AFFIRMATIVE ACTION AND WOMEN'S POLITICAL PARTICIPATION IN DECENTRALISED GOVERNANCE IN IRAN

Case study of participation by women, and specifically Hazara Baluchs and Lakis women in Islamic Local Councils in Sistan and Baluchistan and Hamedan

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Contents

Abbreviation

CEDAW   Convention on Elimination of All Forms of Discrimination against Women

ICCPR   International Covenant on Civil and Political Rights

ICESCR   International Covenant on Economic, Social and Cultural Rights

IKNOWP   International Knowledge Network for Women in Politics

NDI   National Democratic Institute

NGO   Non-Governmental Organisation

ODI   Overseas Development Institute

OHCHR   Office of the High Commissioner for Human Rights

OIC   Organisation of Islamic Conference

UDHR   Universal Declaration on Human Rights

UN   United Nations

UNDP   United Nations Development Programme

UNFWCW   United Nations Fourth World Conference on Women

UNIFEM   United Nations Development for Women

Acknowledgments

Abstract

One key tool in a rights-based approach to enhancing women's participation in governance is affirmative action. Enabling women's access to and active participation in governance institutions through women's Facilitating Project is viewed as a means of democratising politics in Iran. This process empowers women to claim citizenship rights to equal political participation and development, and thereby ensure gender-responsive development outcomes. Analysis of Iran's implementation of women's Facilitating Project in its Islamic Local Councils system of decentralised governance in Hamedan and Sistan and Baluchistan, however, suggests that affirmative action secures for women political representation, but not necessarily political power to transform governance and reshape gender relations. Engendering governance instead requires a simultaneous strategy of affirmative action coupled with a strong commitment by state and civil society actors to addressing the structural inequalities that infringe upon women's rights to political participation and development.

1 Introduction

The past decade has seen development discourse shift from a developmental state-centered approach to one laying increasing emphasis on citizen participation as a means of improving political and economic governance. A "New Policy Agenda", combining neo-liberal economics and liberal democratic theory, advocates the replacement of the state by the market and private sector as the more efficient mechanisms for economic growth. A concurrent strategy to generate more responsive and equitable development policies is creating efficient and accountable state institutions by encouraging democratic citizen participation in public affairs.[1] Participation by citizens in the social, economic and political processes that affect their lives is also increasingly viewed as a vital aspect of human development, both a means of achieving human development as well as an end in itself.[2]

"Deepening" democracy through citizen participation requires equitable representation of all social groups, and especially marginalised groups, in governance. Women's right to equal political participation thereby gains focus, given the under-representation of women in political institutions, their lower human development indicators and marginalised voice in development processes in most countries. An international consensus exists that "the empowerment and autonomy of women and the improvement of women's social, economic and political status is…essential for the achievement of both transparent and accountable government and…sustainable development in all areas of life."[3] In this context, rights-based approaches to development and governance focus on securing civil-political and socio-economic rights particularly for marginalised and discriminated social groups, such as women. Goal number 3 of the Millennium Development Goals is to "promote gender equality and empowerment."[4] The priority given to this goal by the United Nations confirms women's rights and gender equality as "core values of development."[5] Empowering women to claim their legal right to participate in decision-making regarding

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[1] Edwards and Hulme (1997); Luckham, Goetz and Kaldor (2004)
[2] UNDP (1993)
[3] Beijing Platform of Action (1995) §181
[4] Cf. UN General Assembly Resolution A/RES/55/2 and www.un.org/millenniumgoals/ (accessed 10/02/10)
[5] UNDP (2003) p.2

the allocation of resources and development priorities is viewed as a key process through which other rights can be realised for both women and the broader community.[6]

In terms of operationalising a rights-based approach to engendering governance, women's formal representation in politics is seen as an important step towards empowering women to realise their right to political their participation. One rights-based tool that immediately secures women's entry into governance institutions is legal affirmative action policies. The premise is that increasing the number of women in political positions will change the nature and functioning of male-dominated political institutions. This change in turn should encourage more equitable and gender-responsive development policies, thereby bringing women from the peripheries of human development to the centre.[7] Debates, however, continue as to whether entrenching women's formal political participation through "Facilitating" systems is sufficient to generate the "empowered participation" required to propel a transformative development process. Structural factors such as prevailing socio-cultural norms, gendered inequalities in access to resources, information and power, and political power configurations all impact on issues of women's participation and responsiveness in governance.

In order to assess the effectiveness of affirmative action policies in enhancing women's equal participation in governance, the Iranian Islamic Local Councils system of decentralised governance with its multiple affirmative action policies such as the Facilitating Project for different categories of women is analysed.[8] Focusing on Islamic Local Councils (Shuras) and decentralised governance institutions in the states of Hamedan and Sistan and Baluchistan, this study explores the strengths and shortcomings of Facilitating Project as a means of securing women's right to participation in decentralised governance in Iran. Moreover, given the hierarchical structure of Iranian society along

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[6] OHCHR (2002)

[7] Ebadi (2003)

[8] See more Iranian affirmative action policies in international programmes like UNDP and the Millennium Development goals, the National Democratic Institute (NDI), the International Knowledge Network of Women in Politics (iKNOW Politics), and the Beijing Process, as well as national programmes such as: Tarh-e Tashilgari (Facilitating Project) and Jahad- e Sazandegi programmes.

caste lines, specific focus is placed on Hazara Baluchs[9] and Lakis[10] women's participation in Islamic Local Councils (Shuras) due to their experience of the double burden of caste and gender discrimination.

The main aim of the study is to highlight and discuss to what extent affirmative action in decentralised governance in Iran enables women to assert their rights to political participation and socio-economic development. Key questions in evaluating the implementation of Islamic Local Councils Laws and Facilitating Project for women in general, and Hazara Baluchs and Lakis women in particular, in Iranian Islamic decentralised governance institutions are:

(1) What social, political and other obstacles do women face in accessing their right to political participation in Iran?

(2) Where women enter into Islamic decentralised governance system via "Facilitating Projects" what social, economic, political and other factors affect how women enjoy their right to empowered political participation in practice?

(3) Does women's representation in the Islamic decentralised governance of Iran transform these political institutions, producing more responsive development outputs for women and especially women in the Hazara Baluchs and Lakis ethnic groups?

Analysis of the *de facto* participation by women and Hazara Baluchs and Lakis in Iran leads to the conclusion that in order to operationalise a rights-based approach to development for women in Iran, further action is required beyond affirmative action policies like Facilitating Project. Indications are that both state and civil society actors must address the socio-cultural norms and power hierarchies, and human and productive resource inequalities that infringe upon women's right to equal political participation. It is this more holistic development strategy that holds potential for delivering equitable

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9 &10 Hazara Baluchs and Lakis denote "Scheduled castes", the lowest social groups in the ritualised caste hierarchy, who face widespread discrimination on the basis of work and descent.

participation in governance and responsive development policies and programmes for women.

1.1 Methodology

This study is an analysis of women's participation in Islamic local governments (Shuras) in Iran, and how gender affects women in politics. This study is based on a "bottom-up" approach,[11] and focuses on Hazara Baluchs and Lakis women's experience in decentralised governance in Iran. Due to constraints on length this paper is limited mainly to the period after the 1979 Islamic Revolution in Iran. This study applies a human rights-based approach to women's political participation with consideration of international human rights instruments concerning gender equality in politics, women's empowerment and responsiveness. Law and qualitative social science methods are combined in an effort to assess whether there has been an improvement in the position of women in Iranian politics especially in decentralised governance in Iran.

One of the most important contributions of this research is the use of Persian language scholarship on the subject and making it available to English-speaking readers. There has been some discussion of the right of women's political participation within Iran, most notably the study in English by Parvin Paidar entitled "*Women and the political process in twentieth –century Iran*" and in Persian by Zahra Nejad Bahram entitled "*Mavan-e Mosharekat-e Siyasi Zanan dar Iran*" (*Obstacles of Women's Political Participation in Iran*). However, Paidar's book concentrates principally on the lack of the recognition of women's political participation in Islam and in Islamic Iran, whereas Nejad Bahram emphasises the equality among men and women in political participation according to the Qur'an and discusses the social and political obstacles of women's participation in politics. This study will differ in comparing Iranian Islamic legislation focusing upon Iranian Islamic Constitution Law, with the standards of the international human rights conventions

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[11] Cf. Dahl 1987 and Bentzon et al 1998. In contrast there is the "top-down approach", which takes the law as starting point when assessing women's legal and social status, cf. Bentzon et al 1998 pp.82 and 88.

on the issue of the affirmative action and women's participation in decentralised governance by focusing on the case study of Sistan and Baluchistan and Hamedan.

The main source of women's political rights in international law is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly its article 7. Since Iran has not ratified CEDAW, the research will analyse the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and other international human rights instruments as primary sources of international law which Iran has ratified. In addition, the Iranian Islamic Constitution Law and Islamic Local Councils Law on the political participation and implementation of the principle of equality between women and men constitute the national legal framework. The study will state the applicable law at the international and national level, and in particular see if the Hazara Baluchs and Lakis women's right to political participation meets international standards.

1.2 Field Work

To get a realistic picture of the situation and women's political participation in decentralised governance in Iran and in particular the ethnic women such as Hazara Baluchs and Lakis, examining rules and regulations is not sufficient. Doing this study is strengthen through consulting additional literature and conducting interviews as well. The team that conducted the interviews was comprised of three students from the faculty of law in Tehran, two researchers and women's human rights activists from Fatima Green Home Charity and myself. Interviews were conducted with: Gholam Hussein Azami who is researcher in ethnic challenges to the nation state in Iran, attorney of law and professor at University of Tehran, Ayatollah Safi, Ayatollah Fazel Lankarani, representatives of Iranian civil society, previous female Members of Parliament, some female members in both urban and rural Hamedan and Sistan and Baluchistan Councils, their male family members and other male members of the Councils. Male Council members were interviewed in order to assess their relationship with the women. We interviewed the male family members, because it is important to understand how family support is crucial for women's ability to

participate in politics, especially in a religious society like Iran. The interviews were conducted with both the Reformists who support the democratic movements and women's political participation and the Conservatives who follow the traditional Islamic view of women as a wives and mothers. Given the potentially sensitive nature of the discussions, some of the interviewees are not identified by name in this study.

1.3 Structure of the Thesis

This study will focus to what extent affirmative action in decentralised governance in Iran enable women to assert their rights to political participation. The thesis is divided into six chapters. The introduction gives an overview of the importance of women's access to active participation in local governments through affirmative action.

The second chapter of this thesis examines rights-based approaches to women's participation in political decision-making in governance. In general, this chapter deals with participation, empowerment and responsiveness through the affirmative action policies to secure women's representation.

In the third chapter, I will explore Iran's international obligations under international human rights law based on women's right to political participation as well as the current national laws in Iran. It compares the women's political participation standards embodied in the international treaties ratified by Iran as against the Hazara Baluchs and Lakis cases examined in chapters five and six.

Fourthly, I will examine decentralised governance and the Facilitating Project for encouraging and empowering women in politics in Iran. This chapter will explore the implementation of decentralised governance in two states of Iran, Hamedan and Sistan and Baluchistan where the Lakis and Hazara Baluchs ethnic groups live and where women of these ethnic groups suffer from a double burden of caste and gender discrimination.

In the fifth chapter, I will discuss the trends emerging from the Hamedan and Sistan and Baluchistan case study. This chapter will examine affirmative action policies and Hazara Baluchs and Lakis women's participation in local government institutions and in democratic elections in both states.

The final chapter will evaluate the impact of affirmative action in decentralised governance and give some recommendations for engendering governance through rights.

2 Rights-based Approaches to Women in Governance and Affirmative Action

Inclusive democracy is increasingly advocated as intrinsic to strengthening democratic values and politics in order to achieve more representative, participatory and accountable governance for development.[12] Governance in this context comprises the 'state, market and civil society institutions, mechanisms and processes through which citizens articulate their interests, exercise their rights and mediate their differences.'[13] By focusing on inclusiveness and democratic politics, attention is drawn to women as the largest social group excluded from participation in governance in most countries. The political economy of gender and other interlinking forms of discrimination, such as race or caste entails systemic social, economic and political deprivation, as well as devaluation of social identity. Hence, the underlying argument in this chapter is that guaranteeing social justice through women's equal participation in governance is essential in order to expand women's substantive freedoms or capabilities in terms of resources and agency "to lead lives that they have reason to value." [14]

One of the main objectives of this chapter is that a gender equality in politics is not only the issue of quantity, but also quality, if one wants to see any effects resulting from a balanced participation of women and men in decision-making. Hence, a number of issues may be raised in this regard. For instance, to what extent affirmative action policies secure women's political participation and the accountability of elected representatives towards the citizens. Is there a need for special measures for women's representation that must be implemented in accordance with the political accountability principle? It is obvious that without accountability for political representatives women are less likely to be empowered by affirmative action and different systems like the Facilitating Project. The frame of this chapter is based on the three principles of gender participation, women's political empowerment and responsiveness.

