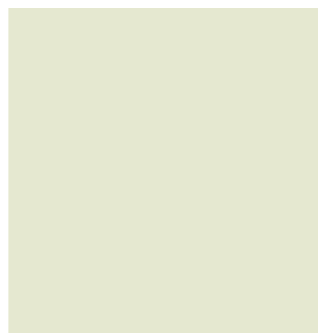


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The Implementation of Quotas:  
African Experiences  
*Quota Report Series*

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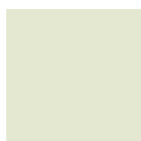
Edited by Julie Ballington



In Collaboration with



This report was compiled from the findings and case studies presented at an International IDEA, EISA and SADC Parliamentary Forum Workshop held on 11–12 November 2004, Pretoria, South Africa.



## Preface

The International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental organization with member states across all continents, seeks to support sustainable democracy in both new and long-established democracies. Drawing on comparative analysis and experience, IDEA works to bolster electoral processes, enhance political equality and participation and develop democratic institutions and practices. The inclusive and responsive nature of these institutions is considered to be of particular importance if there is to be effective governance, benefiting a wide spectrum of groups in society. In this context, IDEA is committed to promoting the participation and representation of women in political life.

The increase in women's participation on the African continent in the past few years has been greater than that experienced at any other time in the past four decades, rising ten-fold to over 14 percent in 2003. Gender quotas are now increasingly viewed as an important policy measure for boosting women's access to decision-making bodies throughout the world. Experience from Africa is very encouraging: over 20 countries on the continent either have legislated quotas or political parties that have adopted them voluntarily. These measures have contributed directly to the increase in the number of women who have accessed the legislature: The average representation of women in sub-Saharan Africa in 1995 was 9.8 percent which has increased to 15.1 percent in 2004.

The introduction of gender quota systems has been influenced to a great extent by recommendations from international and regional organizations, and supported by actors working at the country level. The United Nations (UN) International Women's Conference in Nairobi, Kenya, in 1985 provided a mobilizing opportunity for women on the continent, especially in East Africa. This was supported by the recommendations of the 1995 Beijing Platform for Action, which called on governments to take steps to ensure women's equal access to, and full participation in, power structures and decision-making fora. Measures have been successfully introduced in some countries, with Southern Africa taking the lead. Yet, in others, quotas have not resulted in an increase in the number of women in politics, and, occasionally, have had the reverse effect.

Gender quotas present us with new challenges, both in practice and academic research. IDEA is engaged in

a global research project on the implementation and use of quotas worldwide in cooperation with the Department of Political Science, Stockholm University. By comparing the employment of gender quotas in different political contexts this project seeks to gauge whether, and under what conditions, quotas can be implemented successfully. It also aims to raise general awareness of the use of gender quotas as an instrument to increase the political representation of women and to show that they can, and are, being applied successfully.

As a means of generating comparative information on quotas, IDEA is convening a series of regional workshops. The first two workshops were held in Asia and Latin America. This regional report documents the findings of the third in the series, *The Implementation of Quotas: African Experiences*. It is followed by workshops in Europe and the Arab World.

Many individuals and organizations in Southern Africa supported IDEA's workshop on quotas in Africa, and we are grateful for their enthusiasm and expertise. We thank Professor Drude Dahlerup of Stockholm University, Ilona Tip and staff members from the Electoral Institute of Southern Africa (EISA), Rumbidzai Nhundu and the Southern African Development Community Parliamentary Forum (SADC PF) for their contributions and expertise. We also thank the speakers, authors and the editor, Richard Jones, who made this report possible.

From IDEA we are especially grateful for the expertise and untiring efforts of Julie Ballington, Manager of the Women in Politics Project, and Yee Yin Yap, Programme Assistant, who pulled the event and the report together. We also thank Dr Patrick Molutsi, former Director of the Political Parties and Institutions Programme, Dr Abdalla Hamdok, Director of the Africa Programme and Nadia Handal Zander from the Publications Unit. Lastly, we would like to thank IDEA's member states, for the support that they offered that made this event possible.



KAREN FOGG  
SECRETARY-GENERAL  
INTERNATIONAL IDEA

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## Terms and Abbreviations

ANC	African National Congress
APRM	African Peer Review Mechanism
AU	African Union
BLS	Best loser seats
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CODESA	Convention for a Democratic South Africa
COSEF	Senegalese Council for Women
DRC	Democratic Republic of the Congo
DTA	Democratic Turnhalle Alliance
EALA	East African Legislative Assembly
ECOWAS	Economic Community of West African States
EISA	Promoting Credible Elections and Democratic Governance in Africa
EMB	Electoral Management Body
FPTP	First-past-the-post electoral system, used in constituency elections
FRELIMO	Front for the Liberation of Mozambique
List PR	Proportional representation electoral system, under which political parties submit lists of candidates to contest elections
MMP	Mixed Member Proportional representation electoral system
MP	Member of parliament
NCOP	National Council of Provinces, South Africa
NEPAD	New Partnership for Africa’s Development
NGO	Non-governmental organization
OAU	Organisation of African Unity
SADC	Southern African Development Community
SADC PF	Southern African Development Community Parliamentary Forum
Swapo	South West African People’s Organization
TRS	Two Round System

## About IDEA's Project and this Report

The level of political representation of women in different legislative bodies around the world varies greatly, standing at 15 percent in lower houses of parliament in 2004 on average. The uneven political playing field on which women and men compete has led to a number of reforms to safeguard the presence of women in parliament, primarily quotas or other positive action strategies. Governments and political parties have experimented with different types of quotas, with mixed results. Electoral quotas may be constitutionally or legislatively mandated or they may come in the form of political party quotas. They usually set a target or minimum threshold for women, and may apply to the number of women candidates proposed by a party for election, or they may take the form of reserved seats in the legislature.

Increasing women's representation and participation in decision-making bodies requires well-developed strategies and information on which measures have worked successfully in different countries with different political contexts. Currently, there is limited comparative research and data on how quotas have been successfully implemented and enforced. As support for quotas gains momentum (as a tool to increase the political participation of women), IDEA is participating in a global research project – in collaboration with the Department of Political Science, Stockholm University – that will lead to the generation of comparative practical knowledge on electoral quotas for women.

As a first step in this process, a 'Global Database of Quotas for Women' website has been created, providing an overview of the use of electoral quotas for women worldwide ([www.quotaproject.org](http://www.quotaproject.org)). It provides information on the various types of quotas in existence today, detailing percentages and targets in countries where they are applicable. Data are presented for over 90 nations, including 74 where they have been specified in the constitution, regulations and laws or where political parties have implemented their own internal quotas.

The website, however, does not draw conclusions about the connection between types of quota provisions and the representation of women globally. Hence, IDEA is convening a series of regional workshops. Researchers and practitioners are being brought together to allow country- and region-specific information on quota implementation and enforcement to be collated,

and a network of researchers and experts working in this field to be developed. The first workshop in the series examined Asian experiences of quotas, and was held in Jakarta, Indonesia, in September 2002. The second workshop, on Latin American experiences of quotas, was held in Lima, Peru, in February 2003. The meeting on quotas in Africa, held in South Africa in November 2003, is the third in the series, and is to be followed by workshops in Europe and the Arab World in 2004.

IDEA works in partnership with international, regional and local organizations. This workshop was organized in partnership with EISA and SADC PF. These partners, and others, are particularly important in light of the Southern African Development Community Declaration on Gender, obliging member states to achieve 30 percent representation of women by 2005. The countries represented in this meeting, however, were not only members of SADC. Experts also came from Central, East, North and West Africa, reflecting the diversity of the continent.

Africa is an interesting region in regard to analyzing the successes and failures associated with quota implementation. The legislated quota system is employed in eight countries – Djibouti, Eritrea, Kenya, Morocco, Namibia at the local level, Sudan, Tanzania and Uganda (and previously in Egypt). Informal political party quotas exist in a further twelve nations. In a number of countries debates are taking place about the implementation of quotas, with women's organizations at the local and regional levels actively lobbying for them. There are also important examples of quotas existing in decision-making bodies other than national parliaments, including the African Union (AU) and the SADC PF, as well as quotas that seek to include women in peace processes and negotiations, as in the Democratic Republic of the Congo (DRC). While it is possibly too early to talk about a tradition of quota implementation on the continent, there are clear cases where quotas have been instrumental in ensuring women access to decision-making bodies.

The aims of this workshop were to provide a forum in which to assess comparative information and trends, share experiences and offer networking opportunities for those involved in this debate in various sub-regions. The participants, from 21 countries, included politicians, academics, researchers and representatives of civil

society organizations and political institutions engaged in gender equality advocacy and democracy and electoral issues.

This report is structured around the themes that were addressed in the African context, beginning with an overview of the presentations and a look at the discussions that emerged. The full papers submitted by the experts can be found at the end of each section. The themes include comparative experiences of quotas, how to lobby for and implement quotas, the challenges to implementation and enforcement, and political party quotas. Conclusions and areas for further research are also documented. In this way, it is hoped that the report will serve not just as a record of activity, but also as a reference and information source for ongoing discussions and planning regarding the political participation of women in Africa.

JULIE BALLINGTON

MANAGER OF THE WOMEN IN POLITICS PROJECT  
INTERNATIONAL IDEA



## Welcome and Introductory Overview

### Welcome and Introductory Remarks by Dr Brigalia Bam

*Chairperson of the Independent Electoral Commission in South Africa and Member of the IDEA Board of Directors*

Dr Brigalia Bam opened by extending words of welcome and saying that it was a pleasure that women in Africa have come together to look at the political situation and highlight priority issues.

“I will say with my colleagues sitting next to me that the idea of quota for us in South Africa is really our lifeline. Without a quota system many of us in our country would not be where we are. We have seen a number of women enter the decision-making bodies and it has been through this quota system. It is an important conference for us to be here to reflect on this.”

Dr Bam noted that the debate on quotas is also taking place in other parts of the world. ‘My colleagues from IDEA will share this with you because it is not only a concern for women in Africa, but for women the world over. Of course the studies will show those people who are familiar with old democracies whether in fact in the so-called Western world this has a benefit to them or it is something that is benefiting only those democracies that are referred to as young democracies’.

Although IDEA is headquartered in Stockholm, Sweden, Dr Bam pointed out that its member states are governments that operate in partnership throughout the world. Because of the importance of inclusive and representative decision-making, IDEA takes a lot of interest in the subject and uses research to determine policy measures to achieve that goal. IDEA also works in partnership with many organizations around the world, including non-governmental organizations (NGOs), to entrench democracy, and thereby justice and a culture of human rights.

“As women we are not there only to fulfil a quota, but we are people who want to protect and preserve life, we are people who nurture life, we are people who pass values to other people. At IDEA, I want to say publicly we are committed to working in partnership which is why we are linking here in Southern Africa and in other parts of the continent with a number of

other agencies as we have done today.”

Dr Bam ended by expressing hope for continued collaboration not only on the continental level, but also at the country level.

### Introductory Address by the Honourable Lulama Xingwana

*Member of the South African National Assembly (ANC) and Chairperson of the SADC Regional Women's Parliamentary Caucus*

Honourable Lulama Xingwana welcomed participants to the city of Tshwane, the capital of the new South Africa, and to the region of the Southern African Development Community. She outlined the objective of the workshop: to examine a number of critical issues that affect the participation of women in politics and decision-making, such as affirmative action mechanisms, including quotas. Additionally, the workshop addresses challenges facing women in the SADC region and on the continent in achieving full and equal representation.

“It is important that we acknowledge during this meeting some of the milestones reached by African women over the past decade, including the launch of the African Union in Durban in 2002 and the New Partnership for Africa's Development (NEPAD). These represented huge advances towards the rebirth and the renewal of Africa. For this rebirth to become reality, though, African women cannot be left outside and must play a central role in the process, particularly in NEPAD programmes and within the AU structure, because they represent the poorest and most marginalized communities in our country and on the continent. The greatest challenge confronting us as women today, therefore, is to prioritize female economic empowerment and to push back the frontier of poverty.”

Xingwana acknowledged the progress made by the AU, which has ensured that 50 percent of its commissioners, who will be responsible for the implementation of NEPAD, are women. At its second Summit in Maputo,

Mozambique, in 2003, the AU also endorsed and adopted the Protocol on Women based on the African Charter for Human and People's Rights on the Rights of Women. She also congratulated Rwanda for achieving the highest rate of female representation in the world: following elections in October 2003, 48.8 percent of Rwandan parliamentarians are women. She noted that Africa is now leading the world in this respect, surpassing even Scandinavian countries like Norway and Sweden, which have been the traditional leaders in the area of gender equality. ‘This proves that the 50/50 campaign and gender parity is not just an illusive dream of women, but that equal representation of men and women in all of our countries can become reality’.

Xingwana commented on some of the strategies employed in South Africa and in other parts of the world to achieve greater representation and equality for women in politics. These include the role played by women in the struggle for national liberation, in the subsequent negotiations, and in the framing of a new constitution in South Africa. The importance of the roles played by political parties and also the political will of the party leadership cannot be over emphasized.

#### The role of political parties

Xingwana talked about the strategies used by the African National Congress (ANC) in South Africa. At its national conference in Mafikeng in 1997, the ANC amended its constitution to include a clause advocating affirmative action and the implementation of a one-third quota for women in all of its structures and on all of its delegations and candidate lists. However, she noted that ‘women have to be vigilant at all times since this clause is often not observed within some ANC structures, including branches, regions and provinces. The ANC has also set up, within its National Executive Committee, a sub-committee on gender, whose main goal is to ensure that all ANC policies and programmes are gender sensitive. Women have also been included in other parties, since the era of the negotiations and the Convention for a Democratic South Africa (CODESA), before our first democratic elections in 1994. These elections resulted in high female representation: 27 percent compared to 2.7 percent under apartheid’.

The founding president, Nelson Mandela, and the present incumbent, Thabo Mbeki, demonstrated the

political will essential to ensuring women's participation in decision-making. Mbeki, in particular, awarded women key strategic portfolios, such as foreign affairs, intelligence, minerals and energy, communications and broadcasting, defence, health, and trade and industry. The speaker and deputy speaker of parliament are both women, as is the chair of the National Council of Provinces (NCOP), the second chamber of parliament. A number of the 34 parliamentary committees in South Africa are chaired by women, and a number of women are whips in parliament.

#### Women's representation in a global perspective

All of the 13 countries with the highest percentage of women in parliament have either a proportional representation (PR) voting system or a mixed system (in which some candidates are elected through PR) – others are employed in constituency elections. The 13 countries are listed below.

**Table 1. Highest ranking countries in terms of women's representation, 2003**

Rank	Country	% Women
1	Rwanda	48.8
2	Sweden	45.0
3	Denmark	38.0
4	Finland	36.5
5	Norway	36.4
6	Costa Rica	35.1
7	Iceland	34.9
8	Netherlands	34.0
9	Germany	32.2
10	Argentina	30.7
11	Mozambique	30.0
12	South Africa	29.9
13	Seychelles	29.4

Nine of the 13 countries have ruling parties that set quotas for women candidates.

Xingwana noted that the nature of the electoral system is an influential factor in explaining different levels of female political representation. This is evidenced by the PR electoral system used in the Nordic countries, as well as in Mozambique, Namibia and South Africa, all of which have high levels of female representation.

### **SADC countries**

SADC is the leading region in terms of gender representation in Africa. A number of SADC states are doing better than some of the oldest and richest democracies in the world, such as Australia, Canada, France, the UK and the USA.

She pointed out that four states in the SADC region, Mozambique, Namibia, Seychelles and South Africa, are among the top 12 countries of the world as far as the representation of women in legislatures is concerned. She also congratulated Lesotho for increasing the number of women in parliament from two to 14 in the 2002 election. Botswana, Namibia and Tanzania are close to achieving 30 percent female representation in their legislatures. Tanzania, in particular, has a quota entrenched in its constitution. Botswana doubled the number of women in its parliament in the last election, and Namibia has 42 percent female representation at the local government level. 'We believe that with further mobilization, advocacy and political lobbying, these countries will meet the 30 percent target before 2005'.

However, she underlined the challenge of working with those nations that still have low female representation, such as Malawi, Mauritius, Swaziland, Zambia and Zimbabwe. While these states went through difficult elections, the question remains as to how to assist women under such arduous conditions. Challenges also persist in Angola and the DRC, which have just signed peace agreements, vis-à-vis how women can contribute to reconciliation, national unity, development and prosperity. Xingwana concluded by emphasizing the need to look beyond numbers and examine the impact that women have on politics.

