaps could have done. The reluctance to adopt strategies and techniques which are more suitable to the specific context of Afghanistan becomes even more surprising when considering that the WPS agenda itself not only allows for such contextuality but actually calls for 'taking into account the specific context of each country' as well as for 'consultation with local [...] women's groups.'⁸⁹ Thus, the recognition that context-specific measures as well as consultation with local activists are of importance to the realisation of the WPS agenda can be found within resolutions, providing the United Nations with a valid legal basis for engaging in such contextual rights advocacy.

Additionally, the United Nations, more specifically UN Habitat and UN Women, have already used Islamic feminist advocacy in their work in Afghanistan. As part of the 'National Solidarity Program', a 'community-driven development initiative', UN Habitat awarded block grants to elected village councils in poor regions for 'community-managed reconstruction and development.'⁹⁰ These elected village councils formed the so-called 'community development councils' which were central to the National Solidarity Program. Community development councils needed to be elected and would subsequently receive the block grants to be spent on the reconstruction and development of the community in question.⁹¹ The elections of these councils were not only required to be fair and transparent but also needed to allow for the participation of women, which caused problems with a number of different local leaders, such as the one in the province of Bamiyan.⁹² However, by using Islamic feminist strategies, and citing the Quran, UN Habitat workers were able to convince him to allow for the participation of women.⁹³ The other instance, where the United Nations reverted to the use of Islamic feminism was the workshop 'Gender in Islam' organised by UN Women for a select group of Afghan women's rights activist, in which they were taught about Islamic jurisprudence in the context of

⁸⁹ United Nations Security Council Resolution 2242 (2015) (n 18), para 5(b).

⁹⁰ Rushda Majeed, 'Building Trust in Government: Afghanistan's National Solidarity Program, 2002-2013', (Innovations for Successful Societies Princeton University 2014), 1, <https://successfulsocieties.princeton.edu/sites/successfulsocieties/files/Policy_Note_ID240.pdf> accessed 15 October 2017.

⁹¹ Rushda Majeed, 'Building Trust in Government: Afghanistan's National Solidarity Program, 2002-2013' (n 90) 10/11.

⁹² Isobel Coleman, *Paradise Beneath Her Feet - How Women Are Transforming the Middle East* (n 83) 391/392.

⁹³ *ibid.*

women's rights.⁹⁴ The workshop, however, was only a one-off occasion and was only open to 15 participants as well as held in New Delhi, India. A continuation of such efforts for a wider group of women's rights activists in Afghanistan, as well as Afghan laywomen in specifically rural areas, would have been one way in which the United Nations could have fostered this potential of Islamic feminism. These examples imply that conceptually there must be room within the WPS framework as well as the United Nations' understanding of human rights for an Islamic feminist rights discourse, and that therefore, making Islamic feminism a part of the United Nations' WPS work in Afghanistan must be a possibility. Thus, it appears that the overt focus on top-down measures that are in line with the liberal peace paradigm, as opposed to a more contextual bottom-up approach to women's rights advocacy, have prevented the United Nations from seeing the potential that Islamic feminism can have for women in Afghanistan.

It is argued that the example of the failure to see the potential of Islamic feminism in the promotion of women's rights in Afghanistan demonstrates the perils of this trend of internationalisation and institutionalisation of post-conflict processes. Instead, the paper argues that approaches to peacebuilding and transitional justice ought to give more weight to contextuality and the inclusion of local populations. One way of doing so would be to support and learn from bottom-up approaches such as the use of Islamic feminism by Afghan grassroots activists. The stark focus on top-down measures, which is in congruence with the objectives of the liberal peace paradigm, and its emphasis on statebuilding, the rule of law and the international human rights regime, has prevented the United Nations from seeing the potential of successful local bottom-up approaches. As such, the article concludes by criticising the United Nations for failing to take into account the context and local initiatives in this post-conflict setting as well as for refusing to sufficiently widen their epistemologies with regards to different conceptions of human rights, leading to a crucial missed opportunity in the advancement of women's rights in Afghanistan.

VI. Conclusions

In her article from 2008 on the transformative potential of United Nations gender and security policy, Carol Cohn considers the impact the United Nations can have on women outside the UN and asks the imperative question: 'To what extent does a hard-fought, much celebrated "victory" by feminists working in the international arena

⁹⁴ UN Women, 'Promoting Gender Equality and Women's Rights in Islam' (*Together with Afghan Women*, Issue 5, April-June 2014), <http://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2014/10/unwomen_afghanistan_newsletter_april-june2014_issue5_english.ashx?la=en> accessed 12 June 2017.

translate into concrete effects in the lives of the women whose situation was the original motivation for the initiative?’⁹⁵ The Women, Peace and Security agenda is a framework that many feminists and women’s rights activists worked towards for decades before it came to be what it is today. This article is not to discredit those efforts; it rather is an attempt to encourage those working within this framework to see the additional opportunities for success that could present themselves if the epistemologies and understandings of the issues tackled within the WPS framework were broadened to include non-hegemonic conceptions as well as if more attention were to be given to local bottom-up approaches grounded in each specific country-context.

The United Nations has worked closely with the Government of Afghanistan from the very beginning of the post-conflict stage in order to create a normative framework in which women’s rights can be guaranteed. On that normative level, many successful legal reforms speak for the success of this partnership. However, what has been argued is that the lack of implementation of these laws and policies has meant that the reality of Afghan women on the ground has not improved nearly as much as it should have 17 years on. This focus on changing the normative landscape in Afghanistan through working almost exclusively with government actors and urban elites to bring it in line with international human rights law, demonstrates the trend towards internationalisation and institutionalisation of peace and justice processes, which has been in line with the dominant liberal peace paradigm. By reference to the example of the use of Islamic feminist advocacy strategies by Afghan grassroots activists in their efforts to promote women’s rights in rural communities, the paper attempted to illustrate how a more contextual and locally grounded bottom-up approach to the promotion of women’s rights in Afghanistan might present opportunities to an international actor such as the United Nations, which might lead to more improvements on the ground.

The article has argued for international actors to not limit themselves to an understanding of women’s rights that solely derives from the universal human rights discourse as rooted in the United Nations treaties, but to pay attention to local rights discourses and bottom-up approaches to rights advocacy which might prove to be more suitable as well as successful in the advancement of women’s rights. Such broadening of epistemologies and allowing for non-hegemonic rights discourses would not only lead to more legitimacy for the United Nations but further ensure that their human rights framework is not a phenomenon which is merely adequate for the Western world.

⁹⁵ Carol Cohn, ‘Mainstreaming Gender in UN Security Policy: A Path to Political Transformation?’ (n 22) 193.