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[12] UNDP (2000)
[13] UNDP (1997) p.9
[14] Sen (1999) p.85

2.1 Women in Governance

The gendered nature of governance institutions is characterised not only by male-dominated social and political positions of power, but also by institutional characteristics such as policies that disproportionately distribute development outputs to men.[15] In only the most advanced countries, i.e. Sweden, Denmark, Finland, Norway, Iceland and Netherlands, do women occupy over one-third of national parliamentary seats, and women consistently record lower literacy and income levels as compared to men.[16] Political Science Studies[17] have revealed that the one-third critical mass of women in political decision-making has not led to a consequent spread of gender equality into all spheres of society. There are significant areas of concern as regards equality between women and men in the Nordic countries, such as family, education and work. In developing countries like Iran, India, Pakistan, wealthy and educated women occupied some high-level positions in politics.[18] The debilitating impact of gender disparities in governance and development indicates a gap in women's control over decision-making processes that provide opportunities for development. The focus of governance discourse on public institutions, arguably reinforces the public-private divide that forms the core of gender power structures; that is it supports a socio-political construction that distinguishes and prioritises (male) activities in the public sphere, while de-emphasising governance in the private sphere where women are primarily located.[19]

Engendering governance institutions, therefore, involves examining the process of women's participation, as well as the achievement of gender-equitable policy outcomes. Attention is placed on the legal and political processes that enable participation as well as the informal social institutions that circumscribe the 'legitimate' behaviour of women in the public sphere. The category of women is also disaggregated further in order to examine the extent to which promoting women's participation in governance entrenches or

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[15] Sedghi (2007) pp.155-158
[16] UNDP (2004)
[17] Dahlerup (1988) pp.275-298
[18] Farmayan (1971) p.105
[19] Hajiloo (2008) pp.113-138

transforms interlinking biases such as race, caste or class.[20] Engendering governance further aims to produce policy outputs that will guarantee women's rights in both the public and private spheres, thereby collapsing this distinction in terms of women's right to development.[21] An underlying assumption is that women's participation in governance should foster a 'civic republican notion of citizenship', where citizenship is participatory and pursues the common good.[22]

The challenge is to create an enabling environment in which women have the freedom and equal opportunity to contest and be elected to political institutions, and to participate in political decision-making and access development resources. One approach that has gained wide acceptance as an effective means of creating this enabling environment is a rights-based approach, which bases women's struggle for social justice and equal voice in political decision-making in their claims to formal rights. A human rights discourse is increasingly perceived to provide a framework for participation in decision-making aimed at facilitating a more inclusive and democratic process for women.[23] The slogan "half of the world-half of the power" of the United Nations Fourth World Conference on Women conveyed the need for a balanced representation of women and men in political decision-making. It encompasses the firm conviction that without the active participation of women and incorporation of women's perspectives at all levels of decision-making, no issue can be solved in a manner which is satisfactory, just and equitable for society in its entirety.[24] So, if women and men do not work together on an equal basis, sharing equal rights, we shall be left with "half-baked" societies and incomplete democracies.[25]

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[20] Supra note 19
[21] Ebadi, 1993
[22] Lister (1997), quoted in Akhavi (2000) pp.63-65 and p. 97; and Farncoise Gaspard and Claude Servan-Schreiber argue that women have different political interests to men and that these interests are not being adequately represented by male-dominated Parliament, in De La fraternite a la parite, Le Monde, 19 fevrier1993. Also see: evidences such as National Policy on Ethiopian Women in 1993, National Policy for the Employment of Women in India in 2001, White Revolution Referendum in Iran in 1963 that emphasise women's participation in governance with a concern to gender -sensitive and women friendly policies and outcomes.
[23] See Molyneux and Razavi (2002), Nussbaum (2000)
[24] UNFWCW Platform for action, G. Women in Power and decision-making,§181
[25] Vigdis Finnbogadottir, President of Iceland , in Conference "Equality and Democracy" (1995)

2.2 Right to Political Participation – Equity, Social Justice and Development

"A rights-based approach to development sets the achievement of human rights as an objective of development."[26] The value added by a rights-based approach is the normative character and structural protection deriving from the legal foundation of rights. This is crucial for demanding accountability for respecting, protecting and fulfilling human rights. Exercising human agency by claiming rights as entitlements, and identifying and holding accountable policy-makers and other actors duty-bound to fulfill rights, form the basis of negotiating equal access to development resources and power. In the process of encouraging positive structural change, attention is specifically drawn to addressing the social subordination, exclusion and voicelessness endured by groups such as women. Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the actives participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality and development cannot be achieved. Hence, rights-based interventions are designed, to establish the principle of equality and the non-negotiable benchmark of the elimination of discrimination that limits women's ability to exercise choice in their lives.[27]

Translated into the arena of gender and governance, a rights-based approach involves a participatory and political process that aims to empower women and encourage their more active citizenship. Rights-based approaches provide support for women's participation in governance by positing political participation as an entitlement. The corresponding state obligation is to ensure the right to political participation without discrimination,[28] by making appropriate social, economic and political arrangements that promote women's access to information, political voice and development opportunities.[29] This implies attention to both the legal processes that seek to guarantee rights, and the social, economic and political processes embodied in formal and informal mechanisms that entrench gender

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[26] ODI (1999) p.1
[27] Hamm (2001). Also see Human Rights, Plural Legalities and Gendered Realities (2007) pp.316-334
[28] As per *CEDAW art 7*
[29] Supra note 10

discrimination and pose hurdles to the enjoyment of equal rights in governance and development.[30] Rights must be strategically claimed in such a manner as to prompt state intervention to create this enabling environment for women's political participation as a means of maintaining state legitimacy and power.

2.3 Securing Women's Representation through Affirmative Action

Given that equal citizenship rights do not guarantee disadvantaged women equality of opportunity, agency and outcome in political decision-making, the rights-based tool of affirmative action[31] forms a corrective strategy to rapidly equalise women's representation in governance institutions. For women as a group to exercise agency and voice and transform policies in male-dominated governance institutions, it is generally recognised that a "critical mass" of at least one-third women in governance structures is essential.[32] The duty of the state to adopt appropriate measures fulfilling women's right to equal political participation, therefore, justifies the use of affirmative action quotas or similar measures to establish that critical mass.

Affirmative action like reserved quotas or Facilitating Project for women in governance redefine women's engagement with the state by shifting social justice concerns from law to politics. Affirmative action carries with it ideas of substantive equality in the interests of fairness to women, increasing overall social welfare by reducing gender disparities, and the idea of reparations for accumulated gender disabilities.[33] The challenge lies in utilising the opportunity offered by special measures of affirmative action in governance institutions to change the gender-inequitable structuring of power and resources.[34]

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[30] Ensor and Gready (2005)
[31] *CEDAW art 4(1)* allows the adoption of temporary special measures aimed at accelerating *de facto* equality between women and men.
[32] Hamadeh-Banerjee (2000)
[33] Golzar (1990)
[34] Khalili (2007). He argues that affirmative action will really make difference when political parties decide to give thirty three percent or more of their seats to women candidates.

Protagonists of affirmative action claim it is a "transformative remedy" that raises women's political awareness, legitimises their role and voice in the public sphere, as well as disrupts and ultimately restructures gender relations. By contrast, its detractors cite affirmative action as an "affirmative remedy" that merely corrects inequitable outcomes without disturbing underlying social structures that perpetuate women's disempowerment.[35] Affirmative action policies are debated due to their ambiguous consequences for achieving substantive equality for marginalised social groups. Ensuring women's election to reserved political seats in the absence of social and political pressures, social alienation or coercive patriarchal patronage relationships is difficult. Moreover, legally created spaces enabling women's formal political representation may not be enough to ensure their equitable and free participation in the absence of concurrent attempts to equalise social and economic bases of power. [36]

What needs to be examined, therefore, is the way in which increased women's political participation through affirmative action policies affects and is affected by existing unequal social, economic and political power structures mobilizing around the election and participation of women in governance. A second consideration is the extent to which guaranteeing formal participation through affirmative action leads to women's empowerment in terms of increasing their agency and voice in decision-making processes. A third consideration is how women representatives are then able to utilise the political space that special measures on the affirmative action shelf provide, to generate more gender-responsive policy outcomes.

2.3.1 Participation

Women's right to actively participate in political life signifies more than just a means by which good governance is achieved; it is also a bottom-up process by which other citizenship rights can be claimed and fulfilled, and accountability demanded from state and

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[35] Fraser (1997), quoted in Kabeer (2000) p.95
[36] Ghaeb (2008)

society actors to ensure women's equal political voice and development.[37] Participatory decision-making is also an end in itself, a form of empowerment ensuring that "people have the right to determine their path for development." [38]

Participation, however, has to be examined from the perspective of not only who participates, but also their level of participation. It is the latter aspect which directs attention to the existing socio-political power sharing configurations present in political spaces opened for women's participation.[39] Participation, therefore, spans a wide range of forms promoting differing interests and functions: "instrumental participation" posits participation as means to more efficient and cost-effective development decisions; "representative participation" aims at greater voice and leverage in decision-making in order to promote sustainable outcomes; and at the highest level "transformative participation" focuses on empowerment and views participation as both a means and end. [40]

Women's transformative participation in governance cannot be isolated from addressing their devalued social identity, disentitlement to social and material resources and power and pervasive gender discriminatory norms, power structures and discourse that inform and are produced by political institutions.[41] Women often lack assets such as education, social capital, information networks and control over productive resources that are inputs into substantive political participation. Unequal participation in decision-making in the private sphere often replicates itself in a lack of familial and community support for women's freedom of voice in the public sphere.[42] Moreover, social inequalities transposed into state laws and policies unequally distribute resource entitlements to women. Given these factors, women's relative powerlessness translates into their low perception of options for change

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[37] Cornwall and Nyamu-Musembi (2004)
[38] Hamm (2001) p.1019
[39] Cornwall (2002)
[40] White (1996) p.7. A study shows in Iran, women belong to ethnic and religious minorities groups such as Bahai's, Mandaeans, Tats, Kulis have no political participation and no voice within a representative democracy (interview with Azami, 2010)
[41] Gaventa (2002)
[42] Supra note 32

and thereby failure to articulate their gender interests and needs in public decision-making fora.[43]

Affirmative action in this context is a blunt instrument of formal power redistribution that can potentially lead to a violent backlash against elected women representatives. Large-scale quotas or other similar measures can also result in the election of inadequately qualified women representatives, while discrediting competent women representatives who enter politics through special measures rather than on their own merit.[44] A lack of social and political commitment to increasing representation for women is often manifested in affirmative action operating as a ceiling on women's political representation, or in the ability of the dominant male elite and political parties to circumvent special measures by co-opting pliable women candidates for such positions. Affirmative action, therefore, can enable greater participation in terms of numbers, but not necessarily greater voice or substantive participation in governance.[45]

Increasing political participation through affirmative action policies is particularly problematic for such a diverse social group as women, where interlinking race, caste, class and other inequalities transect gender to override citizenship rights guaranteed by the state and deny equal recognition to women.[46] Reserved quotas can often translate into more privileged women or relatives of male political actors capturing most positions, thereby effectively preserving the inequitable social status quo. In the absence of quotas, however, it is arguable that the same outcome would be produced. Hence, at least a greater opportunity is offered for more socio-economically deprived women to benefit via affirmative action.[47]

A further critique of affirmative action policies is that the resulting over-emphasis on gendered identities as a means to women's empowerment and accessing political "benefits"

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[43] White (1996)
[44] Zarafshan, Khaledi and Ghanian (2008)
[45] Supra note 43
[46] Kabeer (2002b)
[47] Tambiah (2003). Also see supra note 44

is gaining precedence over the wider notion of equal citizen rights, regardless of gender, as a means for common social progress.[48] Other critics regard affirmative action policies as negating women's equality by "isolat[ing] women from the mainstream social and political life and relegat[ing] them to the protective custody of the government."[49] This effectively absolves other social actors from responsibility for ensuring gender-equitable political participation. These criticisms have led some to argue that greater political gains for socially marginalised groups lie not solely in affirmative action policies such as reserved quotas, but in prompting political competition at the local level that organises these social groups and enables them to voice their development needs. [50]

2.3.2 Empowerment

The empowerment and autonomy of women and the improvement of women's social, economic and political status is essential for the achievement of both transparent and account able government, administration and sustainable development in all areas of life.[51] Empowerment involves the expansion of women's capabilities and ability to exercise choice, power and leadership in governance.[52] This process of facilitating critical consciousness and building capacities aims to propel women to assert their autonomy by expanding political spaces and redefining institutional practices and power relations. Women's participation in governance thereby becomes a site for negotiation over claims to women's unfulfilled citizenship rights.[53] These claims encompass "the politics of redistribution (egalitarianism) as well as of recognition (respect for diversity)."[54]

A focus on empowerment places women's interests and development needs at the centre, addressing power imbalances in both the public and private spheres. Empowerment emphasizes transforming power from a zero-sum relationship of control or "power over"

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[48] Shojai (2003)
[49] Buch (2000) p.37
[50] Manor (2002)
[51] See supra note 3
[52] Mitchell (1996)
[53] VeneKlasen et al (2004)
[54] Kabeer (2000) p.86

exercised by dominant social actors over women. Instead, power in relation to women's agency is exercised in more positive, enabling ways: as "power to", uncovering the potential of every woman to shape her life; and as "power within", realising women's self-worth and capacities. At a more tangible level, "power with", or associational activity, organising and engaging in collaborative action with others, is imperative in order to successfully challenge gender hierarchies and engender governance and development at the broader collective level.[55]

Countering arguments against affirmative action, some researchers point to reserved quotas in gendered societies as a key element in empowerment, offering the potential over time for women to gain the necessary political skills and self-confidence with which to challenge inequitable socio-economic and political power relations. When entrenched as a legal right, affirmative action provides a legal mechanism for women to demand state intervention to secure their rights to political participation and more responsive policies. Importantly, affirmative action has potential to catalyse social change by offering opportunities for women to "mobilise around rights issues."[56]

The inherent danger in rapidly equalising women's political representation without a correspondingly rapid process of women's empowerment lies in creating a situation where dominant social forces can easily utilise the political spaces opened up to women to reinforce, rather than transform, social, economic and political power relations.[57] This emphasises the responsibility of both state and civil society actors to not only encourage women's entry into governance institutions, but also to ensure that empowering women through education and training to claim their right to political participation involves examining and addressing the systemic causes and consequences of their marginalisation.[58]

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[55] VeneKlasen and Miller (2002) p.39
[56] Supra note 50, p.25
[57] Supra note 39
[58] Kabeer (2000)

2.3.3 Responsiveness

Responsiveness, that is, how women representatives in governance institutions represent the interests of their constituency, is the envisaged outcome of translating the political authority gained through affirmative action into women's equal and empowered political participation. Women's empowered participation in governance should ostensibly lead to gender equity in terms of the choices women have and the more accountable, gender responsive policy decisions they make.[59]

The responsiveness of women representatives to both "practical and strategic gender needs"[60] in governance can be discerned at three levels: at the level of positive policy outcomes for individual women; at the level of changing institutional rules and resource allocations in favour of women; and at the highest level of restructuring gender, race, caste and other social relations.[61] While a rights-based approach including affirmative action can lead to attainment of the first two levels of responsiveness, the direct link between this approach and effecting systemic changes is less clear. Increasing women's representation in governance via affirmative action may contribute to enhancing the process of political learning and the actual political capabilities and voice of women. Women's representation, however, does not guarantee that the institutional power and resources acquired by women elected representatives will be translated into qualitatively better representation of women's interests.[62]

Research suggests that participatory and rights-oriented approaches tend to produce more gender-responsive outcomes where certain enabling factors exist, including a reform-oriented state that is committed to equitable development and social justice and challenges inequitable local socio-economic power structures. Complementing legal affirmative action to facilitate the entry of a "critical mass" of women into political institutions, supportive

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[59] Kabeer (2002 a)

[60] Strategic gender needs challenge gender relations and roles and demand substantive equality in all spheres of life, whereas practical gender needs derive from ascribed women's roles arising from the sexual division of labour. See more in : Molyneux (1985), quoted in Mitchell (1996) p.140

[61] Supra note 59, p.27

[62] Supra note 18

capacitating policies have to ensure women's empowered participation in order to transform policy decision-making. In addition, women entering political institutions should be encouraged to establish and maintain their links to progressive social movements, in order for both internal and external pressures to be applied to ensure responsive development policies and accountable, democratic governance.[63]

The effectiveness of affirmative action as a tool in a rights-based approach to engendering governance, therefore, depends on how the interlinking factors of participation, empowerment and responsiveness are shaped by and are able to shape existing inequitable social, economic and political structures. Ultimately, transforming governance by restructuring gender relations holds the key to producing and sustaining gender equity. In this regard, the Iranian experience of the Facilitating Project for women in Islamic local institutions of decentralised governance is often cited as offering some positive indications of a slow but potentially positive process towards women's empowered participation in political life. Examining the impact of the Facilitating Project that have generated thousands of Iranian women elected representatives, indicates the extent to which responsibility for women's empowered participation in governance and gender-responsive policy outcomes can rest on affirmative action.