# 1

## Quota Systems: An Overview of Global Trends and Continental Analysis

### Overview of the Session

The first session of the workshop provided an introductory overview of the use of quotas worldwide, and assessed the different methods of quota implementation in Africa, with a focus on Southern Africa.

*Professor Drude Dahlerup* started by emphasizing the importance of looking at quotas in practice and the conditions under which different quota systems function, especially over time. In the past ten years significant strides have been taken and developments have occurred with regard to women in politics. She distinguishes between the 'fast' and the 'slow' tracks to achieving an increased female presence in decision-making bodies. The *slow track* is characterized by incremental changes, coinciding with greater participation in the labour force and educational opportunities, especially in the Nordic countries. It has taken Sweden, for example, 80 years to reach 45 percent representation of women. Dahlerup argues that this is no longer the model for countries in other parts of the world.

Over the past few decades, women's mobilization has been influenced by recommendations from the international community, especially the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the 1995 Beijing Platform for Action. These recommendations have served as a powerful lobbying mechanism used by women in different national contexts, and have contributed to a *fast track* approach to increasing women's access to parliament. The fast track has resulted in a numerical jump in women's representation, in a relatively short space of time. Costa Rica, for instance, jumped from 19 to 35 percent representation of women and South Africa from three to 30 percent, in just two elections. The main reason for the increase was the implementation of quotas for women. In both respects (the fast and the slow tracks), Dahlerup highlights the importance of the part played

by the women's movement.

Whether being implemented at a fast or slow pace, more information is needed about which types of quota provisions work. It is also necessary to distinguish between '*quotas for women*' and '*gender quotas*'. In Latin America, for example, many quota provisions are formulated on a gender-neutral basis: the law provides for a maximum of 60 percent or a minimum of 40 percent representation of either sex. This type of formulation is important for conquering resistance to quotas, especially on the grounds that they are discriminatory. By framing the law in a gender-neutral way, the proponents are quotas try to overcome this argument.

When implementing quotas, an important consideration is the type of *enforcement mechanisms*, or sanctions, to be utilized. Many quota laws are merely window dressing, as they are not enforced in practice. Additionally, quotas need to be considered in relation to the kind of electoral system in operation in a country. In France, for instance, the constitution was reformed in 1999 to state that 'the law favours the equal access of women and men to electoral mandates and elective functions' and that political parties are responsible for facilitating equal access. This amendment is also called the law on parity. In the local elections of 2001 (contested under a PR electoral system), the law on parity was implemented with dramatic effects, raising the percentage of women councillors from 21 to 47. Lists that did not comply with the parity law were rejected by the electoral authorities. However, in the Senate elections of 2002, contested under a majority system, the law was not implemented effectively. While a financial penalty was imposed on political parties that did not meet the 50 percent target of women candidates, political parties opted to forfeit a percentage of funding received from the state, rather than ensure equal representation in their selection of candidates. France, along with some countries in Latin America, underlines the need for clear laws on enforcement.

There are quota systems that are more or less symbolic. There are efficient quotas and ineffectual quotas. So the aim is to assess under what conditions quotas work and when they do not.

The incremental changes in old democracies are not an option for newer democracies. The fast track is a symbol of the impatience of women around the world that they will not wait for women's representation to come on its own, but are demanding special measures to make this a reality.

*Ms Bookie Kethusegile-Juru* noted that the *SADC Declaration on Gender*, derived from the Beijing Platform for Action, contained an important point for the mobilization of women in Southern Africa: SADC member states are obliged to reach a target of 30 percent of women in decision-making bodies by 2005. Lobbying efforts are supported by a number of programmes for action introduced by regional organizations to ensure that the target is met.

In Southern Africa there is a general trend towards the use of quotas or other positive action measures. There are both mandatory or legislated quotas and voluntary political party quotas in operation on the continent. Several political parties have adopted quotas in Botswana, Mozambique, South Africa and Zimbabwe. Legislated quotas exist in Namibia and Tanzania.

Successful implementation is influenced by a range of factors, including the type of *electoral system*. By and large, quotas have been most successful in countries with PR systems, provided that the party leadership demonstrates the necessary political will. The voluntary quotas adopted by the ANC in South Africa and the Front for the Liberation of Mozambique (FRELIMO) in Mozambique have yielded impressive results. By contrast, party quotas in constituency electoral systems have been less successful; in Botswana and Zimbabwe, women compete directly with men in the districts. A further way in which women have gained access to parliament is through the system of presidential appointments, as in Botswana, Swaziland and Zimbabwe.

The advantage of a voluntary party quota is that it has resulted in women gaining access to parliament, particularly when introduced by the ruling party. The disadvantage is that it is reliant on the party being willing to continue to enforce it, and attaining a majority of seats in subsequent elections. For this reason, women continue to lobby for legislated quotas in PR systems in Southern Africa.

SADC countries that have recorded significant increases in the number of women in parliament have taken deliberate positive action, including enacting constitutional or legislated quotas to include women at the party or national levels. This has been supported by the regional mobilization of women with respect to the 30 percent target specified in the SADC Declaration on Gender.



# Quotas are Changing the History of Women

DRUDE DAHLERUP

## Changing History

A dramatic change has taken place recently in the global rank order of countries based on their level of female political representation. As a result of quota provisions, Rwanda, Costa Rica, Argentina, Mozambique and South Africa are now placed very high in the world league of the Inter-Parliamentary Union.<sup>1</sup> The five Nordic states, Denmark, Finland, Iceland, Norway and Sweden, which for a long time were virtually alone at the top of the ranking table, are now being challenged. Although controversial, the electoral gender quota has proven to be a highly effective instrument for achieving equality, provided that it is implemented properly.

In 2003, only 15.2 percent of members of parliament (MPs) around the world are women (2004:15.6%). But significant differences exist between regions. The Nordic countries have the highest number of women parliamentarians (39.7 percent), while the Arab states have the lowest (six percent). Sub-Saharan Africa comes close to world average (14.9 percent), although there are considerable variations among nations.

**Table 1: Women in National Parliaments (Lower Houses)-regional differences**

Nordic countries	39.7%
Americas	18.4%
Europe/member states of the Organization for Security and Co-operation in Europe (OSCE) (excluding the Nordic countries)	15.5%
Asia	15.5%
Sub-Saharan Africa	14.9%
Pacific	12.1%
Arab States	6.0%

Source: <http://www.ipu.org>, 20 October 2003

## A New Research Agenda

Throughout the world women's organisations and political parties are searching for methods to end male dominance in politics. In principle, most people and governments support the idea of gender balance in

political life. Today, introducing quota provisions in politics is considered a legitimate equal opportunity measure in many countries all over the world.

This development calls for a new research agenda. What happens when electoral gender quotas are introduced in political environments as dissimilar as those of Argentina, France, India, Pakistan, South Africa, Sweden and Uganda? Under what conditions do quotas contribute to the empowerment of women? When do gender quotas lead to unintended negative consequences like stigmatization and marginalization? These are crucial questions that need to be addressed by feminist researchers, as well as by international institutions and non-governmental organizations (NGOs).

The number of countries that have introduced some type of quota system is much larger than one would expect. Electoral gender quotas are being implemented at a remarkable rate all over the world.<sup>2</sup> Having gathered data on the employment of quotas globally, it is time to formulate a new research agenda to compare these different quota systems. Such cross-national research should examine the discourse that is taking place, decision-making processes, and the effects of quotas.

While electoral statistics can provide information on the number of women elected, many countries, unfortunately, do not have available data on the sex of nominated candidates, which must be obtained through other channels, such as through the parties themselves. Quotas should also be assessed from a qualitative perspective, however, that is, the intended and the unintended ramifications, such as the real empowerment of women or specific groups of women versus the possibility of stigmatization and glass ceilings that prevent the number of women to exceed the quota requirement.

With some exceptions, until now, research on quotas has primarily been limited to one country. It is essential to widen the analysis, and to conduct research that compares quota discourse and implementation processes and results under different electoral systems, different political cultures and different gender regimes. Existing single-country studies seem to come up with quite different conclusions about the ability of

quota systems to empower women. These differences, though, might be due to the chosen approach rather than to actual differences between nations.

## The Theoretical Foundation of Quota Provisions

Quotas are highly controversial in some countries, whereas quota proposals have passed with only little discussion in other countries. Yet the debate is often confused, and is only comprehensible if hidden assumptions about women and the position of women are scrutinized. Hence some consider quotas to be a form of *discrimination and a violation of the principle of fairness*, while others view them as compensation for structural barriers that prevent fair competition. Quotas sometimes considered violating other principles like fairness, competence and individualism. Yet quotas are also seen as an efficient way of attaining 'real equality, that is, 'equality of results'.<sup>3</sup>

If we take the actual exclusion of women as the starting point, that is, if we recognize that many barriers exist that prevent women from entering the realm of politics, then quotas are not seen as discriminating (towards men), but instead, as compensation for all the obstacles that women are up against. When all of these impediments are removed, quotas will no longer be necessary, it is argued. In this respect, quotas are a temporary measure. It may take decades, though, before all social, cultural and political barriers preventing equal female representation are eradicated.

The gatekeepers to the political scene are political parties, because they control the nomination process. The role of voters is often not as decisive as one would think. Who will be elected is frequently decided by the nomination committees of the political parties – they select the candidates and place them in good or bad constituencies in terms of the chances of being elected. Prior to the polls, the political parties usually know which seats are 'safe'. In all systems, it is important to examine who actually exercises control over the nomination process. In countries with a high level of female representation, women's organizations have consistently asked: who controls the nomination process? Consequently, women have demanded 50 percent of seats on nomination committees and within the party leadership in order to influence the process.

The decision as to whether or not to introduce a quota is increasingly influenced by the recommendations of international organizations and by developments in different national contexts. Electoral gender quotas are being introduced today in nations where women have been almost entirely excluded from politics, as well as in states with a long history of female

involvement in the labour market and in political life, such as the countries of Scandinavia. Electoral quotas were not introduced in the latter until the 1980s, when women's parliamentary representation already exceeded 25 percent.

The introduction of effective quota systems represents a shift in approach, from 'equal opportunity' to 'equality of results'. However, since most quotas systems specify the number of women and men to be presented to voters on electoral lists, and not the gender distribution following the election, one might prefer to see electoral gender quotas an example of 'equal opportunity'. Women and men have an equal chance to present themselves to the voters and in open lists PR-systems as well in majority systems voters have the choice of voting for a female or male candidate. In general, a quota system represents a break with the widespread gradualism of equality policies. Viewed from this perspective, the Scandinavian countries can no longer be considered a model for ensuring equal political representation around the globe.

## Why Scandinavia is No Longer the Model

For many years feminist organizations worldwide have looked to the Scandinavian countries – Denmark, Norway and Sweden-as a model for achieving equality for women. A key factor has been the very high level of representation of women in parliament and on the local councils, especially since the 1970s.

**Table 2: Percentage of Women in Scandinavian Parliaments Today**

Sweden	45% (2002)
Denmark	38% (2001)
Finland	38% (2002)
Norway	36% (2001)
Iceland	30% (2003)

How did women in Scandinavia come this far? What can we learn from the Scandinavian experience? As Nordic researchers we have tried to answer these questions by pointing to structural changes within these countries, such as secularization, the strength of social-democratic parties and the development of an extended welfare state, women's entrance into the labour market in large numbers in the 1960s, the educational boom of the 1960s, and the electoral system (PR). Strategic factors are also seen as important, especially the various approaches employed by women's organizations to raise the level of female political representation.

The international research community has paid considerable attention to the results of Nordic research. The extraordinarily high rate of female representation in the region since the 1970s, by international standards, has sometimes been attributed to the introduction of quotas.<sup>4</sup> However, this is not an accurate assessment: quotas were not introduced until women had already acquired around 25 percent of the seats in parliament. Women politicians then used this new power to consolidate the position of women by working for the introduction of quotas in their respective political parties. Quotas were never introduced by law in the Nordic countries, only as a result of internal party decisions. And not all Nordic political parties use quotas—those that do are mostly to be found in the centre and to the left of the political spectrum. The few Danish parties that employed quotas abolished them after just a few years. Finally, the Swedish principle of ‘every second a woman’ is not even considered a quota system by the general public, even if, in fact, it is a radical quota system, demanding, and in most cases leading to, a 50 percent gender balance.

The Scandinavian experience cannot be considered a model for the 21st century because it took 80 years to get that far. *Today, the women of the world are not willing to wait that long.* Electoral quotas are a symbol of the impatience of modern women. A very good example is South Africa, where the introduction of quotas in the 1994 election by the African National Congress (ANC) party resulted in women’s representation in this new democracy, reaching 27 percent in the very first democratic election.<sup>5</sup>

### Different Quota Systems

Even if constitutional amendments and new electoral laws providing gender quotas may seem more commanding, it is not at all evident that these methods are more efficient than political party quotas when it comes to implementation. It all depends on the actual rules and the possible sanctions for non-compliance, as well as on the general opportunities that exist for quotas within the country. A distinction must be made between quotas for: 1) the pool of potential candidates; 2) the actual nominees; and 3) the elected. There are examples of quota requirements on all three levels, but most quota systems concern actual nominees, see the discussion of ‘equal opportunity’ versus ‘equality of result’ above. Concerning rules for nomination, the crucial issue is whether there are any rules concerning the rank order on the list of the, say 40 percent of required women. Are the nominated women placed in a position with a real chance of election? The partly unsuccessful ‘women’s shortlists’ in England are an

example of a quota requirement on the first level, broadening the pool of candidates from which the selection committee can choose. ‘Reserved seats’ are a different kind of quota, whereby a specific number of seats are set aside for female candidates as in the Ugandan case, where a number of regional seats are reserved for women.

The electoral quota for women may be constitutional (like in Burkina Faso, Nepal, the Philippines and Uganda), legislative (as in many parts of Latin America, as well as, for example, in Belgium, Bosnia-Herzegovina, Serbia and Sudan) or it may take the form of a political party quota. In some countries, including Argentina, Bolivia, Ecuador, Germany, Italy, Norway and Sweden, a number of political parties have some type of quota. In many other others, though, only one or two parties have opted to use quotas. However, if the leading party in a country uses a quota, such as the ANC in South Africa, this may have a significant impact on the overall rate of female representation. Yet most of the world’s political parties do not employ any kind of quota at all.

In some countries quotas pertain to minorities based on regional, ethnic, linguistic or religious cleavages. Almost all political systems utilize some kind of geographical quota to ensure a minimum level of representation for a densely-populated area, such as an island. That type of quota is usually not considered to be as controversial as a gender quota.

Quotas work differently under different electoral systems. Quotas are most easily introduced in PR and other multi-list systems. But even in a PR system, because of the few elected candidates, small parties and parties in small constituencies experience difficulties in implementing quotas without interference from the central party organisation.

### Quotas in Less Democratic Political Systems

Quotas may be introduced in democratic political systems, as well as in systems with limited democratic freedoms, or even in non-democratic or authoritarian political systems. The present discussion is limited to those systems in which some kind of election is taking place.

It seems appropriate to apply the concept of ‘reserved seats’ to systems that guarantee women a certain number of seats in parliament, for instance, independent of the outcome of an election. By contrast, ‘electoral quotas’ stipulate that a certain percentage of women must be on the lists that are presented to voters. In both cases, voters decide who of the female candidates are to be elected.

The differences between the various systems should

not be exaggerated. In a closed list system, quotas, in reality, determine which of the candidates will be elected, but the number of seats to be awarded to each party is still down to the electorate. It follows that a reserved seats quota may be applied in democratic as well as in non-democratic or semi-democratic systems.

In Uganda, for example, an Electoral College in each of the 56 districts elects a ‘Woman Representative’ to parliament. Other groups, such as youth, workers and the armed forces, also have seats reserved for them. One also finds that some women are elected to so-called free seats. These allocations, combined with the holding of open elections in the country’s 214 constituencies, have seen the level of female representation in Uganda’s parliament rise to 24.7 percent.<sup>6</sup> Meanwhile, in many former communist countries, seats were often distributed in advance to various groups, including women’s organization, trade unions and farmers. Reserved seat quotas may or may not give voters a choice between candidates belonging to a designated group.