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[63] Basu (2003)

3 Iran, Iran's human rights obligations and women

In order to understand women's right to political participation in Islamic Iran, we need to locate women in the concentric rings of religion, caste, class and society. It is undeniable that norms within particular economic, social and cultural conditions influence women and their political rights. The Islamic government in Iran believes that everyone is equal according to Islam. However, to explore the equality principle for all, a critical question must be asked: Why despite an Islamic Revolution in Iran which emphasises equality, are there still groups who are discriminated on the basis of their ethnic origin and why do women from these groups experience double discrimination?[64]

The purpose of this chapter is to highlight the Islamic Republic of Iran's obligations under international human rights conventions that Iran has ratified, with regard to women's right to political participation. This chapter outlines a brief overview of Iran's governance system and ethnicity in various provinces. Later, it will compare the human rights standards embodied in the international treaties with Islamic rules and values.

3.1 A brief overview of Iran

Iran is a big country with a variety of ethnic and multicultural groups who live in different parts of Iran. Ethnicity within Iran is mainly determined culturally, although religion, language, caste and class are the other factors responsible for ethnic identity.[65] The so-called "Persians" are viewed as the dominant majority (nearly 85 percent of the population of Iran) but they are not a unified and homogeneous entity. Moreover, they occupy only 20 to 30 percent of the total area of Iran. The theocratic nature of Iran's polity based on the supremacy of Shi'a Islam relegates religious and ethnic minorities such as Sunni Muslim to an inferior position. Additionally, the existing inequalities in terms of economic, education and cultural parameters in various regions of Iran causes marginalized groups who suffer socio-economic "backwardness."[66]

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[64] See in chapters five and six of this present study.
[65] See annex I
[66] Interview with Azami (2010)

Iran's current political system[67] is based on the 1979 constitution, which was passed by a popular vote referendum after the Iranian Revolution. Ayatollah Khomeini transformed Iran from a constitutional monarchy to a theocratic republic that intricately links Shari'a, or Islamic law, to constitutional law with elected and appointed leaders. Power is largely consolidated within a few governing bodies. The Supreme leader (Iran's highest ranking political, military and religious authority) President and Guardian Council (an appointed body of law specialists and clerics) have the ability to veto any legislation if they interpret the law as being incompatible with the constitution or Shari'a. Iran's parliament, the Majlis, is unicameral and consists of 290 members elected to four-year terms. The parliament sessions are open to the public and broadcasting. Although the parliament cannot be dissolved, the Guardian Council has the ability to veto any legislation. Local government is administrated by the Ministry of Interior's appointed provincial governor-general and elected city councils.[68] Local councils together with the parliament are the "decision-making and administrative organ of the state."[69]

3.2 Iran's International Obligations under International Human Rights Law - Women's Right to Political Participation

The rights of women are protected by The Universal Declaration of Human Rights (UDHR) and several international covenants, including the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), and the Convention on the Elimination of All Forms of Discrimination against Women (1979). These Covenants, which are legally binding upon the ratifying states, represent the main international legal standards and instruments concerning the rights of women. The Islamic Republic of Iran ratified both the 1966 human rights covenants of 1966 in 1975, but not the Convention on the Elimination of All Forms of Discrimination against Women. Also, the Cairo Declaration on Human Rights in Islam (1990), endorsed by the foreign ministers of the *Organisation of the Islamic Conferences*

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[67] See annex II
[68] See chapter 4 of the present thesis
[69] The Constitution Law of Islamic Republic of Iran, arts 100-106

(OIC) including Iran,[70] has provisions of relevance to women. Although this declaration is not a legally binding treaty, it is a common declaration from the Muslim world on the concept and content of human rights.

The principle of equality of all human beings and their enjoyment of the fundamental rights without any discrimination on the "grounds of race, colour, gender, language, religion, political beliefs, nationality, social status, wealth, birth, or any other situations"[71] is recognised in international law. The preamble of the UDHR reaffirms the faith in equal rights of men and women and recognised that "all human beings are … equal in dignity and rights."[72]

Both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) include references to equality in their preambles and include general non-discrimination clauses.[73] In addition, the ICCPR and the ICESCR each include in their articles 3 a specific clause, according to which the state parties of the Covenants "… undertake to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the covenant."[74] The first world conference on human rights was organised in Tehran in 1968, a few years after the adoption of the ICCPR and ICESCR. The proclamation of Tehran, the Final Act of the International Conference on Human Rights, states in Art.1 that "it is imperative that the members of the international community fulfill their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinions."[75] A resolution however was passed during the Tehran conference recommending guidelines for a long-term UN program for the advancement of women.[76]

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[70] Mayer (1999) pp.22-23
[71] See UDHR art 2 and ICCPR and ICESCR art 2
[72] UDHR art 1
[73] See for example ICCPR arts 2, 4. 24 and 26 , and ICESCR art 2
[74] See also ICCPR arts 23(2),23 (3), 6(5) and ICESCR arts 7,10
[75] Proclamtion of Tehran (1968) art 1
[76] See Rehof (1993) p.7

The later Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was approved during the time of the Islamic Revolution in Iran (1979). It represents the common global achievements concerning rights of women. It recalls that the discrimination against women violates the principles of equality of rights and respect for human dignity, and is an obstacle to women participating on equal terms with men. The ratifying states agree to embody the principle of equality of men and women in their national constitutions or in other appropriate legislation, and to establish the legal protection of the rights of women on an equal basis with men.[77] However, the Islamic Republic of Iran has not ratified this Convention.[78] Instead, the government has maintained its own policy concerning the rights and status of women in the Islamic Constitution. The Constitution emphasises the equality of men and women while requiring the observance of Islamic values and principles. Based on the Iranian Constitution, citizens of Iran from all cultural and ethnic backgrounds and regardless of their gender are entitled to all individual, economic, political, social and cultural rights in criteria with Islamic principles.[79] Further, Article 21 of the Constitution stipulates that the government shall guarantee women's rights in all respects and create a favourable atmosphere for resorting their material and spritual rights.

> The most important resource for Islamic values and principles is the Holy Book Qur'an. All are equal in the eyes of God regardless of race, gender, colour and religion. No one has a claim to superiority over another, and there is no recognition in Islam of a law class, a caste system, a superior race of a chosen people and so on. The only ground of superiority recognised in the Qur'an is Taqwa (God-consciousness).[80]

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[77] Article 2 of CEDAW ensures through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

[78] The women in the seventh Majlis are against the bill on Iran joining CEDAW, which the female reformists in the sixth Majlis had fought for vigorously. Fatemeh Alia (Member Parliament from Tehran) said that one symptom of Western influence which should be confronted in Islamic Iran is a debate on"legal rights." She proposed that people should instead think about their religious duties, not "legal rights" in order to reach prosperity as a nation. She argued that the concept of law is an imported concept from the West and therefore should be eliminated from public discussion in the country. (Interview with Alia, 2010)

[79] Supra note 69. See: arts 3, 4, 20,21, 151 and 163

[80] See Qur'an, 49:13

Equality in the essence of humanity necessitates equality in human rights, including the right to justice and accountability in government. The Qur'an expressly states that the locus of political authority in Islam is the community of believers, the *umma*, and government is designated into office through the people's pledge of allegiance (*bay'a*) and the participation of believers (no differences between men and women) in consultation (*Shura*).[81] Hence, there is no difference between men and women in political participation. The Qur'an also states that the most successful woman in political authority was the Queen of Sheba and her wise Governance.[82] The Queen of Sheba, who had south Yemen as her domain, would overrule her male counsellors and act according to her own will. When her kingdom was about to be attacked by Solomon's forces, she consulted them. The Qur'an says:

> She (the Queen of Sheba) said, O chiefs, advise me respecting my affair: I never decide an affair until you are in my presence. They said, we are possessors of strength and possessors of, mighty powers. And the command is thine, so consider what thou wilt command. She said surely, the Kings, when they enter a town, ruin it and make the noblest of its people to be low; and thus they do. And surely I am going to send them a present, and to see what (answer) the messengers bring back."[83]

Thus, it is quite clear from the above Qur'anic verses that the Queen of Sheba was a legitimate ruler; she has also been shown to be very wise in consultation with male counsellors. The Qur'an has also given emphasis on "believing women" who come to the Prophet Muhammad[84] to pledge themselves to serve no other god besides Allah.[85]

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[81] Supra note 80, 3:159 and 42:38
[82] Supra note 80, 27: 23
[83] Supra note 80, 27:32-35
[84] Supra note 80, 60:12. See in Zanan 17 (1994), p.36: Ayatollah Azari-Qumi invokes seven Qur'anic verses and one hadith of the Prophet. All seven verses imply gender equality. The verses including of: (Mumtahan, 12), (Nisa, 32), (Nisa, 7), (Nahl, 97), (al.Imran, 195), (Ahzab, 35) and (Tuba, 71).
[85] To pledge (*Ba'ya*) means to take an oath in Arabic Culture and Political science interprets it to obey and accompany in governance. See in Tafsir-i Nemoneh, volume 24, p.46: Muslim men's pledge is only on two issues: Islam and *Jihad*, but Women's pledge is on Islam, *Jihad* plus other 6 issues.

The Islamic Republic of Iran has approved Article 6(A) of the Cairo Declaration on Human Rights in Islam, stating that, "woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform." This provision establishes the principle of equality between women and men in terms of human dignity. Article 6(A) may be interpreted to mean that, women and men, despite equality in human dignity, enjoy different human rights: women enjoy special rights due to their sex rather than equal rights like men. This view seems to be prevalent among the authorities of the Islamic Republic of Iran.[86] The Cairo Declaration also emphasises women's right to participation in lawmaking.[87] Moreover, the Cairo conference recognised men, the construction of masculinities and the promotion of the partnership between men and women as at the core of gender equality debates. It is only the Cairo programme which directly addressed the role of men and male responsibilities in promoting gender equality. At the same time, the programme is still framed in the language of men's power and dominate position in politics.[88]

Women's political participation and their presence in power and decision making is one of the most important and critical areas of concern in the implementation of the Beijing Platform for Action. Iran's Participation in the Beijing process has inspired many initiatives, such as establishing the Center for Women's Participation and the membership of its Head in the Cabinet, appointing a woman as an adviser to the President and measures to empower women in political participation, at the local levels especially.

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[86] Khatami (1998)
[87] The Cairo Declaration on Human Rights in Islam, art 1
[88] Supra note 69: The Preamble, arts 3,4, 14,20,21,22,28,43(2)

4 Iran, Decentralised Governance and Women

Iran presents one of the most significant case studies of affirmative action in the world. The Iranian state entrenched affirmative action as a constitutional right in recognition that legal guarantees of equality of opportunity in a hierarchical caste-based society are insufficient for inclusive nation-building that ensures the participation of marginalised social groups as equal citizens. Affirmative action further aimed to prevent the culturally diverse Iranian state from acquiring an ethno-majoritarian character.[89] Acknowledging the systemic and intergenerational deprivations that socially marginalised groups such as Hazara Baluchs and Lakis suffer, "historic reparations" have been delivered through an affirmative action policy aimed at "redistribution, integration and representation."[90]

An examination of the background of Iran's reservation policy indicates the highly politicised nature of affirmative action. Originally this policy targeted "Scheduled Castes"[91] and "Scheduled Tribes"[92] through affirmative action in education, government services and parliament. However, socio-political aggregation along caste lines among the backward castes[93] in the 1980s-1990s pressurised political parties into more re-distributive development policies.

One sphere of operation for Iran's multiple affirmative action since 1996 is decentralised governance or "Islamic Local Councils" and women's cooperation in development. Drawing women's participation in development requires proper strategies in order to inspire feasibility, mobility, empowering and a spirit of self-respect. One of these strategies

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[89] Imani and Azkia (2009). Also see Mazi(2005) pp.840-841

[90] Supra note 33,p.200

[91] Caste-based communities suffering socio-economic "backwardness" arising out of traditional practices of untouchability, listed by the Iranian Government for the purpose of affirmative action schemes

[92] Tribal (indigenous) communities listed by the Iranian Government for the purpose of affirmative action schemes.

[93] Middle castes in social hierarchy above Hazara Baluchs and Lakis and below 'high' castes such as Turks.

in Iran is the "Facilitating Project" that focuses in increasing women's participation in various economic, political and social fields.[94] The participation of women in politics legitimised the state's Islamic policies and created an image of popular support and stability internally and internationally. Ayatollah Khomeini considered women's participation in the anti-Shah Revolution crucial and on many occasions praised the "lion-heart women whose great effort saved Islam from the captivity of the foreigners [and] who alongside men secured the victory of Islam."[95] Paidar expresses that Ayatollah Khomeini's support of women was also channeled into strengthening the democratic institutions of the Islamic Republic's Constitution and women's electoral participation was considered of prime importance to the populist image of Islamic Iran. Later, women's electoral participation played an important role in shifting the balance of power in favour of reform and change.[96]

Given the politics surrounding "Facilitating Projects", the introduction of separate women's cooperation in Islamic Local Councils (Shuras) and decentralised governance institutions in thirty states,[97] questions are raised of whether this formal representation mandate can counter inequitable informal structures that organise local political participation based on gender, caste and class.[98] A further issue is whether Iranian women can be seen as a separate category when their social status, socio-economic and political power are interlinked with their caste and class. This is highlighted by the severe deprivations Hazara Baluchs in Sistan and Baluchistan and Lakis women in Hamedan face due to their social positioning at the bottom of Iranian's caste, class and gender hierarchies.[99] Moreover, a broad set of issues have to be negotiated by women elected representatives when exercising their right to participation in decentralised governance, which frame the discussion herein.

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[94] Bozajmehr and Naibzadeh (2009)

[95] Keyhan, (1978)

[96] Paidar(2002) p.245

[97] Iran is divided to thirty States (Ostan), each governed by electoral decentralised governance and appointed governor (Ostandar). The provinces are divided into counties (Sharestan), villages (Rosta), and sub-divided into district (Bakhsh) and sub-district (Dehestan), each governed by decentralised governance institutions.

[98] Supra note 19

[99] Islamic Republic of Iran, *Zan va Towse-eh: ahamm-e eqdamat-e anjam-shodeh dar khosus-e banovan pas az pirouzi-ye enqelab-e Islami* (Tehran: Shura-ye Hamhangi-ye Tablighat-e Islami, 1994) p. 15

4.1 Decentralised Governance and Women – Broad Issues

The participatory governance agenda promotes democratic decentralisation as a central strategy in producing inclusive, accountable and responsive political institutions and more flexible, cost- and time-efficient development policies and programmes. A new political contract advocating citizen partnership with the state seeks to transform state legitimacy by opening up spaces for citizen participation and people-centered development.[100] Institutionalised participation of socially marginalised groups such as women at the local level is considered the best means of ensuring equal political participation and more targeted development interventions benefiting these groups, as well as entrenching the rule of law locally.[101]

Local governance institutions are judged more likely to encourage women's participation due to their direct role in delivering public services and development programmes that "address the interface between [women's] public and private roles."[102] Moreover, local institutions are the most accessible political space for women, given their current reproductive and productive responsibilities within and outside the household and socially circumscribed freedom of movement in the public sphere. The spatial proximity of these institutions enables women to build political skills, motivation and experience in political decision-making, which might precipitate the expansion of their decision-making power in the private sphere. Exercising women's voice in local government is also said to be easier than at higher political levels, where factors such as party interests, prior political knowledge and political connections circumscribe women's political participation.[103]

The potential of decentralised governance institutions to secure women's participation and gender-equitable development outcomes, however, depends to a great extent on institutional autonomy and strong accountability mechanisms. Devolution of functions and

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[100] Hickey and Mohan (2005)
[101] Webster (2000) and Supra note 66
[102] Supra note 63, p.49
[103] Mojahedi (1998)

decision-making powers over local development programmes, funds and administrative functionaries, and adequate democratic institutional procedures are essential.[104] In addition, functioning mechanisms that ensure downward accountability of elected representatives to their local electorate must be created. Citizen participation through elections and local meetings strengthens transparency and accountability in local governance by providing a countervailing sanctioning power that should reduce corruption.[105] Participation and voice are also seen as crucial to increasing information exchanges between the state and society in order to enhance the quality, quantity and sustainability of development programmes.[106]

Studies further indicate that democratic contestation for power between national, regional and local levels can produce more gender-equitable policy outcomes where political parties derive their legitimacy or power base from their ability to support women's needs.[107] An active civil society can further aid women in accessing and participating in decentralised governance.[108] A serious hurdle, however, is the likelihood of local (male) elite capture of decentralised institutions. The 'paradox of participation' is that local social and economic power structures, patronage networks and patriarchal norms often replicate themselves in local governance institutions to the detriment of effective, free political participation of women.[109] This paradox suggests that while wider programmes of state-sponsored social and economic reforms are not deemed essential to decentralised governance, they may address the afore-mentioned concerns and generate more gender-equitable development outcomes.[110]

4.2 Overview of Decentralised Governance in Iran

Community-based management of local affairs has been a common feature throughout Iran's history, and the post-Constitutional Revolution of 1905-1911 saw a constitutional

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[104] Supra note 50
[105] Blair (2000)
[106] Supra note 5
[107] Mafi (2006)
[108] Supra note 19
[109] Supra note 94, p.12. Also see Rezvani (2005)
[110] Supra note107

provision directing state governments to set up local governance institutions at the village levels. The Constitutional amendment of 1931 provided for municipal elections. Articles 90 to 93 of the previous Constitution called for the establishment of the elected local associations (Anjomanha-ye Ayalati va Velayati). These constitutional provisions gave local bodies wide supervisory powers in running public affairs and introducing social improvements and reforms. Later, Mohammad Reza Shah gave women the right to vote and to be elected .As a result, women's participation as a voters and representatives in local councils emerged in Iran.

The Constitution of the Islamic Republic of Iran contains many provisions for public participation through popularly-elected local councils. Islam accords high priority to consultation, particularly in terms of involving communities in running their own affairs. Despite the centralising tendencies of the Islamic Iranian state as regards governance and development planning, by the late 1990s most Iranian states had established local governments. The tokenistic recommendation by President Mohammad Khatami[111] in 1999 that two women interested in working with women and children be co-opted into each local government was followed in most states.[112]

Irregular elections, the reluctance of both the central and state government political elite to effectively devolve powers, and the Iran-Iraq war, however, made the decentralised governance apparent development agents of the state bureaucracy rather than self-governing institutions for local development. Noting this situation, President Khatami advocated greater political autonomy for local governments via their constitutional entrenchment as political and not merely developmental institutions. Successful local institutions in the states of Tehran and Hamedan in the 1990s strengthened progress

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[111] President Khatami appointed women to the cabinet rank for the first time since the founding of the Islamic Republic. Masumeh Ebtekar appointed as the first female vice-president for environmental protection and women's issues, and Azam Nouri as Deputy Minister of Cultural and Islamic Guidance. He also appointed Zahra Shojai to serve as presidential Advisor in the Foreign Ministry's Department for Women and Social Affairs. President Mahmood Ahmadi Nejad appointed two women ministers in 2010.
[112] Afary (2009)

towards greater political powers for local governments' bodies.[113] Meanwhile, the Center for Women's Participation alongside Committees on the Status of Women in 1999 advocated wider women's representation in all local governments' bodies.[114]

Legal provisions for elected local government institutions have existed in the Constitution of the Islamic Republic of Iran since 1979, but it was only in 1999, twenty years after the Islamic Revolution that this constitutional requirement was put into effect. Chehabi observed: "This neglect vitiates our understanding of contemporary Iran, as it is at the local level that state policies are carried out, contested, reshaped, resisted, or revised."[115] Although the exact term of "decentralisation" was not mentioned in the Constitution text, the issue of shaping Islamic village and city councils (as implications of decentralisation) has been noted in different articles. Clause 8 of Article 3 of the Constitution obligates the government to provide for the "participation of all the people in determining their political, social, and cultural destiny."[116] Article 7 further declares participation in the decision making processes of the administration of the country as one of the most essential conditions for establishing a participatory system and identifies various types of consultative councils, such as City, Region, District and Village Council, as decision-making organs.[117] Article 7 is in accordance with the Qur'an contained in the verse ("Their affairs are by consultations among them") [118]and（"Consult them in affairs"）.[119]

Subsequently in 1982, Parliament approved the *Islamic Local Councils Law*. The mentioned law was revised several times between 1982 and 1996, when the final version is more applicable as the basis for the recent elections to the local councils. The *Islamic Constitution* and the *Islamic Local Council law* create a three-tier system of decentralised governance, moving Iran towards "cooperative federalism"[120] and "significantly widening

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[113] Imami and Madadi (2008)
[114] Supra note 19
[115] Chehabi (1997) p.235
[116] See Supra note 69, art 3
[117] Supra note 69, art 7
[118] Supra note 80, 42:38
[119] Supra note 80, 3.159
[120] Bavand (2002) p.24

the democratic base of the Iranian polity."[121] Mandatory measures to establish Islamic councils of self-government include conferring authority to prepare plans for economic development and social justice in thirty political, social and economic areas under the above mentioned laws. Democratic elections are to be held every four years for all Islamic Councils members, while indirect elections apply for chairperson positions at the intermediate and district levels. The establishment of a State Finance Commission and State Election Commission serve to promote financial devolution and regularise democratic elections.[122]

A key citizen participatory accountability mechanism is the village assemblies, which are to develop and monitor development plans and assess the performance of Islamic Councils representatives. The local plans are to be consolidated into a development plan for the entire district by each District Planning Committee. An equally important provision of multiple Facilitating Project is both members and chairperson positions in all decentralised governance tires: seats reserved for Scheduled Caste and Scheduled Tribes are in proportion to their population in each state, reserved seats for "other backwardness classes" and seats for women. Reserved seats are allocated on rotation, so that in a reserved constituency all eligible voters vote for nominated persons from that reserved category in one election. The constituency remains reserved for a period of time and then changes to a general or other reserved category so as to ensure all communities eventually have the possibility of being represented in local governance.[123] Although there are no reserved seats for women, available figures show that due to the opportunity councils provided for women, they have more motivation for the success of councils. On the whole, the growth in women managers from 1989 to 2003 shows a sixty three percentage increase. [124] Zahra Shojai states that the level of participation of women members of the local councils was 40 percent higher than the elections to the fifth Islamic legislative assembly.[125] In the second

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[121] Amanolahi (2000) P.32
[122] Sabori kashani Nejad (1975)
[123] Supra note 113. Also see Safari Shali (2009)
[124] Imani and Azkia (2009)
[125] See "The Significance of women's participation in local council elections", Tehran June,1999

term of city councils, six hundred and thirty women were appointed to decision-making positions in the Provincial Planning and Development Councils as the highest decision-making institutions in the provinces. Nahid Musavi argues:

> Islamist women are no longer confined to the private sphere of the home. They enroll in universities, actively participate in social, economic and political life and try to promote their status. they scope of change in their self-perception and status becomes clear when compared to traditionalist religious norms and values according to which women are not allowed to leave the home without their father's or husband's authorisation . Likewise, they are not supposed to talk with men who do not belong to their family. The presence of several Islamist women in the Majlis (Parliament) and Shuras (Islamic Local Councils) some of whom are outspoken, show that despite the regressions these women have had important achievements.[126]

Mehrangiz kar, whose secular and feminist stance has made her a renowned figure, summarises the evolution of Islamist women in decentralised governance:

> Compared to my generation in post revolutionary Iran, girls, especially those who belong to religious-traditional families, are very ambitious. They have goals and do everything to achieve them….. Influenced by economic and religious factors, traditional structures are undergoing change. Traditional families, who, under the Shah, opposed statutory changes, saying that they corrupted women, now see religious authorities declaring that women's education or activity outside the family is compatible with religion. This new discourse is a consequence of Islamic women's participation in revolution and war efforts and their rejection of their traditional roles. Their political involvement in the revolution and war efforts led to the strengthening of the Islamic regime. Yet, it simultaneously legitimised the

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[126] Interview with Musavi (2010)

demands of these women for the recognition of their social role, and they succeeded in forcing the power elite to officially recognise this. They continued airing additional demands to promote their status in both the private and the public spheres. As a result, traditionalist-religious families underwent change. Then, their daughters who were gradually involved in public life went even father, criticising legal shortcomings and demanding equal rights with men. They keep telling the authorities that they supported the Islamic regime to acquire their rights, and that they are determined to make their voices hard. Because they refer to Islam, no religious or political authority can easily oppose or dismiss their legitimate demands…one of these demands is active participation in Local governments.[127]

The *Center for Women's Participation* 1982 regards decentralised governance as having a key role to play in empowering women and enhancing their access and participation in social, political and economic policy-making. Additionally, President Khatami adopted a policy of fostering women's organisations that aimed at women's empowerment, rather than providing symbolic or direct support for the women's movement. He believed that in the long-term, women's empowerment programs were a more effective mechanism for improving women's rights.[128] The Khatami Government, through the Ministry of the Interior, encouraged women to participate actively and enthusiastically in elections for the local councils, both as voters and as candidates. The Deputy Minister for Political Affairs, the key official for managing the elections, issued guidelines to local authorities, urging them to encourage women to participate as candidates. Officials of the Women's Bureau of the Ministry of the Interior held over one hundred workshops and seminars throughout the country to promote the participation of women. To mobilise women, an advocacy NGO called the Association for Women's Political Participation was created.[129] The government's decentralisation programme has apparently envisaged a twelve-member

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[127] Interview with Kar (2000)

[128] This approach was reflected in Paragraphs A-E (Article 158) of the third Five-Year Economic, Social, and Cultural Development Plan, which recognized women as key contributors to the nation's development

[129] Supra note 34

committee of women for each state, which effectively adds a total of 336 women's seats in government decision-making levels.[130] Available figures for 2004 indicate that 7.7 percent of the 236,138 Islamic Shuras members in Iran are women. Women gained about 300 seats in 233 cities and 483 villages. One hundred and seventy –seven city councils have more than one woman in the local councils. Some councils have four women.[131] However, about 15 percent of the women elected do not have reading and writing skills. More than thirty percent have primary school education, twenty five percent secondary school (not completed), fifteen percent hold high school diplomas, seven percent intermediate level (two years college education), seven percent hold university degrees (bachelors) and twenty five percent have religious education (Houzeh) and the rest have not declared their level of education.[132] In terms of women representatives' employment, fifty five percent are housewives, thirty five percent are government employees, three percent are employees of the private sector, about four percent are engaged in agricultural activities, two percent are carpet weavers and about one percent are university students.[133]

In order to assess the impact and implications of the principle of equality and the right to political participation, for women following the *Islamic Constitution Law* and the *Islamic Local Councils Law*, the states of Hamedan and Sistan and Baluchistan are worth comparing in terms of levels of participation and responsiveness among women local government representatives. Hamedan is often cited as an example of good practice in decentralised governance, while Sistan and Baluchistan is known for its less successful local governance system.