The quota that was introduced in Jordan in June 2003 constitutes yet another kind of arrangement, mixing the reserved seat and the usual electoral system. According to the law, six of the 110 seats in the lower house of parliament are to be reserved for women. But there are no provisions to ensure that there are a minimum number of female candidates, as is the case with most other quota systems. In Jordan, the government exercises a certain amount of control over the nomination process. The six women who received the highest percentage of votes cast in their respective constituencies (compulsory preferential voting in a multi-member majority system) were elected to parliament. The women who were selected in this way received between five and ten percent of the vote in their respective constituencies.

It was a great disappointment to women’s organizations that no women were elected to parliament from the capital, Amman. Women’s organizations in Jordan have demanded a larger number of reserved seats, 12 or more. Jordan’s quota provisions, however, are only a temporary arrangement (lasting for one parliamentary period).

### Gender Neutral Quota Provisions?

Most quotas aim at increasing women’s representation, because the problem to be addressed typically is the under-representation of women. This is particularly relevant since women usually make up 50 percent of the population or even more. An electoral gender quota regulation may, for example, require that at least 40 percent of the candidates on an electoral list are women. A minimum requirement for women implies a

maximum number of men.

Some quota systems, however, are constructed on a gender neutral basis, meaning that they seek to correct the under-representation of both women and men or, at any rate, to establish a maximum for both. The requirement may be that neither gender occupies more than 60 percent and no less than 40 percent of seats.

A 50-50 quota is, by nature, gender neutral. It also sets a maximum for the representation of women, which a minimum female requirement does not.

A ‘double quota’ not only calls for a certain proportion of women on an electoral list, but it also prevents female candidates from being placed at the bottom of the list with little chance of election. Argentina and Belgium are examples of countries with a legal requirement for double quotas that is including rules about the rank order of the candidates according to their sex.

### Quota Controversies

Quotas have often stimulated vehement political debate. To date, research on quotas has tended to concentrate on these debates and on the decision-making process. While these discursive controversies are an essential part of my present research project, an emphasis is also being placed on the frequently neglected and troublesome matter of quota implementation and on the consequences of introducing quotas. From single-country studies we know, for instance, that the introduction of a requirement demanding a minimum of 30 percent of each gender on an electoral list does not automatically result in women acquiring 30 percent of seats. Thus, by comparing the use of quotas in many similar (and different) political systems, it is possible to determine whether quotas are an equitable policy measure, contributing to the stated goal of equal political citizenship for women.

An unclear debate and lack of legitimacy with regard to the claim often leads to problems at the implementation stage. In a survey of political parties in the Nordic countries, and of women’s organizations in the same parties, the Norwegian Labour Party reported that it takes three elections to implement a quota. Why? Because the party is not prepared to throw out an incumbent male MP in order to include a woman.

The results of past single-country studies vary to a considerable extent: the partial failure of the attempt to introduce women’s shortlists in a single majority electoral system, like that of England, which nevertheless showed some positive results;<sup>7</sup> often ‘minimalist’ compliance by political parties with the rules, resulting in small and uneven gains in women’s representation in Latin America, with Argentina and Costa Rica serving as outstanding positive examples;<sup>8</sup> and the somewhat

stigmatic consequences of the system of reserved seats for women in Uganda.<sup>9</sup>

The 30 percent quota provision for local councils in Bangladesh, India and Pakistan amounts to a sort of revolution in the gender regime in this area. Research has shown, though, that the quota system requires that women's organizations develop capacity-building programmes for nominated and elected female candidates. If quotas are to lead to the empowerment of women, elected women must have the capacity to fulfil their new responsibilities; especially in a strong patriarchal society capacity building for women politicians is essential. At the same time, quotas, when properly implemented, might contribute to a more gender balanced society.

### **International 'Translation'**

It is argued that a new international discourse on gender balance in institutional politics is an important factor behind the recent introduction of quotas all over the world. Today we see male-dominated parliaments passing quota laws. However, the fact that some countries have opened up to quotas, while others have not, and the fact that *specific types* of quota systems seem to manifest themselves in regional clusters, all point to the need for contextual-based research on the 'translation' of this international discourse, so that it is applicable in different individual and regional contexts. The women's movement appears to have a crucial role to play in this process.

### **Endnotes**

- 1 See <http://www.ipu.org>.
- 2 See [www.quotaproject.org](http://www.quotaproject.org), a Global Database of Quotas for Women, established and maintained by the International Institute for Democracy and Electoral Assistance (IDEA) and Stockholm University.
- 3 Dahlerup, Drude. 1998. 'Using quotas to increase women's political representation'. In Karam, Azza, ed. *Women in Politics Beyond Numbers*. Stockholm: IDEA. <http://www.int-idea.se/women/>.
- 4 Phillips, Anne. 1995. *The Politics of Presence*. Oxford: Clarendon Press.
- 5 Ballington, Julie. 1998. 'Women's Parliamentary Representation. The Effects of List PR'. *Politikon. South African Journal of Political Studies*. 25(2). pp. 77-93; Ballington, Julie. 2000. 'Representation of Women in Political Parties'. *South African Local Government Elections 2000*. EISA. no. 6.
- 6 See [www.quotaproject.org](http://www.quotaproject.org).
- 7 Squires, Judith. 1996. 'Quotas for Women: Fair Representation?'. In Lovenduski, Joni and Norris, Pippa, eds. *Women and Politics*. Oxford: Oxford University Press. pp. 73-90.
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# Quota Systems in Africa: An Overview

BOOKIE MONICA KETHUSEGILE-JURU

## Introduction

This presentation draws largely on examples from the region of the Southern African Development Community (SADC). It focuses on the application of quotas and other measures to facilitate the increased participation of women in politics and decision-making.

The Declaration on Gender and Development, signed by SADC heads of state and government in 1997, commits member states to use 'whatever methods available to increase the participation of women at all levels of decision making to 30% by 2005'.

In Article H, the heads of state and government committed themselves and their 'respective countries to, *inter-alia* (ii) ensuring the equal representation of women and men in the decision making of member states and SADC structures at all levels and the achievement of at least 30% target of women in political and decision making structures by the year 2005'.

In this regard, the SADC Declaration on Gender and Development is in effect a response to critical area of concern number seven of the Africa and Beijing Platforms for Action of 1995, which call on all concerned parties to: 'take strategic action to address inequality between men and women in sharing power and decision making at all levels'.

Since the signing of the SADC Declaration on Gender and Development there have increasingly been calls to adopt special measures to facilitate the meeting of this commitment. Political quotas for women have been presented as one solution.

A regional Programme on Women in Politics and Decision-making (WIP) has been under in operation since 2000, coordinated by the SADC Secretariat as part of the Sub-Regional Plan of Action for Gender. The aim is to help member states to reach this target by providing female members of parliament (MPs) and political aspirants with relevant skills, and to encourage the sharing experiences and best practices across the region. Heads of state and government receive annual reports at their summit on progress made and measures introduced by member states to ensure that the target is reached.

A region-wide study commissioned by the SADC Secretariat in 2001, as part of the WIP programme,

indicated a general trend towards the use of quotas and/or other forms of affirmative action in countries that have these provisions, as well as in those that do not yet have them in place.<sup>1</sup> Most of the national reports have recommended intensified lobbying and advocacy in order to press governments to incorporate quota systems in their structures and legislative instruments.<sup>2</sup>

However, all of the reports acknowledged that, while quotas are desirable, they are not a panacea for ensuring women's equal political participation and representation, and that they need to be supported in various other ways. Also, quotas have been found to yield different results in different electoral systems at different levels. The region is currently engaged in exploring the best way that quotas can be used to achieve the best results across the board.

## Types of Quotas

A conference convened by the SADC Secretariat on 28 March-1 April 1999 identified two possible broad types of quotas: a voluntary party-based quota; and a mandatory quota, which is either legislated or constitutional. These are combined in any number of ways with either a proportional representation (PR) or a constituency-based electoral system and are applied at one or more levels, that is, at the local, provincial or national (government) levels.

In addition to quotas, other affirmative action measures are applied in some countries. And the electoral systems of some countries permit the head of state to make a certain number of special appointments to parliament, such as in Botswana and Swaziland.

## Voluntary quotas

Voluntary quotas are usually introduced by political parties under their own initiative either provided for in the party's policy documents and practices or because of the 'goodwill' of the party leadership. The party is not bound by any legislation to implement the provision.

A number of ruling and opposition parties in the region have provisions for such quotas for women, youth and other disadvantaged groups. Successful examples in the SADC region are the African National Congress (ANC) in South Africa and the Front for the

Liberation of Mozambique (FRELIMO) in Mozambique. Quotas have ensured that the minimum target of 30 percent female representation in parliament has been met in those countries, as will be shown below.

The Zimbabwe African National Union-Patriotic Front (ZANU-PF) in Zimbabwe and SWAPO in Namibia have also made provision for 30 percent of all decision-making posts to be held by women. However, in relative terms, the performance of these two parties, in terms of the participation of women in politics, particularly at the parliamentary level, has not been as good as in Mozambique and South Africa.

Similarly, in Botswana, which uses a constituency-based electoral system, the opposition Botswana National Front (BNF) and the Botswana Congress Party (BCP) have both introduced minimum quotas of 30 percent of women within their party structures. However, neither party has put in place mechanisms to ensure that these provisions are successfully implemented.<sup>3</sup> The BCP women's congress has debated implementation strategies and proposed 'reserved seats' as the best strategy to facilitate the implementation of the quota, but the party leadership has not accepted this. In the case of the BNF, the provision has only been applied to party structures, not to public office.

## Mandatory quotas

There are two types of mandatory quotas: the legislated quota and the constitutional quota.

The former is introduced through legislation that reserves a certain number of seats for women in political bodies and requires that all political parties have a certain number of women on their electoral ballot. An example of this can be found in Namibia at the local government level, where a combination of a legislated quota, a voluntary party quota and a proportional representation (PR) system is in operation. This has resulted in a very impressive 43.8 percent of women in local government,<sup>4</sup> as compared to three percent at the regional level and 19 percent at the parliamentary level. Both the PR electoral system and the voluntary ruling party quota exist at the regional and parliamentary levels.

Constitutional quotas, meanwhile, are provided for in the constitution, which is the highest law of the land and cannot be overridden by any statute. This quota is mandatory and binding on all parties and the government of the day. An example of this is provided by Tanzania, where 20 percent of MPs and 33 percent of representatives at the local level must be women.

## When, Where and How Have Quotas Been Used?

Quotas have been used in numerous settings and com-

bined with various electoral systems with wide ranging results.

## Voluntary party-based quota in a PR electoral system

South Africa and Mozambique are the two examples of where a voluntary party quota has been combined with a PR electoral system. As indicated earlier, the two ruling parties, the ANC and FRELIMO, have voluntarily adopted 30 percent quotas. Because of the combination of a PR and a list system, every third person on their respective list is a woman. As the majority parties, this system has ensured levels of female representation of 31.3 percent in South Africa and 31.2 percent in Mozambique, the highest in the region. In the case of Mozambique, however, good performance at the parliamentary level has not been replicated on other levels. For instance, women's representation in the cabinet is 14 percent and in local government it is 17 percent. This confirms that, even in a PR electoral system, the success of a voluntary quota depends on the 'goodwill' of the leadership, the nature of the party, and the prevailing political climate.

## Voluntary party-based quota in a constituency-based electoral system

This has been known to work successfully in some parts of the world, such as in relation to the Labour Party in the United Kingdom. However, in the case of the SADC region, the ruling ZANU-PF in Zimbabwe, like the ANC in South Africa and FRELIMO in Mozambique, has a voluntary quota for women and youth. However, because of the constituency based electoral system, the 'zebra stripe' system for the selection of candidates (alternating male and female candidates) has never translated into reality and been effectively implemented. As a result, even though ZANU-PF is the majority party, the representation of women has not been as impressive as in the other two countries. The situation worsened in the last elections when the ruling party faced a strong opposition, and the voluntary quota became of less significant. Zimbabwean women make up ten percent of MPs and 16.7 percent of cabinet ministers, down from 14.3 percent and 21.4 percent respectively before the last elections.

Similarly, in Botswana, which has a constituency-based electoral system, the two opposition parties - the Botswana Congress Party and the Botswana National Front - have quotas of 30 percent of women. But they did not actively ensure that the quota was met, by reviewing their procedures to enhance access by women, head hunting women, encouraging them to stand, and facilitating a conducive environment for

them in the primary elections for candidate selection. The parties continue to field very few women in national parliamentary elections.

In the last elections of 1999, however, the ruling Botswana Democratic Party (BDP), which does not have a quota for women, yielded to pressure from women members of the party and women's organizations to field more women candidates, many of who were elected and are now in parliament and the cabinet.<sup>5</sup> This shows that, while quotas are indeed useful, another crucial factor is action by political parties, either voluntarily or under pressure, to ensure that their structures and culture allow and encourage women to stand for office. This achievement of the BDP itself is not sustainable and relies solely on the 'mercy' of the leadership and party whims and sensitivities, and perhaps on the regional quota commitment in the SADC Declaration on Gender and Development, which the government of Botswana has signed up to.

With regard to the voluntary quota, its main disadvantage is that, first, it relies on the party gaining a substantial majority, and, second, that the party has an inclusive culture, with facilitative structures and systems in place to ensure that the voluntary quota is implemented both in the party and in the public arena.

At the broader national level, there is no guarantee of the required 'critical mass' being achieved unless every party contesting the election has a 30 percent quota.

#### **Mandatory legislated quota in a PR electoral system**

As the example of the local government elections in Namibia indicates, the result is even better when the quota is legislated, as opposed to being voluntarily adopted by one or other party. In this case, the elections had a guaranteed outcome of 30 percent of women. Since some parties fielded even more women candidates, the overall outcome was over 40 percent. This suggests that a legislated quota and a PR system are the most powerful combination for achieving gender parity in politics, which is the ultimate objective.<sup>6</sup>

#### **Mandatory constitutional quota in a constituency-based electoral system**

The example of this in Southern Africa is Tanzania, whose constitution stipulates that at least 20 percent of MPs must be women. With the eight seats that women contested directly and won, this has given them an overall representation of 16.4 percent in parliament. Clearly, the quota has boosted the level of female representation in Tanzania.

#### **Legislated quota in a no party system**

Uganda under the government led by the National

Resistance Movement provides an example of this scenario. As a result of the government's affirmative action policy, each district is required to elect a female parliamentary representative, as well as to allow women to compete with men in open constituencies. This ensures that women occupy 27 percent of seats in parliament.

#### **No Quota Mixed PR and Constituency System**

Seychelles has been the third best performer in the SADC region in terms of the representation of women in parliament - after South Africa and Mozambique with 24 percent female representation. Women make up 27 percent of the cabinet. Seychelles has a mixed PR and constituency-based system, but it does not have a quota provision. Women have always been visible in politics and decision-making in the country because men have been forced to seek work outside of the island,<sup>7</sup> and because of the inclusive policy of the government. Nevertheless, the Seychelles' national WIP research report recommends that the representation of women and men be legislated, since the gender balance of the cabinet is currently at the discretion of the president. It cannot be assumed that the elected president will always be gender sensitive.

#### **No Quota – Special Nominations and Appointments**

The electoral systems of many countries in the SADC region allow the head of state to make a certain number of appointments to parliament (examples include Botswana, Swaziland and Zimbabwe). Of the eight women in the last Swazi parliament, only two were elected. The king appointed the other six. Similarly, in Botswana, two of the eight female members of parliament were specially nominated, which has been a practice for some years.<sup>8</sup>

#### **Sub-Regional and Regional Quota Provisions**

As indicated in the introduction to this paper, at the sub-regional level, SADC member states through the Declaration on Gender and Development have committed themselves and their countries to meeting the minimum target of 30 percent of women in decision-making positions at all levels and in all structures by 2005.

Besides ensuring that there is a minimum of 30 percent female representation in all decision-making bodies within all SADC institutions, and in delegations to all meetings, the declaration acts as yardstick for gauging member states' performance at the national level, and as a mechanism for monitoring performance and

for peer review at the highest levels of decision-making.

The declaration is also a tool for lobbying, advocacy and mobilization at the national and regional levels to ensure that governments honour their commitments in regard to women's empowerment and the achievement of gender equality in the SADC sub-region.

At the regional level, the African Union (AU) Constitutive Act provides for a 50 percent quota for women in all of its structures. Like the SADC declaration, but more binding, this provision is intended to ensure women's equal and full participation in all AU structures and at all levels. And like the sub-regional declaration discussed above, it is a mechanism and tool for use at both the national and sub-regional levels, to achieve the equal representation of women at all levels of politics and decision-making.