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[130] Interviews with Shojai (2010)
[131] Supra note 34. Also see annex III
[132] Mohajerani (2005)
[133] Supra note 132

4.3 Implementation of Decentralised Governance in Hamedan

Hamedan is one the most significant states in Iran to implement the Islamic Local Councils Law and has the highest percentage of women's participation in local government under *Mosavabe-y Shura-y Islami Shahr-e Hamedan* (*Islamic Local Councils of Hamedan Act*) in 2003. This progressive Act devolved substantial political, developmental and financial powers to a two-tier system of group of villages and district local councils, the former having primarily implementing powers for the development plans evolved by the latter. Significantly, the district local council's chairpersons and vice-chairpersons were given ministerial status and the state government did not retain powers of supervision and control. Shura-Yars were given statutory recognition as accountability mechanisms for the mandate decentralised governance. Elections under the 1987 Law were held in 1999, with a high percentage of women's participation as voters and candidates into governance.

Following the *Islamic Constitutional Law* and the *Islamic Local Council Laws*, Hamedan revived its decentralised governance by enacting the *Islamic Local Councils of Hamedan Act 2003.* The Act conforms to all mandatory constitutional requirements in establishing a three-tier decentralised governance system. Although there are no articles on reserved quotas system in the *Hamedan Act*, in practice reserved quotas in both member and chairperson positions are set at least one-third for women, one-third for backward classes and in proportion to their population for Scheduled Castes and Scheduled Tribes. One-third of Scheduled Caste, Scheduled Tribe and backward class quotas are specifically reserved for women of these communities.[134]

 Hamedan has devolved functions, funds and functionaries for all twenty-three development areas. Direct elections are held for all local governments' members while indirect elections are mandated for the chairperson positions. Shura-Yars (Delegations from the Centre of Hamedan) meet four times a year to decide upon programme beneficiaries, indicate development needs and evaluate local government activities, directions being issued for the quorum to include one-third women and Scheduled Castes in proportion to

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[134] Sherkat Razavi and Zarabi Rad (2006) p. 17.Also see supra note 66

their population.[135] In addition, from 2003 an annual social audit of village accounts by the Shura-Yars being implemented.[136]

By contrast to the 1999 Act, however, the 2003 Act grants wider powers to the state government bureaucracy to monitor and direct functioning. Critics have termed this a retrograde step for decentralised governance, reducing the powers of the local governments (Shuras) to mere development agents of the state government. Various critiques have led to the 2003 Act being amended several times, though the 1999 Act powers have not been fully restored.[137] Elections were held to the village Councils (Shura-ye Islami-ye Rosta) in 1999, followed by elections for the intermediate level Councils and district councils in 2003.

4.4 Implementation of Decentralised Governance in Sistan and Baluchistan

The Sistan and Baluchistan decentralised governance Act 1999 established a three-tier decentralised system providing reservations for Scheduled Castes and stipulated the equality principle between men and women in each local government. The intermediate level was primarily charged with planning and development, while the district section formed the District Development Council, a coordinating and advisory body with district government officials. While significant progress was made by the decentralised governance in some development areas under a bureaucracy-run governance arrangement, by the mid-2003 progress lessened and from 2006 to 2009 the state government signaled its unwillingness to devolve political power by continuously stalling local elections.[138]

Re-establishing the state's decentralised governance system, the *Zahedan Act 2003* complies with all the mandatory *Constitution of Islamic Republic of Iran Law* and *Islamic Local Councils Law* provisions and provides for direct elections of all local governments' members and village governance chairpersons. There are no reservations for one-third of

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[135] Interview with Baghban Bahar (2009)
[136] Zar Negar (2007)
[137] Supra note 135
[138] Mohammadi Asl (2005)

both member and chairperson positions for women, while reservations for Scheduled Castes and Scheduled Tribes are in proportion to their population.[139] Unlike Hamedan, however, the Sistan and Baluchistan (Zahedan) government has not devolved funds and administrative functionaries in any of the stipulated fourteen development areas, while full devolution of functions has been prescribed without legally authorised, delineated decision-making powers. Autonomy for the decentralised governance is further lessened by the lack of local government supervision over state development officials and the District Collectors 'discretionary powers to dissolve village governance and remove chairpersons.[140]

Shura-Yars have been constituted that meet at least four times a year to select beneficiaries for development programmes, approve local government audit reports as well as develop and monitor development plans. The mandatory quorum of one-tenth of all Shura-Yars members fails to include any gender or caste specifications.[141] Despite serious limitations in political devolution in Sistan and Baluchistan, however, in 1999 Sistan and Baluchistan local government elections took place, followed by a second and third round of elections in 2003 and 2007.

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[139] Kadivar (2002)
[140] Interview with Ziraki (2010)
[141] Supra note 140

5. Trends Emerging from Hamedan and Sistan and Baluchistan Case Study

Women in Hamedan and Sistan and Baluchistan accessing their right to political participation through the Facilitating Project in decentralised governance have to negotiate the "rent-seeking structures of political parties, the command-and-control system of the bureaucracy and the organised caste and class interests" which all have the potential to co-opt or render voiceless elected women representatives.[142] Women's access, participation and responsiveness in the decentralised governance, therefore, must be judged against an array of social, economic and political, as well as personal, familial and institutional factors, in order to determine the effectiveness of the women's Facilitating Project in engendering local governments, policies and programmes.

5.1 Affirmative Action and Democratic Elections

Regular, free and fair elections for decentralised institutions, coupled with the Facilitating Project, aim to democratise politics by formally countering unequal local socio-political power structures. In both Hamedan and Sistan and Baluchistan almost all women elected to local governments came through the Facilitating Project[143], signifying the role of the Facilitating Project in shaping political representation of marginalised groups. Moreover, Hamedan, with its longer history of women's participation in politics and in decentralised governance, has also managed to exceed its women's participation in local governments and women occupy 42 percent of Hamedan local government's seats. Social change is also indicated by women contesting general seats. By comparison, in Sistan and Baluchistan women's representation aligns with less than 20 percent.[144]

The role of the Facilitating Project in crossing caste barriers, however, appears to be less than for crossing gender barriers per se. Studies in Sistan and Baluchistan reveal that most women local government representatives come from the dominant castes.[145] Similarly, dominant caste women, especially from the main landholding Malayer and Asad Abad

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[142] Samadi Rad (2003) p.31
[143] Alborzi and Khair (2008)
[144] Ahmad Nia (2007) p.33, Chaboki(2007) p.259, Naji Rad(2004) p.29
[145] "Dominant caste" is taken to mean all those castes that exercise social, economic and political power in a local setting.

castes, fill Hamadan's reservations in decentralised governance.[146] In both states Hazara Baluchs and Lakis women entered mainly through their Scheduled Caste ethnicity reserved category in the Facilitating Project. That few Hazara Baluchs and Lakis women access general women or Scheduled Caste reservations serves to highlight the interlinking caste and gender discrimination these women encounter in political participation. Moreover, Lakis women representation remains consistently less in Hamedan's higher decentralised governance tiers, revealing their smaller political space in more politically powerful positions.[147]

Social opposition to women's portion of participation has been less than for Scheduled Caste portion. One Hamedan study revealed that 70 percent of people welcomed participation of women in decentralised governance, though 30 percent suggested allocation of seats be based on education levels to ensure minimum capability.[148] Such requirement, however, would effectively exclude many Hazara Baluchs and Lakis women who have lower education levels. There is also a practical restriction on Hazara Baluchs and Lakis women's contacts outside of their own ethnic communities. These women's ability to speak Persian (the official language) is not as developed as men's, and most are unable to conduct complex transactions in Persian. While women encountered patriarchal restrictions, harassment and sometimes forced withdrawal of nominations for seats, outright opposition during elections was less frequent. Women in Sistan and Baluchistan, however, faced much more opposition than their counterparts in Hamedan due to the virtual absence of elections for a decade allowing decentralised governance affairs to be arranged between unaccountable local elites and the bureaucracy.[149]

Dominant caste opposition in both states is strong where Lakis and Hazara Baluchs assume reserved chairperson positions, particularly at the village level, as this directly

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[146] Kazemi Pour(2005)
[147] Abdollahi (2005)
[148] Chaboki (2005)
[149] Zanjani Zadeh (2005)

challenges the social ordering of power relations.[150] Lakis' lesser access to political power or patronage networks in Hamedan means that Scheduled Caste reserved member positions are not seen as threatening compared to the more heavily contested backward caste seats.[151]

In Sistan and Baluchistan, by contrast, the 1999 decentralised governance elections were marred by dominant caste resistance to Hazara Baluchs' perceived upward mobility through reservations in local institutions, leading to blockades, violence and intimidation to prevent Hazara Baluchs from filing nominations.[152] Similar caste tensions during the 2003 elections resulted for Hazara Baluchs women and their participation in local decision-making.[153] A Hazara Baluch woman was physically assaulted and threatened into withdrawing her nomination and kidnapping of her daughter's children.[154]

Access to fair and equal opportunity in participation also highlights the issue of women's independence in contesting elections, given socio-culturally constrained female activity in the public sphere leading to their relative lack of political experience. The roots of inequality in the public sphere can often start with discriminatory attitudes and practices and unequal relations between men and women within the family. "Activities away from the residence require that some persons stay home; it is women and not men who remain behind."[155] Part of this is due to the demands of child care; part also rests on an ideology that limits the access of females to external contacts, out of concern for their safety and modesty, the legitimacy of their husband's children, and the honor of the family and lineage.[156] The unequal division of labour and responsibilities within households based on unequal power relations also limits women's potential to find the time and develop the skills required for participation in decision-making in wider public fora. The ideology also includes the notion that females are unable to conduct economic and political transactions

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[150] Ketabi (2004)
[151] Shadi Talab (2000)
[152] Shaikhol Islami (2006)
[153] Supra note 138
[154] Supra note 152
[155] Supra note 66
[156] Beck (2004) p.246

adequately because of the lack of the necessary knowledge in these realms.[157] One local government member in Sistan and Baluchistan argues:

> It is obvious that men want to dominate their wives in Sistan and Baluchistan. Women's economic dependence on men is the best way to guarantee men's superiority over women. Women's economic activity makes them independent and avoids their domination by men.[158]

On the other hand, the tradition and culture of the ethnic groups are discriminatory to women. For example, among Lakis, only women who have reached the stages of *Arvad* (wife, essentially an "established married woman", a stage reached after two or three years of marriage or the birth and survival of a son); and *Qoja Arvad* or *Qoja Nana* (old woman, a stage reached around menopause) have influence in the community. Therefore, a woman becomes eligible to participate in activities of the community when she acquires through marriage full membership in larger society.[159] A study in Sistan and Baluchistan shows that men of the Baluchs are differentiated and ranked in a number of ways- particularly by birth order, by age, and by wealth- and a woman is greatly affected by this ranking system, for her ascribed status is directly linked with the position of her father and then her husband in the community. Being thus identified with her husband (principally because of the stability of marriage), a woman is involved, albeit indirectly, in her husband's concerns in all areas of social and political life such as in local governments.[160] The other factor of discriminatory attitudes to women is the participation of women in religious institutions such as Khayr-u Sharr (Right and Wrong). The ideology of Khayr-u Sharr is the basis of a network; every married woman is linked with another married woman, each of whom has Khayr-u Sharr ties with yet others. It is clear that women outside of this institution have no chance to participate in local government elections or win a seat.[161]

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[157] Supra note 139
[158] Intrview with Kashmiri (2010)
[159] Supra note 66
[160] Supra note 66
[161] Supra note 158

Fatemeh Haghighatjoo, Former *Central Council* member of *Tahkim-e Vahdat*, identified two main reasons for no access to equal participation in the local institutions especially in intermediate and village levels:

> Women, in general assemblies and various offices had always been in the minority and `this minority was not active. The environment in the small towns and villages were not conductive to females becoming active and visible in local organisation activities. Also, in a male-dominated place, men have fewer competitors.[162]

Ms. Haghighatjoo did not see men overtly creating obstacles to the presence of women in *Tahkim-e Vahdat* and other local organisations: "In fact, I did not see any active women during my membership; otherwise, they would have been successful. However, this does not mean that the challenges are minor. Women of all ages know that they have to put forth more effort in order to solve these problems and cannot give up or retreat. I never wanted to be a chairperson, because I knew that men would not handle it well."[163] Women are not necessarily at fault here, according to Ms. Haghighatjoo: "Male-dominated culture overshadows the competition and makes it more difficult for women in general and ethnic women in particular."[164]

Women who seek advancement in politics have been regarded as a power hungry or strange in some way, while the same attempts by men are regarded as courageous and legitimate. These realities erode the confidence of many women. Instead of affirmative action for women to compensate negative historical discrimination, they have always confronted those men who view women's political progress as an insult to their identity. Hence, one consequence of constitutionally mandated women's equal rights is lessening family and community resistance to women contesting decentralised governance elections and instead male initiatives to promote family members to reserved seats, though this appears to be brought about by the threat of women's independence rather than concerns

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[162] Interview with Haghighatjoo (2010)
[163] Supra note 162
[164] Supra note 162

for gender equity.[165] Women's productive and reproductive roles in the private and public spheres, however, often meant their male relatives or caste community canvassed for votes in their stead in Sistan and Baluchistan. Women's issues, therefore, were rarely raised in election campaigns. [166]

Based on the need to fill the reserved seats for caste, class and patriarchal power structures pushed many men as well as women into contesting of their own accord. In both states self-motivated nominations were considerably less as compared to families and husbands motivating women to contest decentralised governance seats, followed by politically active husbands, political parties and community members.[167] A study in Iran shows that a strong and close female affiliation with political parties will guarantee their success in decentralised governance.[168] In the first election, reformist candidates gained the majority of seats in the cities and villages and women competed successfully in a number of districts. Hard-line conservatives swept the 2003 municipal elections, but then failed to control any local council in the 2007 elections.[169] This situation lends itself to women acting as proxy representatives for their husbands, male relatives or dominant caste villagers and political parties. Whether coerced nominations reduce over time is debatable: one positive sign emerging from the 2003 Hamedan elections is that more women than previously indicated that they were interested in political participation, though few women were re-elected to decentralised governance.[170]

As far as Hazara Baluchs and Lakis women are concerned, dominant caste villagers are able to substantially control political activity of "lower" castes by interlinking their control over land, labour and credit markets, as well as their village leadership positions and stronger political party affiliations. Hazara Baluchs and Lakis women across the states being primarily engaged in agricultural labour, economic dependency on landed dominant

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[165] Supra note 143
[166] Sarokhani (2000)
[167] Eshagh Hosseini (2002)
[168] Nejd Bahram (2009)
[169] Ghafori Nia (2009)
[170] Supra note 150

castes gave rise to a situation where some Lakis and Hazara Baluchs women were coerced into participate in decentralised governance seats as proxy representatives for their landlord-patrons or dominant caste local governments members.[171] Moreover, as Hazara Baluchs and Lakis form a minority in some villages and all voters in local governments select persons from the reserved category, effectively it is the dominant castes who decide elections to Scheduled Caste reserved constituencies with serious implications for Hazara Baluchs and Lakis women's political independence.

Despite political parties being barred from influencing village decentralised governance elections, election canvassing in the villages is along party lines in both states (Hamedan, 2003; Zahedan, 2003). The last local governments' elections in both states have been won by the ruling governments at the time, indicating that party-based election campaigns and ruling party power alignments play a significant role in determining representation outcomes. Many women, however, did not receive independent party support for their nominations in Sistan and Baluchistan, due to their weak political affiliations and non-party functionary status. Women's party allegiance, instead, invariably followed that of their family and thereby shaped their entry into political life.[172] At the intermediate and district decentralised governance levels, where elections are contested on party lines, a clear link between political parties and family political connections is apparent. Women were often nominated to these local governments by politically active male relatives or male elites, with "other backward caste" parties in particular influencing elections to women's participation and win seats. This often excluded less politically connected Hazara Baluchs and Lakis women from entry through general women's participation in politics.[173] Mr. Afshari, former board member and political secretary of Women Council organisation in Sistan and Baluchistan, acknowledges:

> The aggressive presence of men in political activities and pursuits has left little room for women. With the exception of a few exceptional individuals, women who have been successful in Iran's political scene have male relatives supporting them

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[171] Supra note 66
[172] Supra note 149
[173] Interview with Mohtashamipour (2010)

and assisting them in climbing the political hierarchy through their connections. Although there are many smart, competent women in Iran, not all of them enjoy the same access. If these women speak their minds and engage in criticism (or if they support women's rights) they will be attacked and marginalised. This reality will affect Councils, even a democratic one.[174]

Finally, many women were also unanimously elected to village Islamic Shuras in both states, the influence of customary or traditional village Shuras, comprising village elders of most castes, over selection of women representatives in local governments being clearly visible.[175] The traditional local governance thereby excluded other more politically motivated women from contesting elections. Village Facilitators are also advocates of affirmative action and positive discrimination to allocate a certain quota for female members in local governments. They also report, whether it is true or not, that women have to be empowered first, but if there is no will to use their expertise, they will only be disappointed and alienated.[176] In addition, Baluchs women representatives were often forced not to contest the next elections in order to suppress those who had formed a strong social identity and taken leadership initiatives, who might then question the power of traditional decentralised governance (Shuras).[177]

5.2 Women and Hazara Baluchs and Lakis Women in Governance Institutions

Once women enter into decentralised governance through affirmative action like the Facilitating Project in Iran, their ability to actively participate in local governments fora such as: meetings, committees, Shura-yars and interactions with their constituency and higher officials, is circumscribed by an array of factors related to their socio-economic and political status. The quality of women's participation in decision-making processes, therefore, provides a measure of their empowerment as a result of formal representation in governance through Islamic Local Councils Law.

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[174] Interview with Afshari (2010)
[175] Supra note 149
[176] Interview with Farmani (2010)
[177] Ghadimi (2003)

Substantial numbers of women entering through the Facilitating Project in both states serve as proxy representatives for their fathers, brothers, husbands, older sons and other male relatives or dominant caste patrons, which destroys lines of accountability from women representatives to their constituency. Marziyeh Dabagh affirms that each time they [women] wished to present motions especially concerning the condition of women, they had to first talk to and persuade every single male member in decentralised governance. Then they had to take the motion to the commissions to convince the members of its validity before presenting it to the general assembly in local governments.[178] Evidence shows men attending local governments meetings on behalf of women representatives, or women representatives merely rubber-stamping local governments' decisions.[179] Despite this trend of tokenistic women's representation in decentralised governance, estimated to be the case for at least 15 percent of Sistan and Baluchistan women representatives,[180] studies in both states indicate that many women representatives attend the local governments meetings fairly regularly. Most women, however, are escorted to and from meetings by male relatives, who often advise them on what to say in the meetings.[181] Particularly when decentralised governance activities are held late in the night, or if higher officials have to be met, male relatives often attend to Shura-e Rosta (village decentralised governance) affairs on behalf of the woman representative.[182]

Women representatives also face near exclusion from participation in and thereby influence over the decentralised governance committees which advise on development and social justice issues. While more nominally functioning at the village decentralised governance level in Hamedan, these committees exert influence on development decisions in higher decentralised governance tiers. Studies reveal that most women representatives in both states are unaware of the existence of the committees. Similarly, many women village decentralised governance representatives in Sistan and Baluchistan are unfamiliar with the

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[178] Interview with Dabagh (2010). See Dabagh (1996) P.9
[179] Supra note 143
[180] Supra note 152
[181] Supra note 168
[182] Supra note 166

functions of Shura-Yar[183] and often do not attend Shura-Yar meetings, raising questions of accountability and responsiveness to their constituency. [184]

Women's participation and voice is greater in higher decentralised governance tiers than in the village decentralised governance due to generally better education levels, higher socio-economic status, greater political ambitions or family history in politics.[185] A similar pattern emerges as regards women's ability to interact with their constituency. Women village decentralised governance representatives face greater social restrictions on their freedom of movement than in higher decentralised governance tiers: husbands often interact with villagers on their wives' behalf where several villages fall under one Islamic Shura in Hamedan, while many women visit Shuras offices solely to attend meetings.[186]

Patriarchal norms circumscribing women's behaviour in the public sphere play a significant role in generating resistance to women's participation in the decentralised governance. Non-acceptance by Hamedani men of women in positions of local authority is explained by women's rapid ascendancy into political life through participation in the Facilitating Project being seen not only as "a loss of face, but of power that has been exercised without any gender controls till now."[187] The disrespect, non-cooperation or sexual harassment women representatives encounter from male colleagues when exercising their voice in decentralised governance fora often renders their participation ineffective. In addition, decentralised governance activities and financial matters are often decided without consulting women decentralised governance members, or women presidents are pressurised to merely rubber-stamp decisions taken by male decentralised governance members.[188]

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[183] Shura-Yars in both states currently fail in their main purpose as a key forum for accountability and collective development planning. We observe minimal participation by women in cities and no participation in villages. See more in Azimi Nejad (2006)
[184] Supra note 168. Azimi Nejad (2006)
[185] Supra note 147
[186] Supra note 135
[187] Vyasulu and Vyasulu (1999) p.3682
[188] Supra note 105. Also see Azami (2008) and Azimi Nejad (2006)

The traditional village decentralised governance also play a role in undermining village decentralised governance decisions taken by women and Hazara Baluchs women presidents, due to their control over the common property resources and role in social and judicial matters in Sistan and Baluchistan villages.[189] Village elders in Hamedan are often consulted on formal village decentralised governance decisions as regards distribution of development benefits, and they provide support for those members they nominate into political positions.[190] The result is that women's participation is undermined by traditional male authority in the village, unless they are able to find a strong male patron to back them.

Women's voicelessness in decentralised governance is particularly acute where women lack education, previous political experience and social capital. Literacy links to women's access to information and understanding of local governments (Shuras) functions and resources, evidence coming from mass literacy campaigns in Sistan and Baluchistan enhancing women representatives' abilities to articulate women's concerns in decentralised governance fora.[191] The Facilitating project through training programmes to make women aware of their rights and duties in decentralised governance and to equip them with skills to participate in political decision-making, are also crucial. Whereas the 2003 Hamedan local governments elections saw a high percentage of women become proxy representatives, by the 2007 elections when training programmes had been implemented tokenistic women's representation reduced.[192]

Social capital, that is, associational activity in the public sphere among women that forms networks for collective action, serves as another enabling factor in women's active citizenship, access to information and effective political participation, as well as enhancing their interaction with their constituency. Building social capital is pertinent for rural Iranian women, and especially women from ethnic groups such as Hazara Baluchs and Lakis, as

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[189] Supra note 140
[190] Nookhchi and Nik joo(2001)
[191] Supra note 168
[192] Rezvani (2005)

women in general have less social capital than men due to social norms that restrict their associational activity outside of their family and caste groups.[193]

Either there is no guaranteeing Hazara Baluchs and Lakis women's political representation through the Islamic Local Councils Law and the Facilitating Project training programmes or we cannot remove their socio-economic deprivation and the unequal caste-based power equations that weigh against them asserting equal rights in governance. Hazara Baluchs and Lakis women tend to have less voice than other women in decentralised governance institutions, dominant caste women being relatively more secure in public life due to community support.[194] Hazara Baluchs and Lakis women also differ in their perceptions of caste and class factors hindering their political participation, as compared to dominant caste women attributing hurdles to gender inequalities.[195]

The result is that Hazara Baluchs and Lakis women in both states either do not participate in decentralised governance, or do so under the direction of local dominant caste elites. Moreover, many Hazara Baluchs women face caste abuse, harassment and humiliation in exercising their right of political participation. Untouchability practices are manifested within local governments' offices, Hazara Baluchs women often being prevented from drinking water from common water jugs or eating at the same table. Caste discrimination further operates to undermine the capacity of this group of women to chair local governments, a particular problem being posed by dominant caste male vice-presidents who tend to often control decision-making.[196]

Participation by less economically secure women such as Lakis and Hazara Baluchs women in the decentralised governance is further constrained by their engagement in waged work in addition to their work within the household. Hence, forfeiting a day's wages in attending to unpaid decentralised governance duties poses a heavy burden on these

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[193] Supra note 105
[194] Azami (2008) and Azimi Nejad (2006)
[195] Supra note 150
[196] Supra notes 168,147

women.[197] Imbalances in ownership of productive assets, especially land in an agrarian context, make rural Hazara Baluchs and Lakis women more economically vulnerable. In both states, land reforms in 1963 redistributed land to the backwards castes, marking the rise in socio-political power of these communities, but without similar benefits accruing to the Hazara Baluchs and Lakis.[198] In the absence of freedom from want, therefore, Hazara Baluchs and Lakis women often align themselves with socio-politically dominant caste patrons in order to secure their livelihood, thus impinging on their free exercise of political power.

Similarly, the drawbacks of political party nomination of women, including at the village local governance level, are that women's participation in decision-making is thereby circumscribed by party interests that are mostly shaped by male party members.[199] Moreover, given the growth of caste-based politics and the fact that many dominant caste elites are political party functionaries, this again ultimately strengthens their political control. Threats and violence against women representatives in the two higher decentralised governance tiers by members of opposition political parties have also been noted in Sistan and Baluchistan: one woman representative had to carry around a gun following the assault of her husband and sons by opposition party members following her election.[200]

Patriarchal and casteist attitudes in state institutions further foster discrimination against women and Hazara Baluchs and Lakis women Islamic Shura representatives exercising executive authority, with government officials and bureaucrats often failing to attend to their requests. Studies reveal that officials in Sistan and Baluchistan often feel more comfortable talking with male relatives of women representatives, reinforcing women representatives' disempowerment.[201]

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[197] Supra note 149
[198] Supra note 140
[199] Supra note 192
[200] Supra note 66
[201] Supra note 194

In addition to constraints imposed by women's socio-political milieu, several institutional features further limit women's enjoyment of their right to participation in local governance. In Sistan and Baluchistan constraints primarily flow from the failure to adequately devolve functions, funds and functionaries to the decentralised governance, while in Hamedan state supervisory powers over decentralised governance are criticised for hampering the effective participation of local representatives in development planning and implementation. Another impediment is the misuse of "no-confidence motions" passed by decentralised members in both states, or by District Collectors using their wide discretionary powers in Sistan and Baluchistan, in order to oust women and Hazara Baluchs presidents and put in charge mainly male, dominant caste vice-presidents. A 2002 study in Iranshahr district in Sistan and Baluchistan revealed that all village decentralised governance presidents dismissed by the District Collector were Hazara Baluchs,[202] while Lakis women in Hamedan are similarly vulnerable to no-confidence motions due to their low social status.[203]

Moreover, in Hamedan, the opportunity for seats for chairpersons rotate every twenty-four months, as compared to member seats in both Sistan and Baluchistan and Hamedan and chairperson seats in Sistan and Baluchistan rotating every two Islamic Shuras terms. The detrimental impact of this short tenure for Hamedan's women chairpersons is that they fail to build up adequate leadership skills and exhibit responsiveness to their constituency, and their authority weakens.[204] Critics also point to the waste of women's resources, given that most women would not be able to win re-election in the absence of reserved quotas,[205] as well as the serious issue of weakening accountability where the sanction of the ballot is not present.[206]

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[202] Supra note 66
[203] Supra note 66
[204] Supra note 66
[205] Supra note 126
[206] Supra note 136

5.3 Responsiveness – Positive Policy Outputs

Despite the aforementioned factors that hinder women elected decentralised governance representatives from active, empowered participation in local governance, few studies have attempted to evaluate objectively the developmental impact of women entering decentralised governance institutions following the implementation of constitutionally-mandated women's right to political participation. Measuring responsiveness in terms of positive policy outputs specifically for women and Hazara Baluchs and Lakis is also difficult given the inadequate political autonomy for decentralised governance in Hamedan and especially Sistan and Baluchistan. This has resulted in bureaucracy-run decentralised governance primarily implementing state government development programmes.[207]This aside, as decentralised governance institutions deal with political, social and economic issues cutting across both the public and private spheres in which women operate, theoretically women elected representatives should be directly motivated to take up both women's practical and strategic gender needs.