#### **Conclusions**

Proportional representation versus constituency-based systems

The experience of SADC countries supports the global observation that a combination of PR and the list system is more conducive to the representation of women than the constituency-based system.

Writing on the situation in the Commonwealth, Colleen Lowe-Morna observes that there is overwhelming evidence to suggest that women stand a better chance of being elected under the PR system than the constituency-based system. The reason for this, she argues, is that, in the former case, 'candidates focus on the party and its policies, rather than on a particular individual. This works in favour of women - at least in getting their foot in the door - because of the in-built prejudices against women'.<sup>9</sup>

Six SADC countries have constituency-based electoral systems, and four have proportional representation systems: Angola, Mozambique, Namibia and South Africa - except at the local level in South Africa (where there is a combination of the PR and constituency-based systems) and at the regional level in Namibia (where elections are constituency based). Seychelles has a mixed PR and constituency-based system.

In other words, two of the three top performing countries in SADC with regard to women's representation in parliament (Mozambique and South Africa) have PR systems. The third top performer, Seychelles, has a mixed system. This begs the question whether there is a definite correlation between the use of PR, either in full or in part, and the increased participation of women in political leadership positions.<sup>10</sup> The absence of a PR system in Zimbabwe and, comparatively, its not so impressive performance, even though the majority party has a voluntary party quota, may

further support the argument for the above combination.

While the PR system by itself does not guarantee the increased representation of women, the chance of women being elected is greater when the PR system is combined with a legislated or party-based quota for women.

Writing on the 1994 elections in South Africa, Thenjiwe Mtintso observes that:

'The 1994 national and provincial elections were run wholly on a proportional representation basis. The advantage of the proportional representation system for women is illustrated by the contrast between the national/provincial and local government elections. In the seats contested on the basis of proportional representation, women won 27.9 percent of the seats. In the ward or constituency based seats, women won only 10.84 percent of the seats. This gave an overall average of 19 percent of the seats in local government being won by women'.<sup>11</sup>

PR offers the space for political parties to create representative lists. The stage at which political parties nominate candidates and compile lists is critical in ensuring that women are elected to office, as this is when crucial decisions are made about who should stand as candidates and the position that they will occupy on the list. The number of women who make it is dependent on the number of women that the party selects, and also on whether or not the party adopts internal gender quotas. Where women are placed on the list is also a determining factor. Placing them at the bottom of the list obviously reduces their chance of being elected.

#### **Voluntary and mandatory quotas**

Tanzania has a constituency-based system with seats reserved for women under the constitution, which are contested on a PR basis. This seems to be a more sustainable model. Legislated and constitutional quotas are more likely to work in both the PR and constituency-based electoral systems.

#### **Special measures**

A few SADC countries have increased women's participation through other special measures in the absence of, and sometimes in addition to, quotas. These include special nominations and appointments by the leadership due to a political commitment and sometimes as a response to pressure at the national and regional levels. Translation of commitments made and signed at the global level to the regional, sub-regional and national levels, and their utilization for collective mobilization, for instance, has influenced the rise in female represen-



tation in a number of SADC countries. Following recent elections, countries like Lesotho and Swaziland have not only made gains in terms of women's representation in decision-making, but they have also become more sensitized to the need for the equal participation of women.

### Lessons and best practices

The evidence from SADC countries shows that those states that have recorded significant increases in the number of women in parliament have achieved this by taking deliberate, positive steps. These include enacting constitutional and legal provisions, and adopting affirmative action policies that include quotas favouring women at the party and national levels. There are best practices that have been shown by combining quotas and electoral systems that are likely to yield better results.

Factors that have combined to establish a conducive environment are set out below.

- The adoption of the 1997 SADC Declaration on Gender and Development, stipulating a 30 percent quota, combined with the implementation of a regional Programme of Action for Women in Politics and Decision-making.
- The introduction of a monitoring mechanism at the highest level of decision-making (through the Summit of Heads of State and Government).
- Concerted lobbying and advocacy efforts to remind constantly the SADC leadership of the commitments it has made to ensure increased female participation in decision-making.

Gender biases and stereotypes that do not encourage women to enter politics remain pervasive at all levels of society. Governments and political parties need to play a leading role in changing attitudes. While quotas can go a long way towards influencing the situation, increased participation of women in politics requires interventions at different levels and the employment of multiple strategies. Over and above that, it requires political will and commitment.

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## Introducing Quotas in Africa: Discourses and Legal Reforms

### Overview of the Session

This session focused on the discourses surrounding the introduction of quotas in Africa and on translating them into practice. It examined how quotas came to be seen as an important means of increasing the representation of women in politics, and how women's mobilization generated legal reform. The case studies are Morocco, Uganda, Egypt and quotas as established within the African Union.

#### Morocco: National list for women

Ms *Rachida Tahri* outlined developments regarding quotas in Morocco, some of the most recent on the African continent. As with other countries in French-speaking Africa, Tahri noted that women are not legally discriminated against when it comes to participating in decision-making bodies. Rather, their under-representation in decision-making bodies is explained by socio-cultural factors, the political regime and institutional structures. The constituency-based electoral system that was in operation until 2002 was viewed as an insurmountable barrier, as women competed directly against men in a society with conservative and traditional views of women.

Tahri points out that the electoral system was reformed ahead of the 2002 polls: uninominal voting in constituencies was abandoned, and proportional representation was introduced. This was a victory for women's groups, which had pushed for revisions to the electoral code for several years. Seen as an important political opportunity, the electoral reform allowed women to mobilize and press for the inclusion of a quota in the new electoral system. Their demands were met: a quota, in the form of a separate national, providing for the election of 30 women, was introduced.

The *electoral reforms* in Morocco have allowed women to access the legislature. The number of women elected increased from 0.6 percent in 1997 to 10.7 percent in 2002, resulting in Morocco ranking second after Tunisia (14 percent) in terms of women's representation in Arab legislatures. However, such reform has not been replicated at the local level, where less

than one percent of councillors are women. Women's groups, women's associations and women politicians continue to lobby for reforms. Additionally, there are sustained demands for the introduction of special measures at the constitutional level, to ensure that initiatives to guarantee equal opportunities for women cannot be circumvented. Calls have also been made for the enactment of a law on political parties, which would provide for positive action measures to be introduced in relation to the participation of women in party politics, and steps to be taken with respect to the funding of campaigns for women.

#### Uganda: Reserving seats

Dr *Sylvia Tamale* looked at the evolution of quotas in Uganda. Unlike Morocco's recent reforms, Uganda has had a system of quotas (or reservations) for over 15 years. In 1986, the 'movement system' (which seeks to accommodate all citizens regardless of their political inclination, ethnicity and sex, for example) was adopted, and initially women were given one mandatory seat in the executive of local councils. Following the United Nations International Women's Conference in 1985, women pressed for further reforms to open the door to their participation in politics. In 1989, parliament was expanded to include *39 reserved seats for women* (one woman from each district). These women were elected by elec-

toral collages in the districts from an all-female list of candidates. This arrangement was institutionalized in the 1995 constitution. Women are also guaranteed one-third of all local council seats, elected through a separate ballot (always held separately from the mainstream elections).

The introduction of quotas has signified the end of women's exclusion from decision-making bodies; women currently hold 24 percent of seats at the national level. However, Tamale states that the introduction of quotas has not resulted in real access to power for women. The law was a largely *symbolic top-down imposition* by the state to include marginalized groups. The rules that govern quotas were not discussed or devised by the women's movement and have resulted in women yielding little power. The women are elected by male-dominated electoral colleges in the districts.

Women elected through quotas tend to owe their allegiance to the men that elected them. This provides for largely descriptive representation of women, rather than substantive representation, whereby women are connected to, and articulate the interests of, a constituency. Tamale asserts that an important lesson is to assess critically the way the quota law is framed, and whether it takes into account the needs and perspectives of women.

"A key lesson with regard to Uganda is that quotas alone cannot promise a democratic, non-sexist society. It is just one of the many strategies needed to dismantle hierarchical institutions."

#### Egypt: Repealing reservations for women

Although not currently in force, Egypt was one of the first Arab countries, and indeed one of the first nations in Africa, to implement reservations for women. Ms *Gihan Abou-Zeid* traces the introduction of reservations to 1979. The momentum created by the first World Conference on Women, held in Mexico in 1975, and the conclusion of the CEDAW in 1979, together with the support extended by the then First Lady, led to the passing of a presidential decree reserving 30 out of 360 seats in parliament for women. This law remained in force until the electoral system was reviewed in the 1980s; the law on reservations for women was cancelled in 1986. The representation of women in parliament dropped from ten percent to 2.2 percent in one election. Similar losses were recorded at the local level.

As with Uganda, the principle underlying the introduction of reservations was to provide *descriptive representation* to women, along with seats previously earmarked for workers and farmers. The reservation was applied from above with no input from women at the grassroots. Abou-Zeid argues that the presence of women in the reserved seats during the course of the two parliamentary cycles was barely felt, and that they had no impact on the status of women or on the councils generally. While proponents and opponents of quotas are still sharply divided, there are renewed calls for their introduction in Egypt. The National Council for Women is playing an active role in this regard.

However, due attention needs to be paid to strategies that will ensure the real empowerment of women, rather than providing a space that does not allow for real and substantive gains.

It is necessary for institutions to play a more positive and constructive role to encourage women's participation. A more positive image of women as active and equal partners should be at the cornerstone of the values promoted by the socialization process.

#### The African Union: Quotas in governing structures

Dr *Mary Maboreke* underscored that, in July 2002, the African Union made history by adopting an *'absolute gender equality rule'* at the Inaugural Session of the Heads of State and Government. This gender equality rule of 50 percent women applies to key decision-making structures, from the commission level through to senior appointments. Maboreke traces the

origin of the quota, which does not lie in the transformation of the Organization of African Unity (OAU) into the AU. Rather, it is to be found in the African and Global Platforms for Action adopted in the 1990s, although the recommendation of 30 percent women in decision-making structures was upped to 50 percent. Instead of resulting from the organized lobbying efforts of women, it was dialogue with civil society, teamwork, and the political will of the leadership that were the factors responsible for the equality rule entering into force.

"One can sum up this [process of lobbying] in a few important words: envisioning, dialogues, teamwork, strategizing, lobbying ... and never wavering in the face of apparently insurmountable obstacles ... and always asking 'if not this way, then which route to the same end point?'"

Because the quota rule has only recently been implemented, it is too early to assess its effects. A process of gender mainstreaming will be embarked on within the AU, partly in response to the African and Global Platforms for Action, but also to ensure that gender equality is really promoted with respect to the activities and programmes of the AU. In order to avoid a situation where the quota cannot be filled because 'women did not apply or qualified women did not exist', women in the AU have encouraged eligible women to apply for posts, and have instigated a sustained awareness-raising campaign within the AU and in member states. What remains to be seen is to what extent the quota system will impact on continental initiatives,

such as the African Peer Review Mechanism (APRM), or will be replicated in regional bodies like the East African Legislative Assembly (EALA), the Economic Community of West African States (ECOWAS) and the SADC.

### ***Discussions from the Floor***

In the discussion, participants noted the importance of analyzing the different roles of the *women's movement and the state* (and what the state's agenda may be) when introducing quotas. In Egypt and Morocco, women's struggles for quotas have been waged together with moves to reform the family code and constitutional reforms to safeguard women's rights. In Uganda, women have long been struggling to support women's leadership in politics. Yet, it is necessary to question why the state would want to implement quotas. Is it merely to subvert the opposition by affording women descriptive representation? Is it to build a new patronage network? Or is it to share political power with women genuinely? In Egypt and Uganda, the introduction of reserved seats for women was part of the state's agenda to afford under-represented groups a presence in parliament, rather than signifying a shift in power relations.

The issue of *stigmatization* of women elected through reserved seats was also debated. Are women elected through a quota system sidelined because they owe their seat to positive action? It was contended, however, that the same argument applies to men. As most men are elected by virtue of patronage or because of their links with the male leaders of political parties, they have their own kind of positive action. It is more useful to look at how quota provisions are worded, and whether the possibility exists for them to be framed in a gender-neutral way. It was also pointed out that quotas are possibly the most misunderstood policy measure in the world, and that the public should be educated about their objectives and results.

Are quotas a *temporary measure*? The 'temporary' philosophical underpinnings of the quota were debated, especially in light of the consequence of rescinding the quota in Egypt: a dramatic decline in the number of women. A similar outcome was seen in Bangladesh in 2002, after the law establishing a ten percent reservation of seats for women lapsed (only two percent of women were subsequently elected).

There was general agreement that, although *no quota is perfect*, it is better to have an imperfect system

than no system at all. While quotas alone will not solve the problems of patriarchal systems, attitudes and stereotypes, the mere presence of women changes the face of decision-making and provides opportunities for substantive input. The first step is to secure quantitative representation. It was cautioned, though, that quotas should not be seen as an end in themselves. The second step is to achieve qualitative change by reforming the workings of parliament, and by ensuring that women have an impact 'beyond their numbers'. This process needs to be supported by a strong women's movement, and by providing capacity-building initiatives and skills development for newly elected members of parliament (MPs).



# Women's Political Participation: The Case of Morocco

RACHIDA TAHRI

The under-representation of women in politics is a common feature of many countries of French-speaking Africa. The purpose of this paper is to present some aspects of Morocco's experience of women's access to elective positions and offices.

The electoral process that began in Morocco in September 2002 culminated in October 2003. It started with the renewal of the Chamber of Representatives (September 2002), including the election of members of the professional associations (July 2003), representatives of wage earners (10 October 2003), local council members (12 September 2003), provincial and regional council members, and finally, one-third of the members of the Chamber of Councillors (the lower house).

## What Role for Women in this Process?

In Morocco, under the first Constitution, women have enjoyed the right to vote and to run for elective office since 1962. While women account for just over 50 per cent of the population, and while their rate of electoral participation is the same as that of men, if not higher, they have continued to be excluded, for decades, from the corridors of power. This is despite the fact that the number of female candidates has increased with each successive election.

Article 8 of the Constitution states that:

'Men and women enjoy equal political rights' and 'all citizens of age of both sexes, in the exercise of their civil and political rights are voters'.

In addition, Morocco has ratified the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), with reservations about the articles regarding personal status, but not with respect to political rights.

Nonetheless, the granting of these political rights has not been accompanied by measures and mechanisms to make it possible for women to gain real access to elective institutions. One had to wait until 1993, for example, for the first two women to gain access to the legislature, accounting for 0.66 per cent of deputies. It was only in the legislative polls (September 2002) that a major step forward was taken: 35 women became members of the Chamber of Representatives.

## The 2002 Legislative Elections

All of the previous elections were based on one-round majority uninominal voting, which did not provide women with much chance of being elected. It was on the eve of the 2002 polls, and in accordance with the review of the organic law on the Chamber of Representatives, that list proportional representation was introduced.

Article 1 of the organic law on the Chamber of Representatives stipulates that:

The Chamber of Representatives is to comprise 325 members elected by direct universal suffrage based on list voting: 295 members are elected in the districts (set by decree); and 30 members are elected nationally.

In response to the grievances of women, the political parties agreed to set aside all of the places on the national list for female candidates. Subsequent to this decision, 35 women were elected to the legislature:

- 30 women were elected via the national lists presented by 24 of the 26 parties that participated in the elections; and
- five women were elected via local lists.

This measure led to the mobilization of women on a scale that had not been seen before.

Accordingly, in comparison to the 1997 legislative elections:

- the number of women candidates increased 12 fold (966 candidates: 697 via the national lists, and 269 via the local lists);
- the number of women elected increased 17.5 fold;
- the percentage of women legislators increased from 0.66 to 10.77 per cent.

Consequently, Morocco now ranks 69th in the world, instead of the previous 118th position, in terms of female representation in politics. In the Arab world, it is surpassed only by Tunisia, where 14 per cent of legislators are women.

The introduction of the national list is viewed as a positive and encouraging step. This is because female

representation on the local party lists was low: 269 women out of a total of 5,873 candidates (five percent). In addition, only 47 women were placed near the top of the list-in losing districts in most cases.

Since the national list is reserved for women, however, most of the political parties believe that they do not need to include female candidates on the local lists.

**Table 1: Women Candidates versus Women Elected in Legislative Elections**

	1977	1984	1993	1997	2002
Number of female candidates	8	16	36	87	967
Number of women elected	0	0	2	2	35
Percentage	0	0	0.66	0.66	10.77

## The Stages of the Process

People have long been aware of the political under-representation of women and their struggle for full citizenship and access to decision-making positions. The result of the 2002 legislative elections is the culmination of a process that goes back many years.

In effect, the pre-electoral period, the review of the election law, the celebration of International Women's Day on 8 March have all presented opportunities for the women's rights movement to raise awareness and to press for female representation in male dominated elective institutions.

While the struggle for women's rights traditionally focused on reforming the code on personal status in the early 1990s, particularly after the Fourth World Conference on Women in Beijing in 1995, a larger mobilization emerged to secure better representation for women.

In 1992-93, the 'Committee for the Participation of Women in Political Life' was formed in Casablanca. This body launched a campaign to raise awareness vis-à-vis the political parties and the media in order to unlock the doors of parliament on behalf of women (the idea of quotas was raised, but it did not receive support).

In a context characterized by political changes favourable to the promotion of human rights (the ratification of CEDAW by Morocco, 14 years after it was signed), this action contributed to two women being elected to the Chamber of Representatives for the first time. In 1997, a coordinating committee of women's associations drafted a series of proposals to review the electoral code, which were targeted at the political par-

ties. These proposals concerned the need:

- to introduce proportional list voting to facilitate the election of women; and
- to adopt a quota of 20 per cent of women on each list.

These demands were based on international experience, which demonstrates that proportional list voting is most conducive to the election of women. Statistics reveal that the proportion of women elected is generally higher in countries that employ a system of proportional list voting.

Only two women were elected in the 1997 legislative elections. The poor result forced women's organizations, including the ADFM (Association Democratique des Femmes du Maroc), to reassess their activities and to mobilize themselves better. This response contributed to the recent gains.

In tandem with training activities targeting women from different political parties and potential women candidates-undertaken by the Centre pour le leadership féminin (CLEF) (Centre for Women's Leadership), which has approximately 200 women members - many different initiatives were organized nationwide (such as meetings, seminars, roundtables, and lectures) with intellectuals, women's organizations, and political parties. Furthermore, the media began to focus on issues like different forms of voting and affirmative action measures. This was how the debate on the concepts of quotas and parity began, gradually but very slowly, to make headway as voluntary measures that would make it possible to remedy the patriarchy rooted in society and to break the circle of women's exclusion and to show results.

## The First Victory

Most of the political parties that held conventions in 1999, 2000 or 2001 adopted a quota of between ten and 20 per cent of women in their decision-making bodies at the national level (the central committee and the political bureau, for instance).

## Coalition activities

In the run-up to the 2002 legislative elections, some 20 entities (women's organizations, human rights groups, and women's wings of political parties) mobilized themselves and undertook advocacy and consciousness-raising campaigns. These were directed at the political parties, parliamentary groups, cabinet ministers, and the public at large. This grouping drafted a memorandum and formed a 'monitoring committee' to ensure that the three stages of the electoral process were observed:

- before and during the review of the organic law on

- the Chamber of Representatives;
- prior to the election campaign; and
- during the election campaign.

The memorandum, which was the subject of consultations and dialogue, and which was to be submitted to decision-makers, presented proposals for enhancing the political representation of women. Two main proposals were articulated.

- The replacement of one-round uninominal majority voting with proportional list voting.
- The adoption of a quota setting aside 30 per cent of candidacies for women, with alternate positioning of men and women on the list. Accompanying measures were also recommended to encourage women and men to support the female candidates.

**Table 2: Composition of the Monitoring Committee for Women's Access to Decision-Making Positions**

Eight women's organizations (ADFM, AMDF, Jousour, ESPOD, UAF, LFF, LDDE, Amal)

Five women's committees of political parties (PI, UC, USFP, FFD, PPS)

Three associations for promoting citizenship (Alternatives, Afak, EDF)

Two human rights organizations (OMDH, Comité des Droits de l'Homme)

These efforts generated the political will that led to the positive results in the 2002 legislative elections.

Nonetheless, progress made in the legislative polls was fragile and reversible, since the quota system was not institutionalized by the organic law on the Chamber of Representatives, and depended on the will of the political parties. In addition, women are absent from decision-making bodies in the legislature: only one woman is the head of her parliamentary group; two women are among the officers; and no woman chairs a committee.

### Local Elections: What Place for Women?

Women are still largely excluded from the local power base. Women account for only 0.5 per cent of all local council members.

In effect, the local elections of 12 September 2003 were a bitter failure for women.

- Only 127 women were elected out of a total of 22,944 local council members, increasing their per-

centage from 0.34 to 0.55 per cent.

- Just one woman was elected to the post of local mayor (Essaouira).
- Another woman was elected president of a district in Casablanca.
- A third was elected president of a rural district.
- Very few women were elected to other levels (provincial and regional councils and the lower chamber of the legislature).

This failure was foreshadowed when the legislature rejected the proposals of the women's rights movement regarding the institution of quotas.

During the review of the electoral code in March 2003, the women's rights movement continued its advocacy campaign vis-à-vis legislators and political parties, calling on them to institutionalize quotas and to secure better positions for women on candidate lists.

The proposal was worded as follows: 'Not more than two-thirds of the persons on the lists of candidates shall be of the same sex'.

It should be noted that the electoral code has now been revised, consolidating the provisions in the organic law, such as the holding of a single ballot and the use of indelible ink.

Two types of voting were provided for:

- proportional list voting in localities with a population greater than 25,000, of which there are only 159; and
- uninominal voting in localities with less than 25,000 inhabitants, of which there are 1,388.

The proposals of the women's rights movement were rejected on the grounds that quotas are unconstitutional. At the same time, though, promises were made to reapply the approach to the legislative elections – that is, getting the political parties to enter into a 'gentlemen's agreement'. These promises were not respected. As a consequence, the women's advocacy campaign did not achieve the results that women had anticipated.

When the lists of candidates were published, women accounted for only five per cent of all candidacies (6,024 out of a total 122,658 candidates); and very few headed their lists. For example, one large party that presented 159 lists had only four women at the head of a list (0.02 per cent). Most of the candidates were in unelectable positions.

The number of female candidates increased by more than 350 per cent compared with the 1997 elections, refuting the notion that women do not want to run for office.

### The candidacies

The promise that the national list would be re-exam-

ined and the willingness of parties to sign a gentlemen's agreement with the National Committee of Women Members of Political Parties suggested that these parties were going to stick to their commitment to ensure that at least 20 per cent of all candidates were female, which would make it possible to consolidate the gains made in the legislative elections. This did not happen, though. It was not possible for certain parties that had committed themselves to ensuring at least 20 per cent of female candidates on the lists (USFP, PI, RNI, PPS, PSD, FFD, UC and PND) to follow through on this pledge. This was due to several factors, two of which are outlined below.<sup>1</sup>

- The party structure is dominated by males at the grassroots and local leadership level, and candidates are proposed locally, not centrally.
- The rough-and-tumble nature of the race for seats forces most of the parties to seek candidates who are 'professionals at elections'. Since women have so little experience, they are ruled out.

These factors, and the absence of institutional measures, work together and help to shape the strategies for recruiting candidates adopted by the parties, rendering their discourse hollow.

### Women Elected

Women's representation is still very limited. Only 127 women were among the 23,689 persons elected in September 2003, accounting for 0.5 per cent, with only one woman being appointed mayor, and one being appointed district president.

In 1983, 43 women were elected, out of a total of 377 female candidates. On 13 June 1997, 84 women were elected, out of a total of 1,651 female candidates. On 12 September 2003, 127 women were elected, out of a total of 6,024 female candidates.

A simple reading of these figures reveals that, as the number of female candidates has increased in the different elections, rates of representation have not followed suit. In the 20 years from 1983-2003, for exam-

ple, the number of female candidates increased 16 fold (from 377 to 6,024), while the number of women elected rose by a factor of 2.5 (43 in 1983, compared to 127 in 2003).

### Women and Local Councils: A Very Limited Presence

Guaranteeing balanced representation means allowing women to have access to community councils, but essentially to participate in their direction by gaining access to the decision-making bodies (for instance by serving as president of the local community or as the chair of committees).

What is the reality today? In the six largest cities (with a population exceeding 500,000), no woman has been elected mayor, and only one woman has been elected deputy mayor, in Tangier. In regard to the district councils, in 41 districts, just one woman has been elected president (in Casablanca, Anfa). In relation to the localities that adopted list voting (those with a population of over 25,000), only one woman has been elected local president (in Essaouira). In the localities that have adopted uninominal voting (with a population of less than 25,000), just one woman has been elected president (in a rural locality in Khémisset).

Resistance to women entering politics via mechanisms that make it possible to correct democratic dysfunctions, such as quotas, is largely explained by the attitude of the political class. It does not look favourably on female representatives, who are not yet considered key players in the effort to bring about democracy and sustainable development.

### Prospects

Given the absence of women from decision-making circles, they are not in a position to influence the processes of change. Accordingly, women need to mobilize on a larger scale within and without of political parties.

The lack of a wide-ranging political debate on the concepts of quotas and parity means that the experience of the legislative elections is still limited. Hence

**Table 3: Women Candidates and Women Elected in the Various Local Elections**

	Total number of candidates	Women candidates	Women elected/ total elected
1960	17,174	14	0
1976	42,638	76	9
1983	54,165	306	34/15,423
1992	93,000	1,086	75/22,820
1997	102,179	1,651	83/24,230
2003	122,658	6,024	127/944 Brazil



**Table 4: Women Elected as a Percentage of All Persons Elected for Each Party**

Party	Total elected	Women elected	Percentage
PI	3,872	18	0.46
USFP	3,346	27	0.80
RNI	2,834	7	0.24
MP	2,241	7	0.31
UD	1,506	9	0.59
MNP	1,398	8	0.57
PPS	1,200	7	0.58
UC	953	6	0.62
PND	886	3	0.33
FFD	722	4	0.55
PJD	583	10	1.71
PSD	466	3	0.64
PAC A	434	3	0.69
Alliances des libertés	427	2	0.46
GSN	302	1	0.33
MDS	299	2	0.66
Réforme et Développement	253	–	0
CNU	238	2	0.84
P Environ et dévelopt	167	1	0.59
P.Renouveau et	124	1	0.80
PML	112	2	1.78
SAP	106	3	2.83
P Democrat Indépendant	96	-	0
I.C.D	71	-	0
FC	71	-	0
M.S	66	1	1.51
PA	43	-	0
<b>Total</b>	<b>22,816</b>	<b>127</b>	<b>0.56</b>

**Endnote**

- 1 The absence of women from these ‘recruitment circuits’ is due to several reasons that are identified in *Women in Parliament: Beyond Numbers*. (Stockholm: International Institute for Democracy and Electoral Assistance).

there is a need to advance the debate on the democratic foundation of affirmative action, and to hold decision-makers accountable in regard to their commitment to implement the Constitution and CEDAW.

There is a need for the legislature to move from abstract equality (discriminatory), through recourse to affirmative action measures, to equality of outcomes. The quota system will only contribute to improving the level of female representation if it is institutionalized and accompanied by initiatives like ensuring certain positions on the lists, and the introduction of limits in relation to terms.

Two laws to address such issues are currently in the offing.

**The law on political parties:** The current review of the law on political parties represents an opportunity for the women’s movement to press for the introduction of affirmative action mechanisms in party leader-

ship structures and on electoral lists, and the introduction of incentives tied to the financing of political parties and their electoral campaigns.

**The review of the Constitution:** The rejection of institutionalized quotas by the political class on the pretext that they are unconstitutional points to the need for a wide-ranging debate with a view to modifying the Constitution to include the parity system, along the lines of the French experience with parity.

# Introducing Quotas: Discourse and Legal Reform in Uganda

SYLVIA TAMALE

## Background to Quotas in Ugandan Politics

The Republic of Uganda gained formal independence on 9 October 1962. Its unicameral system of parliament was inherited from the former colonial power, Britain, as was the majoritarian electoral system.<sup>1</sup> The country's population presently stands at approximately 24 million with more than half of that number being female. Turbulent and volatile politics in the country have subjected its citizens to various modes of governance. Uganda has fluctuated from multi-party democracy to one-party rule to military dictatorship to the current no-party or 'movement' system. As is the case elsewhere in Africa, men dominate the 'public' space of formal politics, while women are relegated to the domesticated 'private' space. For almost 30 years, the participation of women in the formal politics of post-independence Uganda was negligible.

Since the National Resistance Movement (NRM) administration took power in 1986, Uganda has been operating under a political arrangement known as the movement system, which is supposed to accommodate all citizens regardless of political inclination, tribe/ethnicity, religion, sex, social class, etc. The principle of 'individual merit' is preferred to 'party affiliation' when one runs for any elective political office. Adherence to the ideal of individual merit was generally maintained in the initial years of this arrangement, but it was soon overtaken by the political agendas of subsequent years. Today, the government openly backs 'movementists' and campaigns against 'multi-partyists' in any election.

Affirmative action was introduced to Uganda through quotas. Reserved seats for women made their debut on the Ugandan political scene in 1986. In what appeared to be a testing of the waters, the NRM first experimented with one mandatory seat for women on the executive councils of local councils (LCs) at all levels of the five-tier system.<sup>2</sup> Thus, females were guaranteed to fill the post of 'secretary for women' on the nine-member executive councils of the LCs.<sup>3</sup> However, most executive councils throughout the nation, inadvertently or deliberately reduced the role of such women in their midst to the traditional functions of nurturing and caring. They were expected to serve tea to other councillors, take care of the social aspects of

council work and have little to do with local politics.<sup>4</sup>

The Ugandan women's movement was dissatisfied with the token representation in both local and national decision-making institutions. The 1985 United Nations (UN) women's conference, held in neighbouring Nairobi, Kenya, especially inspired Ugandan women to demand their rights. They voiced dissatisfaction about the situation of women to government at every opportunity.<sup>5</sup> Partly because of this pressure, but also as a result of political expediency and calculation, the NRM, in 1989, opened the door further to women's participation in politics, expanding parliament to include 39 reserved seats for women (one from each district).<sup>6</sup> Each district elected a woman member of parliament (MP) from an all-female list of candidates.

The mode of electing 'affirmative action legislators' was different from that associated with mainstream county MPs. While the latter were elected through universal adult suffrage, a limited male-dominated Electoral College appointed the women who filled the quota seats.<sup>7</sup> The revised 1995 constitution institutionalized the quota system by providing for a number of reserved seats in the national parliament equal to the number of districts in the country.<sup>8</sup> It further guaranteed the holding by women of one-third of all local council seats. In addition, women benefit from the limited number of quota seats reserved for persons with disabilities (PWDs), the youth and workers.<sup>9</sup>

## Enforcement Mechanisms of Quotas at National & Local Levels

Electoral quotas in Uganda have the strong backing of the law. The Constitution clearly lays out the objective of introducing affirmative action in Article 32(1):

Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, *for the purpose of redressing imbalances which exist against them.* (Emphasis added by author.)

Article 78(1) specifies the composition of the parliament:

- Members directly elected to represent constituencies (that is, counties).
- One woman representative for every district.
- Such numbers of representatives of the army, the youth, workers, persons with disabilities and other groups as parliament may determine.
- The vice-president and ministers, who, if not already elected members of parliament, shall be ex-officio members of parliament without the right to vote on any issue requiring a vote in parliament.

Thus, through the political mechanism of quotas, the Ugandan government aims to redress the socio-cultural and historical inequalities that exist for four specific social groups: women, workers, the youth and persons with disabilities.

Article 180(2)(b) provides that: 'one third of the membership of each local government council shall be reserved for women'. In the decentralized system of local councils, most authority and resources remain at the sub-county (LC III) and district (LC V) levels.<sup>10</sup> Thus, our analysis of the LCs will be mostly restricted to these.

The specific legislation on parliamentary and local government elections elaborates the respective procedures for filling women's mandatory seats at both levels. Despite the fact that the mode of election for district female MPs has been a subject of controversy and heated debate, the electoral colleges have been maintained.<sup>11</sup> The mode of electing female councillors, meanwhile, has evolved over the years from the 'queuing system' - where voters would line up behind their preferred candidate - to the current mixture of the secret ballot, universal suffrage and electoral colleges,

depending on the LC level. In any case, women's elections at the local level are always held separately from, and subsequent to, mainstream elections. As will be shown in the next section, all of these facets of the process have significant implications for the efficacy of the quota system.