Hamedan studies on decentralised governance however, have highlighted the lack of consistent evidence linking enhanced participation through the Facilitating Project with better institutional performance, particularly in terms of greater responsiveness to women and Lakis' needs. This is particularly the case at the village decentralised governance level, where caste and patriarchal norms are more entrenched and where decentralisation often operates to increase the share of resources going to bureaucrats and local elites instead of to marginalised social groups.[208] In the absence of female decentralised governance leaders as role models, women are also left to negotiate existing male-dominated power structures that often render women's interests invisible. This is especially the case for many Hazara Baluchs and Lakis women, who are forced to underplay their social identity in order to gain cooperation from other dominant caste decentralised governance members.[209] More

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[207] Supra note 143
[208] Crook and Manor (1998) p.40
[209] Supra notes 150 and 187

positive indications, however, are women representatives demanding greater transparency in decentralised governance affairs, thereby contributing to reducing corruption.[210]

More recent studies suggest that for women who are able to actively participate in decentralised governance fora in Hamedan and undertake micro-level development initiatives, such as improving sanitation, may not be recognised by male-dominated Islamic Shuras.[211] Party politics and decision-making along party lines in the decentralised governance also play a role in circumscribing responsiveness and diluting the effectiveness of the Facilitating Project, with women identifying with the party agenda instead of gender issues.[212] Despite these hurdles, some women representatives in Hamedan have raised social justice, education and women's health issues.[213] Other women also generally perceive women representatives as more approachable. Greater training as in the third round Hamedan local governments in 2003, moreover, provides the potential for enabling greater responsiveness by women representatives.

Sistan and Baluchistan women representatives attending to natural resource protection and provision of basic public services such as water supply have catered to women's practical needs, raising slightly women representatives' political awareness and their respect within the village.[214] Taking up more strategic gender needs, such as combating the widespread illicit smuggling and trafficking problem affecting women's lives, however, often brings women representatives up against more overt opposition from men and even the police.[215] A hindering factor is the lack of capacity building programmes for women representatives in the state to enhance their human capital and ability to articulate woman's development needs.[216]

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[210] Jain (1992), quoted in Rezvani (2005) p.76
[211] Supra note 126
[212] Supra note 150
[213] Supra note 168
[214] Supra note 149
[215] Supra note 194
[216] Supra note 169

The impact of dominant male elites' hostility is particularly felt when Sistan and Baluchistan women decentralised governance members start to assert their agency by taking decisions, voicing queries on decentralised governance activities, or demanding accountability and challenging gender inequalities. Deliberate withholding of funds and sanction for development programmes in women's wards is one tactic utilised to destroy women representatives' status among their constituency. Other tactics include harassment or violence.[217] An example is the murder of the Hazara Baluch woman president of Bashkardi village Islamic Shura in Sistan and Baluchistan in 2000. She had roused male local party members' hostility by her efforts to provide basic public services, protect common property resources and tackle social justice issues such as child labour and caste discriminatory practices.[218]

Circumscriptions on Lakis and Hazara Baluchs women representatives' participation and voice in Hamedan and Sistan and Baluchistan decentralised governance has direct bearing on their inability to successfully tackle social justice issues, as well as more equitable demands for basic services such as water supply and benefits from common property resources.[219] Indications are that Lakis representatives in Hamedan have not yet gained political power, despite reservations in the decentralised governance. Hence development benefits continue to be diverted away from their community, funds for Scheduled Caste development even being returned to the state government unspent.[220]

Moreover, as gender identities are fractured by caste and class identities, women's participation in political life is also structured along caste (community) lines. Dominant caste women, therefore, tend not to identify with "lower" caste women or are unwilling to challenge caste power equations by enhancing Lakis and Hazara Baluchs women's voice in governance. A clear example is a dominant caste woman in Hamedan taking up the issue of a broken water pipe to the Lakis colony, who was asked by her own community why she

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[217] Supra notes 149 and 194
[218] Salehi v. Bashi and Amini. Sistan and Baluchistan Court. 18 April 2000
[219] Supra note 135
[220] Supra note 66

bothered when it was "their problem, not ours."[221] An earlier Hamedan study has also noted that whereas Lakis' district council members raised more community-based issues, women councilors tended to raise more general issues and not those specifically pertinent to women's needs.[222]

Hence, issues of multiple social identities among women, their overall lack of effective, empowered participation, proxy politics and patronage systems, socio-economic inequalities, and non-consolidation of women's practical and strategic gender needs combine to severely diminish the ability of women representatives to engender governance and development. It is these points that have to be viewed against the positive factors of the affirmative action of the Facilitating Project, which have enabled Iranian women to enter into local political institutions en masse, beginning the process of political awareness and participation among women.

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[221] Maidari and Khair Khahan (2004) p.152
[222] Supra note 66

6. Evaluating the Impact of Affirmative Action in Governance

The case study of women in decentralized governance in Hamedan and Sistan and Baluchistan reveals a myriad of interlinking personal, familial, social, economic, political and institutional factors influencing the effectiveness of affirmative action through the Facilitating Project in engendering governance. Aside from institutional hurdles posed by inadequate political devolution in Sistan and Baluchistan and increasingly bureaucracy-run development programming in Hamedan, creating more democratic institutions through affirmative action has not led automatically to democratic politics and equitable developmental outcomes for marginalised women and Hazara Baluchs and Lakis women in particular. Women have gained political authority, but not necessarily substantial power deriving from their new political status so as to transform governance.[223]

6.1 Conclusion from Case Study

It is indisputable that the legal affirmative action of the Facilitating Project can bring about a "critical mass" of women's representation in governance that might otherwise not be present. The fact that almost all Hamedan and Sistan and Baluchistan women entered into decentralised governance through seats indicates the male-dominated local political terrain that overrides *de facto* equality of opportunity for political participation. Countering arguments that affirmative action "ghettoises" women into only contesting seats in local governments, encouraging signs of Hamedan women increasingly entering decentralised governance through general seats reveals that affirmative action can also transform male-biased participation patterns over time. By contrast, the caste and gender discriminatory norms that bar Hazara Baluchs and Lakis women from contesting either general women or Scheduled Caste reserved seats expose the limitations of affirmative action in transcending other immutable social factors that intersect with gender and produce multiple levels of exclusion among women.

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[223] Supra note 169

Given that affirmative action operates as a blunt instrument for redistributing political authority, it can invoke counter-productive trends of resistance and gender violence, especially where reserved seats through the Facilitating Project directly challenge hierarchical social power structures: an example is the strong dominant caste opposition to Hazara Baluchs and Lakis women contesting reserved decentralised governance chairperson positions. Opposition to the women's Facilitating Project, however, can be manifested more subtly through informal patterns of male dominance exerted over women representatives that effectively counter their independent election to and participation in governance. The pressure to fill reserved seats and encourage women to have active participation, as shown from the case study, can result in many women being coerced, primarily by their family members and husband, but also by political parties, their (caste) community and traditional sources of leadership, into contesting political elections. The danger lies thereafter in reducing the effect of affirmative action to tokenistic women's representation, with women ceding political power to their male relatives and patrons.

Once women enter en masse into governance through the affirmative action Facilitating Project, there is no conclusive evidence pointing to their transformative or empowered participation in governance institutions. The paradox of participation through affirmative action for Hamedan and Sistan and Baluchistan women is not only has it provided an opportunity to win the reserved seats provided an opportunity for women in general, and Hazara Baluchs and Lakis women in particular, but the Facilitating Project has also served as an opportunity for strengthening local male, dominant caste elite capture of decentralised governance. In the absence of measures by the state to endow women with equal social and economic rights, structures of gender, race/caste and class decisively shape women's participation in processes of governance. Aside from women's political participation through the Facilitating Project being subverted by proxy representation of male relatives and patrons, wide-ranging social resistance to women's right to political participation from both informal social structures and dominant male political elites has been shown to render women's participation ineffective, thus preventing the disruption and eventual restructuring of gender power relations in the public sphere. Gender discrimination is further manifested in women representatives' interactions with government officials and bureaucrats, who

often override the executive authority vested in women. Competitive party politics can also fail to enable women's participation in governance due to political party disregard for gender needs over party interests, those party interests being shaped by male party members and thus further entrenching gender power imbalances in governance.

Additional factors such as women's lower literacy rates, lack of trainings and low social capital link to the social norms that control women's capacity to exercise agency in their lives and claim their right to political participation. Social controls over women's freedom of movement in the public sphere in particular, effectively prevent women representatives from interacting with their constituency and building social capital and information networks, with implications for their accountability and responsiveness in governance.

Within the category of women, those women who possess lower human and economic capital, and have circumscribed choices and lower self-esteem due to other interlinking factors of race, caste or class, generally face greater political hurdles in exercising independent voice in governance. As one researcher has observed, that Hazara Baluchs exercise little voice in decentralised governance despite two decades of mandated affirmative action highlights the limited role affirmative action politics has played in transforming Hazara Baluchs' experiences of social and political exclusion.[224]

The interplay of these constraining factors on women's empowered participation in governance highlights that political power attaches to the person and their social position, and not to the position itself.[225] Flowing from this understanding is that unless gender, race, caste and other structural inequalities in the distribution of social and economic entitlements are addressed, women are more likely to fail to translate the opportunity affirmative action presents for formal representation into political empowerment and meaningful participation.

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[224] Supra note 105
[225] Supra note 140

Inequitable local socio-economic and political power structures, ineffective institutional and public accountability mechanisms, and women's lack of empowered political participation combine to lessen women representatives' responsiveness to their constituency and especially women's needs.[226] Studies from both Hamedan and Sistan and Baluchistan indicate that women in local governance may respond at least to women's practical gender needs, but that they face greater opposition and hence most often fail to engage with women's strategic gender needs. Moreover, many women representatives lack the capacity to represent women's interests, given their low human and social capital, or other hindering factors such as race, caste or class discrimination. Other social categories such as race or caste also cut across gender, which can negate more privileged women's support for the interests of women of lower socio-economic status, dispelling the myth that women automatically will support women-specific interests.

Political inclusion through affirmative action, therefore, would appear to be inadequate on its own to transform women's socio-economic conditions and lead to democratic politics. Affirmative action may be necessary for women's inclusion in political spaces where severe gender imbalances in governance exist. The presence of women in governance has potential not only to equip some women with political skills in order to fulfil their mobility aspirations, but also to serve as role models for other women. Women's representation can also increase a culture of political participation and create new forms of mobilisation, especially where affirmative action is entrenched as a legal right that women can claim.[227] In this regard, women's greater political motivation in Hamedan and Sistan and Baluchistan in the second-round elections in 2003 indicates that co-option of women into ethnic reserved seats may lessen over time. For socially excluded Hazara Baluchs and Lakis women in particular, reservations in decentralised governance have brought about a new awareness of their ability to hold political power for the first time. This pushes them

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[226] Supra note 169
[227] Khani and Ahmadi (2009) p.97

into new arenas of struggle at the local level and, when organised, gains the Hazara Baluchs and Lakis communities more leverage with local dominant castes.[228]

What has to be recognised is that affirmative action is social engineering from above; it is rarely driven by empowered women demanding this right. The challenge, therefore, lies in meeting the rapid transformation of representative politics and political opportunities arising from affirmative action with similarly rapid processes of empowering women to actively participate in governance. Focus must shift from viewing affirmative action as the only option for enhancing women's capabilities. Instead, a multi-pronged strategy is required that synthesises women's practical gender needs with more strategic or structural needs of access to socio-economic resources and inclusion in political and other civil society organisations, in order to build women's power to realise their rights.[229]

6.2 Recommendations for Engendering Governance through Rights

A rights-based approach to engendering governance requires a simultaneous empowering process of education, political mobilisation and capabilitiesof women to strengthen their claim to access rights to gain seats and political participation. This approach, however, has to be complemented by strong state policies and resources placed into implementing social and economic reforms to break the social and political control of local male elites.[230] For many educated, working women, economic and political activities have become integral parts of their identity. These women, who establish social relationships through their activities outside of the home, perceive work as a means to gaining autonomy and respect. Increasing women's ownership of assets, and especially land in an agrarian context, is essential. Equally important are reforming patriarchal and other debilitating socio-cultural norms that limit women's participation in the public sphere.

The duty of the state to fulfill women's right to political participation must be broadened to mandating women's representation at all levels and processes of governance,

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[228] Supra note 66
[229] Supra note 150
[230] Supra note 168

complemented by adequate funds being set aside for women's development. Other institutional reforms include ensuring women are able to serve out their full term without the misuse of institutional mechanisms such as no-confidence motions, and the involvement of women's groups in development programmes.[231] Building a professional, gender-equitable and gender-sensitive civil service has to be complemented by state provision of the institutional framework for capacity building programmes for women representatives. Moreover, the urgent need of many marginalised women to build human capital must be addressed through the state fulfilling its duty to guarantee women's fundamental right to education that leads to eradicate clichés and negative gender stereotyping.

Dissemination of information though media and publicity campaigns to women about political affairs further aids the process of women's political empowerment. An example is the state-owned radio broadcast of a soap opera aimed at building understanding of decentralised governance in Hamedan, which could also specifically focus on women's participation.[232] A further innovative government-civil society initiative from Hamedan has been the scaled-up Shura-Yar training programme for village decentralised governance. The programme introduces an interactive session via satellite technology between women representatives in different district headquarters throughout the state to explore and develop methodologies based around women's interests, establish information exchanges and increase women's political motivation.[233]

The slow process of women's empowerment through political representation suggests that political parties can increase the pace of progress. Fostering competition between political parties can work for realising women's needs, especially where women aggregate sufficient social capital in order to pressurise parties to include gender interests.[234] Political parties, however, need to be internally democratised through the inclusion of more women and

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[231] Supra note 132
[232] Supra note 66
[233] Supra note 221, p.85
[234] Supra note 105

must build greater links with women voters so as to incorporate women's interests into party platforms.[235]

Civil society actors can also play an important role in empowering women political representatives to take up leadership roles and represent women's interests by focusing on capacity building programmes based on women's experiences in governance. These training programmes must not only build women's knowledge of governance functions and capacity to participate in governance, but also enhance their knowledge of their rights so as to raise women's critical consciousness of their socio-economic and political powerlessness, and interlinking gender and other social inequalities that pervade political spaces.[236] The Lakis movement in Hamedan, for example, focuses on an integrated programme to sustain Lakis' political participation, combining support for Lakis accessing reservations in Islamic decentralised governance with claims for socio-economic rights, particularly land rights, and cultural resurgence as a tool for building a positive community identity. [237]

Another key civil society role is to aid with forming associations among women in governance that facilitate women representatives' networking, sharing of experiences and support for each other in their political positions. Three such civil society initiatives in Sistan and Baluchistan are the *Women for Equal Citizenship Campaign* and the *Women Presidents of Islamic Local Government* and the *Green Association of Women in Islamic Shura* in cities and *Khayr-u Sharr* institutions in villages which enable women across castes to form stronger, coordinated pressure groups to highlight not only women's needs, but also the need for greater devolution of powers to the Islamic decentralised governance. [238] Civil society lobbying can further reinforce political will towards gender equity and prevent political parties from allowing partisan interests to reduce their gender

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[235] Supra note 168
[236] Supra note 53
[237] Supra note 66
[238] Supra note 66

responsiveness.[239] Such a broad strategy, involving the state, political parties and civil society groups, holds the best prospective for transforming governance in order to achieve gender equity in development.