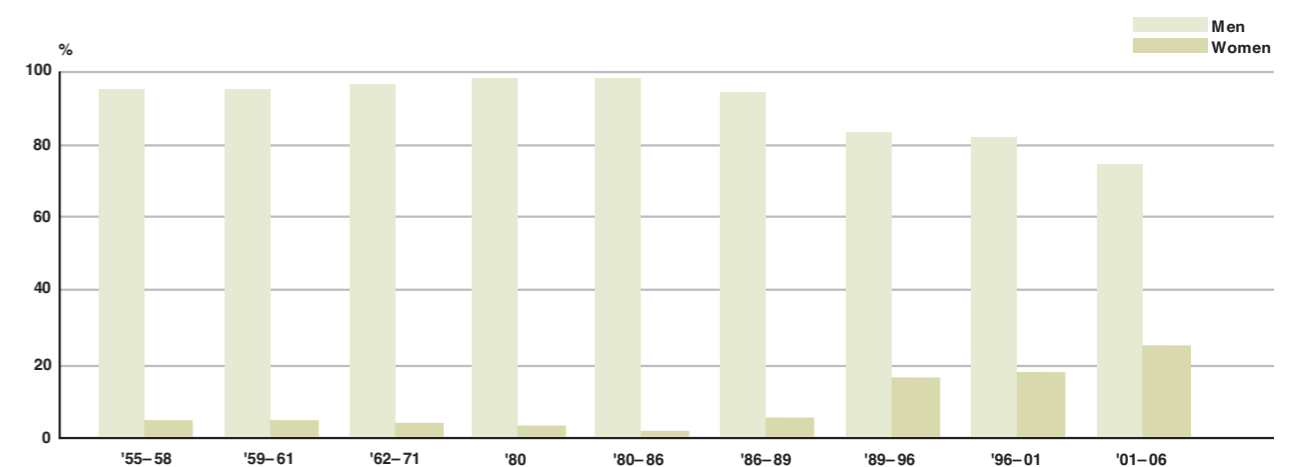
The ultimate objective of affirmative action or positive discrimination, as understood by Ugandan feminists, is not only that women attain the quantitative critical mass needed to influence decision-making, but also to move substantively away from relations established by centuries of oppression and inequality to a future of truly equitable relations.<sup>12</sup> Next is a brief analysis of Uganda's attempt to assess its degree of efficacy in reaching these goals.

## A Critical Assessment of the Quota Policy Since 1995

The sex quota experiment that was introduced in 1989 represents an important landmark in the political history of Uganda. It indicated the beginning of the end of the historical exclusion of women from the decision-making process at both the local and national levels. The quota system offered greater visibility for women and lent them a voice in traditionally patriarchal institutions. In particular, it has resulted in a shifting of political sites and a relocation of power (albeit slight), spurring a new kind of political self-organization for Ugandan women.<sup>13</sup>

Figure 1 offers a historical overview of the changing male/female profile of successive Ugandan parliaments since 1955. Prior to 1986, women's representation never exceeded the three percent mark.<sup>14</sup> The drastic increase from 1989 is primarily attributed to the quota system discussed above.

Figure 1: Male and female representation in Uganda's parliament (percentage)



Currently, 75 out of a total of 304 Ugandan parliamentarians (24.6 percent) are women. Women's representation in the seventh parliament is broken down in figure 2, indicating the type of seat that each category occupies.

Uganda ranks sixth in Africa after Rwanda (48.8 percent), Mozambique (30 percent), South Africa (29.8 percent), Seychelles (29.4 percent) and Namibia (25 percent). Globally, Uganda ranks twenty-sixth from the top.<sup>15</sup> Its female representation of 24.6 percent may seem impressive compared to the overall average in Sub-Saharan Africa, which stands at 14.9 percent, or even the global average of 15.2 percent.<sup>16</sup> However, it falls below the target mark (30 percent) set by the UN in 1992.<sup>17</sup> Thirty percent is also the figure that is generally considered to be the critical mass for effective representation. Research has shown that, for women to influence policy outcomes effectively, they must attain critical mass representation in any institution.<sup>18</sup>

Furthermore, women chair only three of the 12 standing committees, and two of parliament's ten sessional committees.<sup>19</sup> Thus, the number of female legislators in Uganda must be increased further to ensure a shift in regard to male dominance of the legislative structures and institutions.

Indeed, a closer analysis of the quota system in Uganda reveals several blotches below the gleaming surface. When the NRM introduced quotas for women in the National Assembly, for example, it only intended to create 'descriptive representatives' who symbolically 'stood for' women. The patriarchal state was not prepared to have female MPs that politically 'acted for' women in the sense of transforming the unequal gender relations prevailing in Uganda. This can clearly be gauged from the subdued tone of Article 78 of the Constitution, which describes an affirmative action female parliamentarian as a 'woman representative for every district' (emphasis added). This is in stark contrast to other categories of affirmative action parlia-

mentarians, who are said to represent special interest groups and described as 'representatives of the army, youth, workers, persons with disabilities ...' (emphasis added).<sup>20</sup> By emphasizing the descriptive nature of female representatives, the constitution creates 'status-quo' representatives and not 'emancipationists'. The NRM 'allows' women to participate in decision-making, but not to represent women as an interest group nor to assume special responsibility for them.<sup>21</sup> President Yoweri Museveni himself constantly reminds Ugandans that quotas are nothing more than a 'symbolic gesture' to please women.<sup>22</sup>

When the quota policy was first implemented in Uganda, men immediately became the self-appointed identifiers of 'appropriate' women to fill the newly created seats. This was partly because the space into which women were being pushed (that is, formal politics) was compositionally and institutionally a male one. It was also due to the absence, at the time, of a strong grassroots effort by women to mobilize politically, which would have consolidated their gains in transformative ways.<sup>23</sup> One study revealed that over 90 percent of the women who joined parliament in 1989 had been approached by male 'elders' from their districts and requested to stand for the mandatory seat.<sup>24</sup> However, this trend lost significance in subsequent elections and today, most women do not have to be cajoled into participating in politics.<sup>25</sup>

The new political spaces created by the top-down affirmative action policy introduced by the NRM have, in a way, proved to be nothing more than sites of accommodation and subject to the control of the state. Without advancing women's strategic interests at all, the NRM administration gained the support of female legislators and councillors by offering them access to the political world of male power. The patriarchal structures and institutions within which politicians operate have themselves not altered one bit.<sup>26</sup> So, basically what we have are women in power without power!

I am not denouncing quotas per se. Rather, my criticism is directed at the top-down initiatives – whereby government 'invites' marginalized groups to participate – because they form an insecure foundation for generating radical change. Had the quota system been implemented as a result of intense pressure exerted by the Ugandan women's movement (i.e., bottom-up grassroots movement), perhaps the rules governing participation would have been devised by women themselves and the beneficiaries of the policy would hardly regard it as a favour. Neither would the NRM hold women psychologically at ransom, engendering the kind of complacency and self-satisfaction that is sometimes exhibited by some female parliamentarians and councillors.

Furthermore, the fact that a predominantly male Electoral College appoints the women who fill the mandatory seats significantly impacts on the efficacy of the quota system. Most important, it raises questions regarding allegiance, accountability and representation of the 'affirmative action MPs'. This is exacerbated by state patronage, which bedevils the post-colonial politics of most African states. Like male politicians, a good number of female politicians in Uganda run for office on account of the opportunities offered in terms of personal wealth and access to state power. Indeed, female district MPs form the core of the Movement caucus within parliament whose task it is to lobby for and push government policies through parliament.<sup>27</sup> Sometimes the Movement caucus whips female MPs into compromising on matters concerning the interests of women, let alone feminist goals.<sup>28</sup>

As soon as you become the district MP you realize that you have an MP in every county of your district; yours is a kind of water lily, an umbrella of sorts above everybody else. If you don't pick what to do carefully, you may be treading on other MPs' toes. You have to liaise with them sometimes for activities otherwise you may collide.<sup>29</sup>

Thus, district women leaders tend to organize most of their constituency activities in conjunction with the (male) parliamentarian representing the relevant county where the activity is to occur. This fact, together with the fact that they operate in a much wider area of operation with limited 'facilitation' by government, places real limitations on the kind of work that affirmative action MPs can do.

At the local council level, certain loopholes in the law also seriously limit participation by LC women in decision-making. Whereas the composition of women

on the executive committees of the less powerful administrative units (LCs I and II) are defined as one-third, this quota does not extend to the executive committees of the sub-county and districts where real power lies.<sup>30</sup> Indeed, current statistics show that, in the majority of the 56 districts of Uganda, female representation in the executives at the sub-county and district levels fall far short of the one-third prescribed for general council seats. Only one district has a female chair. This is a serious defect in the law because it is these sub-county and district executive committees that initiate and formulate policies.

In Uganda, as elsewhere in the world, the use of quotas has sparked controversy and public debate. Here, the debate centred on two main issues. First, because affirmative action is misconstrued to mean 'reverse' discrimination, the tendency is to rebuff quotas. The policy is often perceived as a permanent occurrence, isolated from the struggle within the wider social movement to emancipate oppressed groups. In fact, the transient nature of Uganda's quota system is endorsed by the constitution, which provides for regular reviews of the policy by parliament, 'for the purposes of retaining, increasing, or abolishing' it.<sup>31</sup>

The second bone of contention relates to the over-bloated parliaments and councils, which are criticized for straining the state coffers of a poor developing nation. Because quota seats in a single-member constituency, under the movement arrangement, create *additional* seats in the institutions where they are implemented, they tend to swell the number of members. In Uganda's case, quota seats assigned according to gender are the first casualties when calls to reduce numbers are made. Indeed, today, sex quotas are facing a real threat of being scrapped. The severe backlash against quotas can be gauged from the rhetoric emanating from the corridors of power, as well as from the various memoranda submitted to the Constitutional Review Commission (CRC), which is currently gathering views from the public on crucial constitutional matters.<sup>32</sup>

### Key Lessons & New Strategies

There are several lessons that can be gleaned from the above analysis. These lessons, in turn, forge new strategies that we can utilize to enhance quota systems in Africa.

- Quotas cannot deliver a democratic, non-sexist political economy without the effective dismantlement of the hierarchical institutions that exist in the patriarchal status quo. Placing women in positions of leadership and authority without simultaneously attempting to remove the practical and structural obstacles

**Figure 2: Representation in Uganda's seventh parliament (2001-06)**

Representation	Total number of	Number of women	Percentage of woman
District (reserved for women)	56	56	100
County (open seats)	216	13	6.0
Youth (reserved)	5	2	40.0
Organized Labour (reserved)	3	1	33.3
Persons with disabilities (reserved)	5	2	40.0
Army (reserved)	10	0	0
Ex-Officio (unelected cabinet ministers)	9	1	11.1
<b>Total</b>	<b>304</b>	<b>75</b>	<b>24.7</b>



that hinder their effective involvement in this arena is not very helpful. Simply adding women to existing social and political structures and stirring can do little to eradicate the discrimination and inequities from which they perennially suffer. Indeed, quotas may prove much more of a burden than a blessing to women. While it is wonderful to have women participating in formal politics from the grassroots to the highest level of decision-making, we should not lose sight of the fact that it is yet another duty that they must perform in the domestic/economic arena (in addition to their other full-time tasks).

- The law establishing quotas must be carefully worded. Interpretation of certain words or phrases may lead to detrimental results for the intended beneficiaries of this law. For instance, when a law is couched in terms of 'at least one of the offices ... shall be held by a female' (as Local Governments Act provides in regard to the sub-county and district executive committees), in practice, they are usually interpreted to mean 'the maximum number'. This inadvertently creates a glass ceiling, making it impossible for women's representation to rise above the stated quota.
- There is a dangerous trend towards feminizing deputy positions in the expanded political space for women's leadership. Until recently, the vice-president of Uganda was a woman, the deputy speaker of the parliament is a woman and the deputy chief justice is also a woman. Thirty-two percent of the deputy vice-chairs of the district councils are women (compared to two percent of the chairs) and females also hold 56 percent of the deputy speaker positions on district councils (compared to 17 percent of speakers). Deputizing for male leaders is not very useful for women, as the real power lies with the chairpersons who only relinquish the top seat to their deputies in accordance with their whims.
- The current single-member majoritarian electoral system operating in Uganda promotes division between female politicians. Many women emerge from elections deeply scarred by the largely acrimonious first-past-the-post (FPTP) campaign.<sup>33</sup> Furthermore, one reason why women avoid the open county under the FPTP system is because they cannot match the 'big money' that most male candidates invest in their campaigns. Campaigns run under the proportional representation (PR) system have proved to be relatively cheaper, less murky and more issue-based. Indeed, it is no coincidence that all but one (Cuba) of the 14 countries in the world with female representa-

tion that exceeds 30 percent has the PR-based electoral system. It is especially effective when boosted by gender quotas.

- Another limitation lies in the constitutional provision that prescribes 'a minimum formal education of advanced level standard or its equivalent' as one of the prerequisites to enter parliament.<sup>34</sup> Imposing such a qualification on eligibility to run for a parliamentary seat (that is, credentialism) benefits only the élite. To this end, quotas in the Ugandan parliament have proved to be class-centric, largely benefiting a minority of an educated élite group of Ugandan women. By eliminating almost 80 percent of the female population, the policy perpetuates the characteristic of mainstream post-colonial politics that has excluded the voices of the largest section of the peasant population. The goal should be to attract more grassroots women and this can only be achieved by whittling down the formalism (for instance, credentialism and the Westminster method of legislating) associated with Uganda's parliamentary system today.
- The mode of electing district female legislators should be revisited. An immediate measure would be to have women who occupy quota seats elected not by electoral colleges but by universal adult suffrage or, better still, by an all-female electorate. Not only will this measure remove the hurdles that arise through dealing with a relatively small, manipulative male-dominated electoral college, but it will also allow Ugandan women, as electors, to have a say in choosing the best possible female representative, who might defend their concerns and interests. Furthermore, a limit (such as two five-year terms) should be set for women standing on the affirmative action ticket, allowing many more women to be exposed to national decision-making.
- Elections for the quota seats on local councils should be held on the same day as mainstream elections. In the past, there has tended to be a low voter turnout for women's elections due to apathy and voter 'burnout'.<sup>35</sup> Moreover, such a practice stigmatises quota seats by fuelling the erroneous notion that they are less important and/or subordinate to mainstream seats.
- We have noted the effects of a top-down quota policy on female participation. In order to avoid a situation where beneficiaries feel beholden to the state or perceive quotas as a favour (and not a right), women need to maintain a critical distance from the state and

establish autonomous bodies that challenge the inequalities that exist within the patriarchal state.

In a nutshell, Uganda has come a long way from the days when parliament was the exclusive club for men. However, a tough road lies before Ugandan women in regard to achieving a critical mass in the highest decision-making institution of the land and adding substance and power to their role in politics. We must not shy away from rocking the patriarchal boat.

## Endnotes

- 1 In a majoritarian system several candidates compete for one constituency and the one that emerges with the simple majority of votes represents that constituency. It is comparable to the fastest runner in a race (first-past-the-post), that is, the winner takes it all. Here, even if the loser receives 49.9 percent of the votes, that bloc of voters will not be represented.
- 2 The five levels include: village (LC I), parish (LC II), sub-county (LC III), county (LC IV) and district (LC V).
- 3 The nine posts are the chair, vice-chair, general-secretary and secretaries for women, youth, information, finance, security, mass mobilization and education.
- 4 Ddunga, Expedi. 1989. *Popular Forms and the Question of Democracy: The Case of Resistance Councils in Uganda*. Working Paper No. 4. Kampala: Centre for Basic Research; Okumu-Wengi, Jennifer. 1997. *Weeding the Millet Field: Women's Law and Grassroots Justice in Uganda*. Kampala: Uganda Law Watch.
- 5 Tripp, Aili. 2000. *Women and Politics in Uganda*. Oxford: James Currey and Kampala: Fountain Publishers.
- 6 Tamale, Sylvia. 1999. *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*. Boulder: Westview Press and Kampala: Fountain Publishers.
- 7 The Electoral College constitutes local councillors and women's councils at various levels.
- 8 The number of districts has increased from 39 when the quota system was first introduced in parliament. Since 1989, due to political gerrymandering, Uganda has witnessed the creation of 17 new districts, carved out of old ones, raising the total to 56.
- 9 See Articles 32(1) and 78(1)(c) of the Constitution and Sections 11 and 24 of the Local Governments Act, 1997.
- 10 Under the 1997 Local Governments Act, local councils at the village (LC I), parish (LC II) and county (LCIV) levels are merely administrative units with minimum power and resources to make important decisions (see Part II of the Act).
- 11 Tamale, Sylvia. 2001. 'Gender and Affirmative Action in Post-1995 Uganda: A New Dispensation or Business as Usual?' In J. Oloka-Onyango. ed. *Constitutionalism in Africa*. Kampala: Fountain Publishers.
- 12 Compare with Schreiner, Jenny. 1996. 'Affirmative Action and Reconstruction: A Basis

- for Changing Race, Class and Gender Inequality'. In Blade Nzimande and Mpumelelo Sidhosana. eds. *Affirmative Action and Transformation*. Durban: Indicator Press.
- 13 Tamale, Sylvia. 1999; Tripp, Aili. 2000; Ahikire, Josephine. 2003. 'Gender Equity and Local Democracy in Contemporary Uganda: Addressing the Challenge of Women's Political Effectiveness in Local Government'. In Anne Marie Goetz and Shireen Hassim. eds. *No Shortcuts to Power: African Women in Politics and Policy Making*. London: Zed Books; Goetz, A. Marie. 2003. 'The Problem with Patronage: Constraints on Women's Political Effectiveness in Uganda'. In Anne Marie Goetz and Shireen Hassim. eds. op. cit.
- 14 For a historical gender analysis of women parliamentarians in Uganda, see Tamale (1999).
- 15 See the statistics on 'Women in National Politics' on the Inter-Parliamentary Union website (as of 20 October 2003), <http://www.ipu.org/wmn-e/classif.htm>.
- 16 See the statistics on 'Women in National Parliaments' on the Inter-Parliamentary Union website (as of 20 October 2003), <http://www.ipu.org/wmn-e/world.htm>.
- 17 In 1992, the United Nations Economic and Social Council set the target of 30 percent women in decision-making by 1995. See United Nations Office for Social Development and Humanitarian Affairs (Vienna). 1992. *Women in Politics and Decision-Making in the Late Twentieth Century*. Dordrecht: Martinus Nijhoff Publishers. Also see Strategic Objective G of the Beijing Platform for Action, UN Fourth World Conference on Women, 1995.
- 18 Bystydzienski, Jill. 1992. 'Influence of Women's Culture on Public Politics in Norway'. In J. Bystydzienski. ed. *Women Transforming Politics: Worldwide Strategies for Empowerment*. Bloomington: Indiana University Press; Dahlerup, Drude. 1988. 'From a Small to a Large Minority: Theory of Critical Mass'. *Scandinavian Political Studies*. Vol. 11(4). pp. 275-298.
- 19 The standing committees chaired by women include those concerned with the budget, government assurances and equal opportunities. And the two sessional committees chaired by women are: social services; and public service and local government. Female MPs hold relatively more deputy positions in parliament (such as deputy speaker, five deputies of standing committees and four deputies of the sessional committees).
- 20 Indeed, unlike women district representatives, all of these interest groups are elected exclusively by their own kind.
- 21 Tamale, Sylvia. 1999.
- 22 See, for example, Museveni, K. Yoweri. 1997. *Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda*. London: Macmillan. p. 191.
- 23 Although, as I stated earlier, women activists demanded greater political representation, their 'pressure' lacked the intensity and resilience to offer them any bargaining leverage in relation to the implementation of quotas in 1989.
- 24 See Tamale, Sylvia. 1999.
- 25 There have been three general elections since 1989: the 1994 Constituent Assembly elections; the 1996 parliamentary elections; and the 2001 parliamentary elections. The next elections are due in 2006.
- 26 Tamale, Sylvia. 1999. Tamale, Sylvia. 2001. 'Gender and Affirmative Action in Post-1995 Uganda: A New Dispensation or Business as Usual?' In J. Oloka-Onyango. ed. *Constitutionalism in Africa*. Kampala: Fountain Publishers.
- 27 The current seventh parliament has attempted to counter NRM patronage by reviving the women's caucus in parliament, the Uganda Women Parliamentarians Association (UWOPA).
- 28 Tamale, Sylvia. 1999 & 2001. Goetz, A. Marie. 2003. 'The Problem with Patronage: Constraints on Women's Political Effectiveness in Uganda'. In Anne Marie Goetz and Shireen Hassim. eds. op. cit.
- 29 Joyce Mpanga, MP, quoted in Tamale, Sylvia. 1999. p. 179.
- 30 The one-third quota at the levels of LC III and LC V applies to the entire council but not the executive committee membership of the councils (see 1997 Local Governments Act, Sections 11, 17, 24 and 26).
- 31 See Article 78(2) of the Constitution.
- 32 The Commission of Inquiry (Constitutional Review) was set up in February 2001. Among its duties is to 'review the composition, powers and privileges of parliament and to recommend an affordable but efficient and strong parliament, bearing in mind the need for the effective representation of the people'. See Term of Reference (e) of the Commission of Inquiry (Constitutional Review) Legal Notice 1 of 2001.
- 33 Tamale, Sylvia. 1999.
- 34 See Article 80(1).
- 35 Ahikire, Josephine. 2003.

### Further Reading

Ahikire, Josephine. 2003. 'Gender Equity and Local Democracy in Contemporary Uganda: Addressing the Challenge of Women's Political Effectiveness in Local Government'. In Anne Marie Goetz and Shireen Hassim. eds. *No Shortcuts to Power: African Women in Politics and Policy Making*. London: Zed Books.

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# Introducing Quotas in Africa: Discourses in Egypt

GIHAN ABOU-ZEID

## The Political Context

In 1956, the Egyptian constitution gave women the right to vote and to be nominated for office if they so wished. In 1979, it became mandatory to vote in elections. Two women were nominated as candidates and won in the first general election in 1957.<sup>1</sup> This was considered a major gain and practical experience for women in relation to their nomination and voting rights.

However, this gain came as a result of a long struggle and political history that can be traced back to 1919. At that time, Egyptian women took part in a rally, calling for independence and the end of the British protectorate. In 1923, the idea of the first Egyptian women's federation emerged, which sought political and socio-economic rights for women. It managed to create a political entity that had a major impact on political life as well as in the face the British occupation. Women, during only a few years, were able to shift from face covering (the wife of the late political leader Saad Zaghloul took off the face cover in 1919) which inspired other women to follow.

Female employees of weaving and textile companies proposed the first code to regulate the work of women. They initiated a strike that aimed to end night shifts and to increase wages. This became law in 1936.<sup>2</sup> However, there were two obstacles that hindered such major political activity of women. The first was the national movement's position on women's rights. This assumed that working to attain the rights of workers and farmers would certainly have an impact on both genders, which turned out not to be the case.

Second, the political will represented in four governments after the 1952 revolution did not result in a supportive position for making women a participating power in politics. Rather, the position of the political elite was not much different from the prevailing position towards women.

Although multiple parties started to operate in Egypt in 1977, they did not rank the issue of women's nomination among their priorities. This was coupled with the weakness of the parties themselves, as a consequence of which they experienced low levels of popularity. In fact, this was a result of people's rejection of

political activity in general and of party-related work in particular.

However, the two-round voting system had and still has a major impact on the voting process as well as on the relationship between government and citizens. Because of it, people have lost confidence that any elected body will be able to make any change to the lives of citizens. The result is a political culture that calls for passiveness and demonstrates little concern for the participation of citizens.

## Quota Systems for Women in Egypt

In 1976, a significant political development occurred in Egypt when it shifted to the multi-party system. In 1977,<sup>3</sup> a law was passed that regulated the activities of political parties - helping to stimulate political groups and to activate a number of popular forces. This shift coincided with the expansion of democracy worldwide, along with the holding of a number of international conferences on the status of women between 1975 and 1995 which produced recommendations on the inclusion of women in politics globally. Such factors affected women's movements in a number of countries, creating a link between international and national efforts for reform. In 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was agreed. It included the establishment of women's rights in all fields. It is worth noting that the political leadership welcomed the idea of enforcing Article 4 of the CEDAW, which deals with earmarking parliamentary seats for women. At that time, the political leadership was keen to enhance its international relations, to improve its image and to eliminate areas that diminish human rights, especially when Egypt began to lean towards the Western bloc.

Another important domestic factor was the part played by the First Lady, Gihan Al Sadat (1970-81), who sought to assume an influential social role parallel to the political role played by her husband. She called for the establishment of non-governmental organizations (NGOs), participated in international fora, used her political weight to demand supportive laws for women, and backed the efforts of those who demand-

ed discussion of women's status and the revision of many laws.

On the whole, developments in the 1970s pushed the Egyptian regime into introducing a number of supportive procedures aimed at empowering women on many levels. Most important was political participation. Women were directly granted political rights through the allocation of a quota of parliamentary seats.

## At the parliamentary level

In 1979, a presidential decree was passed regarding the application of the quota system (law 21/1979), defining a formula reserving 30 seats (out of 360 seats) for women in parliament. A broad systems of reservations was implemented, where it was mandatory to vote for two members in each electoral zone: one had to be a farmer and one a worker. In 30 of the zones, there was the additional requirement that at least one woman must be elected, thereby reserving 30 seats for women<sup>4</sup>

The presence of women in the 1979 parliament amounted to a real success. At that time, 35 women (nine percent) became members. In 1984, 36 women became members.<sup>5</sup> The quota system was applied in both instances.

Women, by virtue of the law, were allowed to compete with men for other seats, whereas men were not permitted to contest seats assigned to women. Also, the president has the right to appoint ten members of parliament, including at least two women.

In 1983, the electoral law changed the electoral system from constituency elections to list nominations, in theory making it easier for women to be elected. However, this same law introduced severe restrictions on independent candidacies and non-partisan candidates, which some women perceived as a way of forcing them out of parliament. Such candidates claimed that the law was unconstitutional on the grounds that it prohibits the nomination of those who are not running on a party ticket, thus violating public rights. They also criticised the favouring of women in parliament, stressing the fact that it is a violation of the constitution as well as of the principle of gender equality. As a result, a law was passed in 1986 that cancelled the reserved seats for women.

The cancellation of 30 seats allocated for women was not the only loss. It was followed by another amendment of the electoral system, which saw the return of the majority electoral system. At this point, women lost their weak gains concerning their status in the political arena. This was clearly demonstrated in the next parliamentary cycle when female representation fell to only 2.2 percent.

## At the local council level

The law allocating a quota for women had an impact on local councils, which have a four-year cycle. Initially, female representation was low. During the course of the two cycles when the quota was in effect, female representation rose to between ten and twenty percent. It subsequently fell to 2.11 percent, declining to only 1.2 percent in 1997.<sup>6</sup>

## At the level of the Shura Council

The purpose of the Shura Council is to provide advice on different laws and policies as well as any other decrees submitted by the president. It is also responsible for monitoring the media. The council has 264 members. Two thirds are appointed via elections, while the remaining one third is appointed by the president. The term of the Shura Council is six years.

Established in 1980, the Shura Council has never reserved seats for women. However, it is worth noting that it has witnessed an increase in the number of female members, rising from 3.3 percent to 4.7 percent in 1980 and 1992 respectively, as a result of the increase in the number of female members appointed by the president. The appointment of seats by the president was seen as an indirect measure designed to favour women. In 1992, 91 percent of the president appointed seats went to women, increasing to 100 percent in 1998.<sup>7</sup>

## Evaluating the Implementation of the Female Quota System in Egypt

Egypt was one of the first Arab countries to apply the quota system, serving politically underprivileged categories. After the revolution, seats were earmarked for farmers and workers on every elected council. However, the integration of women from underprivileged categories did not occur until 1979. The quota, therefore, is a debatable principle in Egyptian society. We cannot say that it is clearly interwoven in the culture. Although there was, for historical reasons, support for reservations of other categories, this was not the case with reservations applying to women in Egypt.

There are different explanations: A number of papers and studies were commissioned in an effort to analyze the performance of female parliamentarians during the two parliamentary cycles. Determining factors were the nature of the issues that were raised while women were in attendance and their use of legislative and monitoring tools. Carrying out the evaluation in such a manner, however, was unfair, since male members usually had much more experience and newly appointed female representatives did not receive any capacity building to perform parliamentary duties from

their respective parties. Hence, their presence did not have any positive impact on the status of women or on the council in general. For instance, during the second cycle of 1984-87, women only raised five political issues. None submitted any draft laws - by contrast, female members who served in the previous parliament submitted ten draft laws. In sum, it is hard to measure and evaluate the initial experience of female representatives without looking into all of the surrounding factors. Political experience is accumulated and must not be judged before it reaches a certain level of growth.

A number of groups focused on and evaluated the female members during their first days, while simultaneously assessing public opinion regarding their performance. As such, it has been a process of intensified monitoring of a new experience, requiring much more work than immediate evaluation and monitoring. While the amount of follow up was massive, the newly appointed women did not receive any objective or effective support and capacity building. Also local women's organizations, such as the National Council for Women (2000), had not yet been created. Furthermore, the parties were and remain disinclined to protect women's rights, especially those related to participation. Most of the parties still integrate women into a specific committee operating primarily in service and social areas and then into the political arena. Therefore, women's names on the voting lists did not reflect a real presence in the party or an actual belief in the necessity of supporting their participation or even succeeding in securing women's votes. As a result, female parliamentarians did not receive the required support from their given parties, and the leftist parties which were well known for active female members were no exception to this rule.

The quota was applied in Egypt in a context of political and socio-economic change. Due to the accelerated events, the society was not well prepared to accept such changes. They were introduced from above by the higher authorities, and hence the grassroots had no input. As a result, the conservatives expressed strong resistance to female participation in parliament, which was seen as a threat to the values governing the relationship between men and women.

In response to this call, the state withdrew the right given before. It tried to lessen the public tension resulting from economic and political pressures. Meanwhile, the assassination of President Sadat in 1981, only two years after the quota came into effect, resulted in a change of government, which repealed the quota system.

Again, the political orientations changed with the new government, this is especially true in its management of the relations with different social forces. Only

five years after taking over, in 1986, the new government enacted a law that cancelled the quota, followed in 1990 by approval of the majoritarian electoral system. Women's hopes for increased political representation were dashed.

Although all progressive forces were frustrated with the repealing of the quota, there were some positive dimensions to the experience. For instance, simply introducing the quota for women was a positive point, which developed into a dialogue around the importance of effective female parliamentary participation. This was a springboard for the establishment of a number of NGOs and projects dealing with female political empowerment, and led the progressive forces in society to play an active role regarding women's political participation. At this time, a number of papers and studies began to appear that addressed the political participation of women, including an evaluation of the experience. UN conferences, in particular the International Conference on Population and Development (ICPD), held in Cairo in 1994, served as a platform for the introduction of the issue to the general public. The ICPD was followed by the Beijing Conference in 1995, a number of other conferences, and CEDAW follow-up reports submitted by different countries.

### **Quotas: Two Conflicting Camps**

Implementation of the quota generated hot debate in Egypt between two conflicting camps. Proponents included a number of progressive forces, women's activists, and human rights organizations. Opponents, meanwhile, were represented by conventional forces, a group of legal specialists, and a large sector of society that wanted women to remain at home.

#### **The first camp: Proponents**

Proponents adopt a positive perception towards the implementation of quotas, basing their arguments on the following:

- Equality: the number of women amounts to almost half in any society. It is unfair for half of the society to be deprived of a chance of representation at all levels of parliamentary councils. In fact, women face difficult circumstances, including in regard to per capita income, wealth, education, leadership positions, strategic communication, and time allocated for public activities. Therefore, constitutional and political regimes must compensate for all of this by assigning a minimum number of seats for women. Equality entails that the ratio between the number of women and the total population be proportionate.
- Proponents, including women and men, believe that women never seek to prioritise their interests over

those of others. Rather, they try to use their power to serve the interests of others. That is, women do not adopt a win or lose approach when dealing with power relations. They stress the different perspective of women towards war and peace relations, social services, and family status, which does not stem from their own interests. Instead, it is an expression of a wider viewpoint, which is in harmony with the real needs of the majority of the people.<sup>8</sup>

- Quotas are not viewed as a violation of equality as defined by the constitution. Proponents argue that all citizens should not be subject to unified rules that provide only theoretical equality, which do not recognize existing differences. Based on this, the allotment of seats for women, representing half of the society, who are unable to reach into these bodies is compatible with the equality-related constitutional provision as well as with the recommendations from CEDAW.<sup>9</sup>

#### **The second camp: Opponents**

Based on the patriarchal view that men are more capable of political activity in general and of parliamentary activity in particular, opponents disapprove of the quota system. This group believes that men have the necessary political experience to take on relevant struggles, which is a part of the parliamentary process. This camp also believes that the interests of women are part of society's overall interests which any of the elected members, male or female, can defend. In addition, there are many common interests that do not require the efforts of a certain gender.