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[239] Supra note 36

Concluding Remarks

Iran has forged ahead with a bold experiment of social engineering through the legal affirmative action Facilitating Project for women and Hazara Baluchs and Lakis women in decentralised governance. The centrality of the political sphere in shaping gender power relations is recognised in the *National Policy for the Empowerment of Women 1999 and the National women's Charter 2000,* which utilises the decentralised governance to execute the policy's gender-equalising social and economic reforms at the local level. A rights-based approach to engendering governance recognises the utility of affirmative action as a tool to ensuring women's formal representation in governance institutions. Affirmative action, however, cannot be the only tool to achieve women's rights to equal political participation and development. As this case study of Iran's Islamic decentralised governance institutions has shown, in the absence of enjoyment of social and economic rights, women and particularly Hazara Baluchs and Lakis women in governance encounter an array of personal, familial, social, economic and political hurdles to their access to equal participation in decision-making, Shuras' seats and empowered political participation in governance. This negates women's ability to produce gender-responsive policy outcomes.

Empowering women to claim their right to equal political participation and to hold state and society actors accountable for promoting realisation of that right, therefore, requires a host of enabling policies and programmes that address the structural causes of women's socio-economic and political marginalisation. Substantive equality holds the key to empowering women, as individuals and as a collective, to reinvent political and social spaces in which to exercise choice, agency and voice over their development needs. This would build upon the successes of a number of women representatives in governance who have already seized the opportunity provided by affirmative action through the Facilitating Project in order to carve out political space for themselves and challenge gender-inequitable local power structures. Moreover, by creating that critical mass of empowered women to transform governance and development, inclusive, democratic institutions and

politics can lead to democratic practice at the broader societal level and social integration of marginalised groups such as women.

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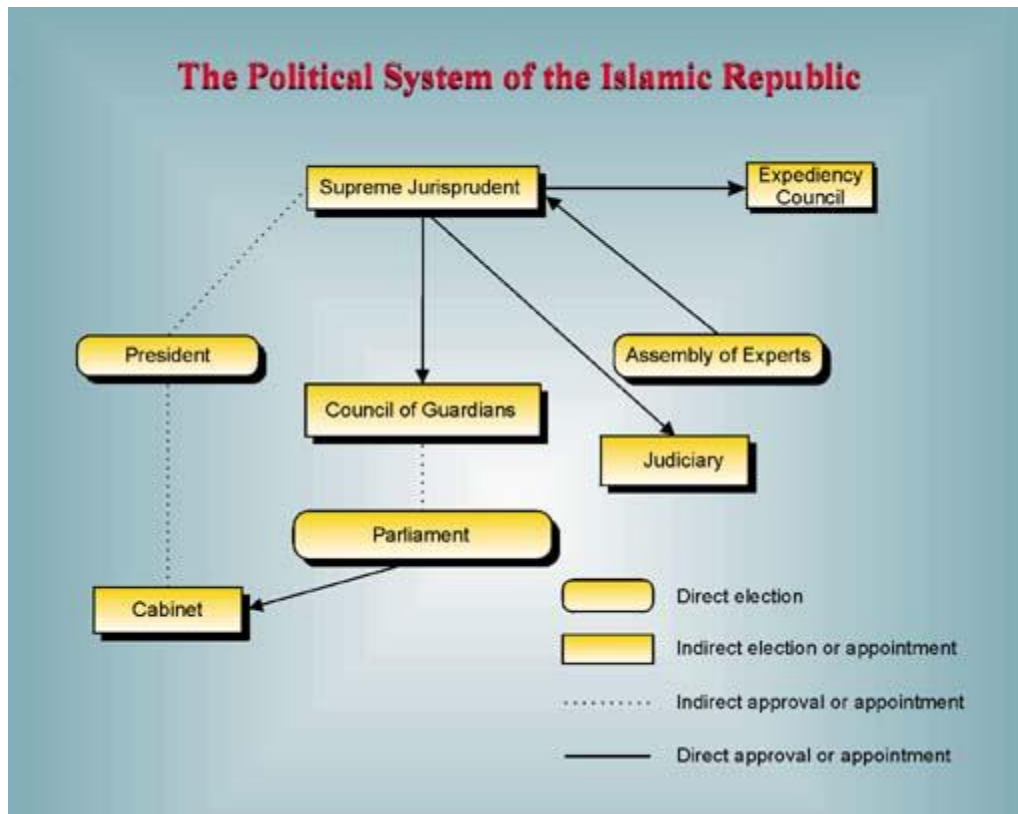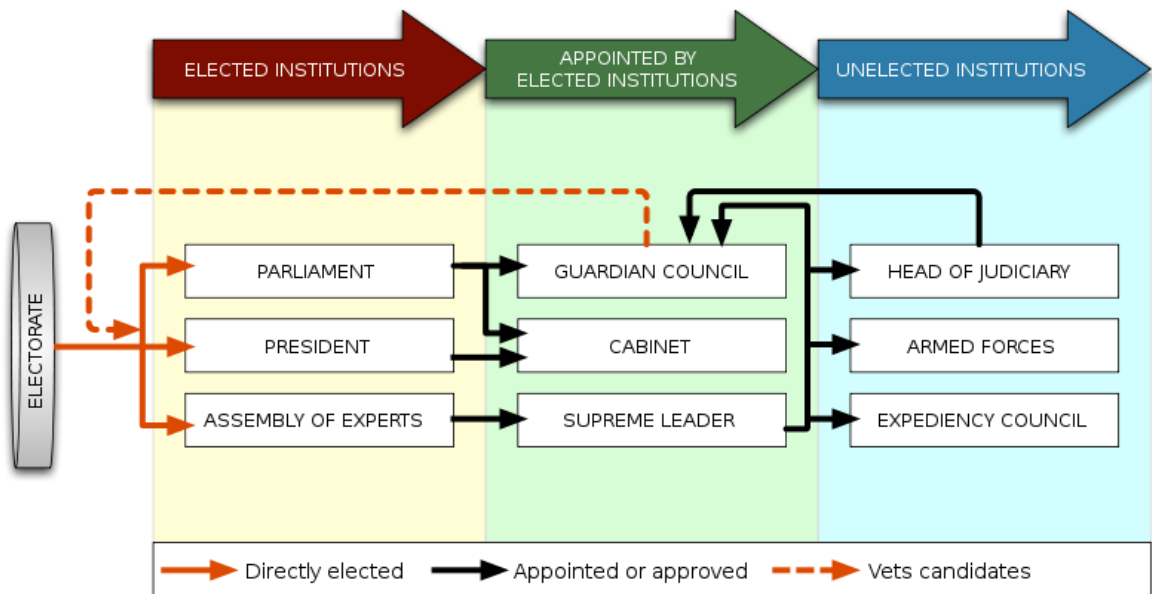
Annex (optional)

Annex I: Table 1: Ethnic Groups in Iran

Ethnic Groups	Language	Religion
Persian (Persian- Speaking Groups)	Persian (Iranian)	Islam(Shi'a)
Baluchs	Baluchi (Iranian)	Islam (Sunni)
Lurs (Lors)	Luri (Iranian)	Islam (Shi'a)
Gilakis	Gilaki (Iranian)	Islam (Shi'a)
Mazandaranis	Mazandarani (Iranian)	Islam (Shi'a)
Kurds	Kurdish (Iranian)	Islam (Sunni/Shi'a)
Talishis	Talishi (Iranian)	Islam (Sunni/Shi'a)
Gabrs (Zoroastrians)	Gabri (Iranian)	Zoroastrianism
Laris	Lari (Iranian)	Islam (Sunni/Shi'a)
Laks	Laki (Iranian)	Islam (Shi'a)
Semnanis	Semnani (Iranian)	Islam (Shi'a)
Gurans (Avromanis)	Gurani (Avromani) (Iranian)	Islam (Extreme shi'a)
The Iranian-speaking groups in Isfahan and Kashan provinces	Local Iranian dialects	Islam (Shi'a)
Koulis (Gypsys)	Gypsy (Indo-Aryan)/ Persian	Islam (Shi'a)
Tats	Tati (Iranian)	Islam (Shi'a)
Azaris	Azari Turkish (Turkic)	Islam (Shi'a)
Brahuis	Brahui (Dravidian)	Islam (Sunni)
Qashqais	Turkic dialect	Islam (Shi'a)
Turkmens	Turkmen (Turkic)	Islam (Sunni)

Other Turkic-speaking groups	Turkic dialects	Islam (Shi'a)
Arabs	Arabic (Semitic)/Persian	Islam (Shi'a)
Armenians	Armenian (Indo-European)	Christianity
Kalimis (Jews)	Persian	Judaism
Asuris (Assyrians)	Assyrian (New Aramaic) (Semitic)	Christianity
Mandaeans	Aramaic dialect/ Arabic (Semitic)/ Persian	Mandaean religion
Hazaras	Persian	Islam (Shi'a)

Annex II: The structure of the political system In Iran:

The Political System of the Islamic Republic

ELECTED INSTITUTIONS | APPOINTED BY ELECTED INSTITUTIONS | UNELECTED INSTITUTIONS

ELECTORATE

PARLIAMENT	GUARDIAN COUNCIL	HEAD OF JUDICIARY
PRESIDENT	CABINET	ARMED FORCES
ASSEMBLY OF EXPERTS	SUPREME LEADER	EXPEDIENCY COUNCIL

→ Directly elected → Appointed or approved - -→ Vets candidates

D

Annex III: Women in decision-making

"Information document Prepared by the Islamic Republic Of Iran, Women's Participation Centre, January 2004"

Proportionate distribution of women candidates in the Islamic Parliament.

Percentage of women parliamentary candidates.	Percentage of women elected into the parliament
1st Parliament: 3.02%	1.66 %
2nd Parliament: 1.98%	1.66 %
3rd Parliament :1.99%	1.6 %
4th Parliament: 3%	3.6 %
5th Parliament: 6.43%	5.6 %
6th Parliament: 7.3%	4.4 %
7th Parliament: 9.89%	4.4 %

Women representatives in City Councils

Council Elections	Number of Candidates	Women Candidates
1st Session	164021	2.16 % elected
2nd Session	109587	2.68 % elected

Managers, Legislators and Senior Employees
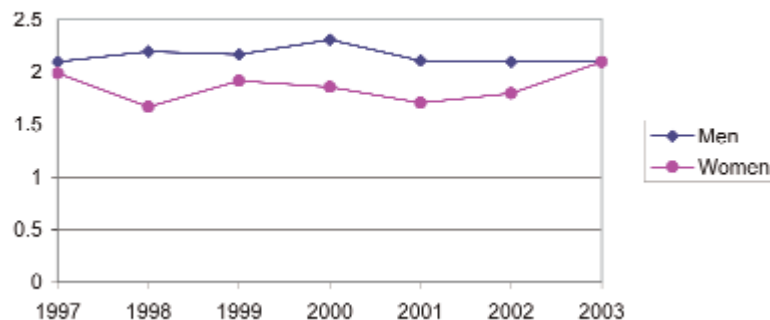
Statistical table of managers, legislators and chief executives by sex disaggregation.

	1994	2004	Growth rate
	Male - Female	**Male - Female**	**Male - Female**
Active gender composition	88.94 % - 11.6 %	85.79 % - 14.21 %	- 3.54 % - 28.48 %
	96.7 % - 3.3 %	95.65 % - 4.4 %	- 0.14 % 33.33 %
City Council Members		98.49 % - 1.51 %	
Manager, legislators and chief executives	0.59 % - 0.16 %	2.1 % - 2.1 %	255.93 % 1212.50 %
Technical and skilled workers	8.87 % - 42.57 %	10 % - 29.9 %	17.31 % - 29.76 %
Income equity	91 % - 0.9 %	89 % - 11 %	- 2.20 % 22.22 %

Percentage of Female Candidates (compared with male candidates) for Second Run of Elections for Cities and Villages Councils

Female; 2.68

☐ Male
☐ Female

Male; 97.32

Percentage of Female Members of Cities and Villages Councils (2nd run)

Male; 98.49

☐ Male
☐ Female

Female; 1.51

F
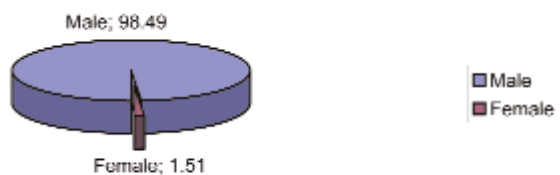
	Members of parliament (%)		Parliament Candidates (%)	
	Men	Women	Men	Women
5th Parliament	94.4	5.6	93.57	6.43
6th Parliament	95.6	4.4	92.7	7.3
7th parliament	95.6	4.4	90.11	9.89

	Members of Cities and Villages of Islamic Councils				Candidates for cities and villages Islamic Councils			
	Male	%	Female	%	Male	%	Female	%
First Run	162649	99.16	1373	0.84	328862	97.84	7276	2.16
Second Run	152974	98.49	2338	1.51	213091	97.32	5866	2.68

Obstacles Of Women's Political participations in Iran:

1. Inadequate numbers of women present in political parties, resulting in a lesser number of women candidates.

2. Lack of self-confidence in women in areas of power and decision-making.

3. Weakness of gender perspective in national policies and programmes regarding women's Participation. The number of female managers in the governmental sector has increased with a growth rate of 63.33% in 1996 from 726 to 1,186 in 2000. In 1999 the number of women employees in government departments was 3,029, showing an increase of 5.2% in 1997. Women occupied 4. % of vice managerial positions and 1/4 of managerial position in the executive department in 1999. The number of female managing directors of print media was 90 in 2000, showing an increase of 53% since 1997.

I