Here they perceive the implementation of quotas as an imposition of the political leadership, not necessarily reflecting a real study of the needs or a consideration of the existing environment. Rather, it reflects the personal desire of the élite, and is far from being a natural expression of a social or national interest. Under the quota system, female members are in parliament as a result of a gift from the political authority. As such, they will have to toe the party line, which will certainly make it hard for them to play a real parliamentary role, which entails questioning and confronting government policy and its programmes.

According to this camp, it is better for women to strive to attain parliamentary representation that offers the opportunity to gain real political experience, to act as a role model, and to gain legitimacy.

They also see the favouring of any gender as a clear violation of the constitution, which stipulates that citizens are equal and that there is to be no discrimination in regard to gender, race, language or religion. The application of the quota system does not result in real achievements for women or even for the zones that they

represent. As such, it is both unfeasible and unconstitutional to apply the quota. In addition, they underline the poor performance of female parliamentarians who benefited from the quota in the past. Stating that women represent women implies that men represent only men, establishing the gender factor as a discriminating standard among citizens.<sup>10</sup>

### **Empowering Women and Promoting Active Participation in Elected Council**

Female participation was and still is superficial and symbolic: women do not occupy any of the high ranking positions in Egypt's political parties. Playing an active and more effective role in the country's parties might help women to acquire the political experience needed to participate in the electoral process more broadly. It might also be the preferred option for the political parties to assign a certain quota for women as candidates for the legislative nomination. This could secure a better opportunity for an active participatory role for women on the one hand, and counter any claim of unconstitutionality regarding government quotas in favour of women on the other.

It is necessary for institutions to play a more positive and constructive role to encourage women's participation. A more positive image of women as active and equal partners should be the cornerstone of the values promoted by the socialization process. The modest attempt of the government so far falls short of these objectives, both in regard to scope and content, especially in the Egyptian educational system.

The role of the media with its far reaching effect, should be drastically changed from a reflective mirror of the government orientation and policies of the backward of the social values and customs into a more progressive role dealing with women as an active indispensable player in the development process. More support should be extended to the many NGOs and university research centres that are attempting to train qualified women for more active and organized political participation. Experienced females should be a positive model for other women. A mentoring system should be established for those young women who are heavily involved in community affairs, or are active in student unions. Training and preparing through persistent organized mentoring would result in the comprehensive empowerment of women, leading not only to a higher level of political participation, but also to effective participation. Finally, working with and for civil society organizations provides a solid base to gain awareness and knowledge of public issues, thereby possibly paving the way for increased participation of women in public affairs.

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# “The Quota System within the African Union”

DR. MARY MABOREKE

## Introduction

Colleagues and friends, mine is a very simple task. While we all know that the quota system raises some extremely thorny issues, the organizers have requested that I do just three things:

- Provide background to the introduction of the quota system in the African Union (AU);
- Provide an overview of the discourse and the groups involved in the enforcement and implementation process in the AU; and
- Provide an overview of the kind of quota system that has been introduced, and the level at which it is applicable.

As you may be aware, the absolute gender equality rule was adopted at the Inaugural Session of the Assembly of Heads of State and Government in Durban, South Africa, in July 2002. The first set of Commissioners was elected in Maputo, Mozambique, in July 2003. And the Commissioners took office on 17 September 2003. Therefore, given this recentness, the AU does not yet have ‘experience’ of the operation of quotas. It is still straddling the two phases – just past the legislation stage and the introduction of quotas, but not quite fully into implementation mode. Consequently, I can only share with you how we came to be where we are today.

## The Process Leading to the Introduction of the Quota System

This was not something that started with the transformation of the Organization of African Unity (OAU) into the AU; its origins lie in the African and Global Platforms for Action for the Advancement of Women – except that we upped the ante, from ‘at least 30 percent’ to ‘at least 50 percent’.

How did this happen? One can sum this up in a few important words: envisioning, dialogues, teamwork, strategizing, lobbying, always staying engaged with each other and the process, never wavering even in the face of apparently insurmountable obstacles, being flexible rather than being wedded to particular positions or ways; always asking ‘if not this way, then which route to the same end point?’ – and then taking that route;

always seeing this as teamwork, rather than looking for individual credit for certain outcomes; always keeping eyes focused on the attainment of the common goal, and counting on the other players – that they would pull their weight and do what was necessary and possible from their different vantage points.

Putting it this way, however, seems to give proper form and a sense of being well thought-out to something that was essentially *ad hoc* and mostly reactive, and which took shape as it proceeded, rather than being fully formed and well organized from the outset. It was something that drew – and grew – from the common sense approach of having to adapt in order not to perish – we all have an inert understanding of what we need to do to survive.

It all looks so planned, orderly and obvious now, but this is only because with the benefit of hindsight we all become geniuses. It was only when I sat down to write this paper and had to outline the process that took us to where we are today and what we had to do in order to get what we got in a way that would be comprehensible to others, that the full form and pattern of what happened actually emerged. Before that, it was simply a series of haphazard events, activities, reactions and counter-reactions that simply grew from and built upon each other. And it could not have been any other way, because in a context such as ours, with so many variables – most of which are not in one’s control – one cannot predict the exact constellation and the arrangement of factors that will present themselves at any given stage.

At the time we did what we had to do, following our basic instincts, each one of us asking himself or herself: ‘Since I cannot move this thing this way, what should I do – what can I do – within the space that is purely mine? Where do I need others to come in, and how? Who has the comparative advantage in this particular case – non-governmental organizations (NGOs) or ministers – the female ministers or the male ones – or both? If I target the female ministers in this particular case, would that not be counterproductive – as if I am implying that they are unaware of the need to do this, or creating the impression that I am only approaching them because they are female, and thus I am seeing

them as women first and only as ministers second – which could come across as being both insulting and patronizing?’ There have indeed been cases – not linked to the present debate – where some women in decision-making positions have not responded well to being viewed first and foremost as women, and have insisted on being seen purely in their official capacities – and it is important to respect this, as that response is usually based on previous experiences which sometimes do justify that kind of reaction. Yes, women in key positions do represent entry points and opportunities for the promotion of gender equality, but such an approach also places a more onerous burden on female officers than on their male colleagues. It is critical, therefore, that efforts to introduce the quota system are acutely attuned to the undertones of their fields of operation, so as to pick up even the smallest nuance, possible ramification or fallout.

Even the questioning process was not always carried out in a pre-planned and coordinated fashion either. Sometimes we asked the questions individually, sometimes collectively, and sometimes we asked these questions of each other. All this notwithstanding – and perhaps because of this – somehow it all came together ultimately to give us the pace-setting decision regarding absolute gender equality in the Commission of the AU.

## The Debates and Decision-making Processes Surrounding the Introduction of the Quotas

Many fora were organized around the issue of how best to mainstream gender into the AU. Some were organized by the AU itself, others were organized by women’s NGOs, while yet others were organized in partnership between the AU and civil society. Two main recommendations emerged from these consultations: either to have a Commission on Women and Gender, or to have a Gender Directorate. Given the political, financial and other considerations that had to be taken into account, however, we could not have a Commission. The member states agreed that the Commission could only have eight portfolios, which, given the huge number of sectors that had to be collapsed into those eight portfolios, did not permit us to have a specific portfolio focusing on gender issues alone, and we did not want them to be coupled with social affairs in the Social Affairs and Gender Directorate. The issue then became how best to ensure gender mainstreaming within the agreed framework. Finally, it was agreed to focus on getting a quota for women in the selection of Commissioners to head the various portfolios: as part fulfilment of the African and Global Platforms for Action, but also as a tool and strategy for promoting

gender equality in all of the programmes and activities of the AU. This is how the recommendation regarding a quota for women among the Commissioners came up.

Some words are clear-cut in their meaning, while others are a lot more opaque, less precise. While the obscurity of the English language can be bedevilling, sometimes this lack of precision can be a real blessing, especially when the person or entity interpreting the word is either of a particular persuasion or is well disposed towards a particular position.

The recommendation regarding gender representation in the Commission of the AU was framed using the words ‘quota’ and ‘parity’. The Assembly sought clarity regarding exactly what was being requested and recommended. If we look up the meaning of these two words, we find a number of synonyms, ranging from ‘proportional’ to ‘equality’ and many others in between. To their credit, African leaders decided that it was ‘equality’ that should be provided under the circumstances. Of course, there will always be a lot of fodder for theorizations regarding exactly what occurred in Durban in July 2002 – whether it was just a propitious constellation of events and circumstances, or whether the continental organization took a conscious decision that this was the direction in which it really wanted to go. However, as the saying goes, all that is now academic. The decision of the Heads of State and Government stands as Articles 6, 12, 13 and 18 of the Statutes of the Commission of the AU.

## Some of the Discourse and the Challenges that it Bespoke

Even before we left Durban, we were already bracing ourselves for negative reactions, such as:

‘That we had asked for too much; that the Assembly had gone too far; that the Heads of State and Government did not understand what they had just legislated; that this was mere political correctness, which the Heads of State and Government had no intention of following through on; that they were going to renege on this decision once they understood what they had done; that moves were already afoot to reverse the decision; that, in any case, there were not enough competent women to meet the quota; that to add equal gender representation to the geographical considerations and competency criteria already agreed on would make the election process too complicated, unwieldy, unmanageable and impracticable; that the decision was difficult to justify as it was no longer clear whether the female commissioners would be accountable to the whole continent or just to women, whether they would also represent the men; that there was no need for the

male commissioners to do any gender mainstreaming because that was the preserve of the female commissioners; that if the AU did not deliver on its gender mainstreaming mandate it would be the fault of the female commissioners; that the AU had sacrificed competency for the sake of dubious gender justice; that there was no more need for gender mainstreaming in the AU; and that I had ‘succeeded myself out of a job’.

In the end, however, there was no such debate on the floor of the house; these matters never became an issue. They are just the kind of thing that one heard floating around, faceless.

### **Laying the Groundwork for the Elections**

Hence, between Durban 2002 and Maputo 2003, we remained highly conscious of the dangers that lurked, threatening translation of the Assembly decision into concrete reality. What was our reaction?

We started by recognizing several critical things about the situation in which we found ourselves:

- First, that the election was essentially a political process that would be government-led;
- Second, that we could not afford a situation where we would be told that ‘it was not possible to elect women, either because women did not apply or qualified women did not exist’; and
- Third, we needed women who could make a difference, women who understood gender and would be strategic supports for the continental gender agenda.

So, what did we do? We started disseminating the decision as widely as possible, and exhorting eligible women everywhere to apply. We organized meetings to strategize about what to do, and how to go about the whole process. We used all of the channels we could think of – print media, audio-visual, and the internet. We milked our networks for all that they are worth in this regard. No stone was left unturned. We really pulled out all of the stops, underlining to all and sundry that, whereas African leaders had been accused of lack of political will, this time they had put the ball squarely in the court of African women, that the people of Africa could not be found wanting at such a time, and that we needed to put our best foot forward – making all players aware that they were responsible for the outcome of Summit decisions. We also reminded member states of their obligations under this decision, and encouraged them to help ensure that Africa retained the lead role that it had assumed in this area. Lobbying in the corridors of the various meeting halls on the sidelines of the Maputo Summit also played its part.

### **Key Actors and the Roles that they Played**

We literally had every section of the body politic and interest group represented among those involved in working for the introduction of the quota system: ambassadors, male and female alike; ministers, male and female; Heads of State and Government; figures with international stature; different member states; NGOs with a long history of close working relations with the continental body and understand its working modalities, in particular, Femmes Africa Solidarité and the African Women Committee on Peace and Development; as well as the staff of the AU Commission, which was the critical cog in the whole process, the connecting thread and the glue that held everything together. Official, personal, formal, and informal contacts were all drawn upon, capitalized on, and woven into one complementary and mutually reinforcing strategy.

The work involved, among other things, setting the goals, coming up with the strategies, making sure everyone involved was on board, lobbying key persons and persuading those of a different opinion, identifying emerging threats and addressing them, and ensuring that, all the while, everybody was working in the same direction – all of which meant that a good information flow was critical.

### **The Type of Quota System at the AU**

The AU has legislated for, at the very least, absolute gender equality, which means at least 50 percent women. This also means that there can be more female Commissioners than male ones, as is the case at the time of writing. This quota system is definitely applicable within the top decision-making structures, namely, the top ten elected positions within the Commission. That is, the Chairperson of the Commission, the Deputy Chairperson, and the eight Commissioners.<sup>1</sup> There is absolutely no debate about this legal position.

The quota system also applies to all senior, professional and technical appointments.<sup>2</sup> What is not so clear, though, is whether the quota system at this level is also that of equal numbers of men and women. Of course, it would seem that the precedent established at the top should permeate down, not only to all of the other levels of the Commission, but also to all other AU organs. However, there might be practical problems associated with implementing this recommendation, at least within the Commission of the AU. This is because there are employees who will be inherited from the General Secretariat of the OAU, and that staff complement is not reflective of this absolute gender equality. In any case, this is an academic point right now.

### **Endnotes**

- 1 Articles 6 and 13 of the Statutes of the Commission of the AU.
- 2 Article 18 of the Statutes of the Commission of the AU.



## Political Party Quotas in Practice

### Overview of the Session

Evidence from around the world shows that voluntary quotas adopted by political parties to increase the number of women candidates in elections have been effective, especially when applied in list PR electoral systems. On the African continent, however, there are relatively few successful examples of political parties adopting and enforcing internal party quotas. This session, therefore, focused on how quotas were adopted by specific political parties, the resistance that may have been faced and how they have been implemented in practice. It draws on case studies from South Africa, Mozambique and Senegal.

#### South Africa: Quotas in the African National Congress

Ms Mavivi Myakayaka-Manzini stressed that the ANC is the only political party in South Africa to adopt explicitly a voluntary quota to include at least one-third of women on its lists of candidates for election. The quota adopted by the ANC was applied for the first time during South Africa's first democratic polls in April 1994. It resulted in a dramatic increase in the number of women: from 2.7 percent (under the previous apartheid regime) to 25 percent in the first democratically elected parliament. These gains increased steadily in the 1999 election, to 27 percent, and again in 2004, to 32.8 percent.

Myakayaka-Manzini traces the origins of the quota policy within the ANC. She explains how *women's mobilization*, both from women inside the party and from civil society, brought pressure to bear on the leadership to accept their demands. The ANC guidelines for the nomination of candidates' lists for the 1994 election included the provision that one-third of all candidates should be women. There was no placement mandate specifying where women should be situated on the lists, yet 35 percent of ANC candidates elected were women. In 1999, there was a placement mandate for the national list: women were placed in every third position. As a result, 36 percent of ANC MPs were women.

"The *lessons* which I would like to share with you are the multi-pronged approach which we used as South African women to deal with women in decision-making. It is important to look at strategies of what is realistic and achievable, and what it is that unites us as women. We need to look at the mobilization of women themselves from both urban and rural areas, involving men in lobbying and supporting and empowering women elected. Additionally we need to continue to monitor and remain vigilant, for example when a woman leaves parliament we need to make sure she is replaced by a woman."

The ANC's voluntary quota policy has ensured women visibility in South Africa's parliament. However, the policy has not resulted in a contagion, that is, none of the other political parties has adopted a quota. Consequently, 80 percent of the women in parliament come from the ranks of the ANC. Many observers caution that the gains won by South African women are largely dependent on the goodwill of the majority party, and thus are calling for legislated quotas to safeguard women's representation in future elections.

#### Mozambique: Quotas in the FRELIMO party

As with neighbouring South Africa, Mozambique is one of the few examples of a country in which the majority political party has adopted a voluntary quota to secure women's participation in parliament. Ms Alcinda Abreu looks at the evolution and application of the quota within the FRELIMO party. Like the ANC in South Africa, FRELIMO emerged from the struggle to gain national independence, transforming itself into a political party in 1977. While women were active in the liberation struggle and lobbied for inclusion in the party's governing structures in subsequent years, a formal quota was not adopted until the sixth party congress in 1992. No other party in

Mozambique has formally adopted a quota for women in elections.

The quota was first applied in the 1994 national elections. Women accounted for 26 percent of elected representatives, with 65 percent coming from FRE-

LIMO. In 1999, the representation of women rose to 31 percent, the highest in Africa at the time. Again, the vast majority of women was elected from the ranks of FRELIMO. Abreu cautions that, while the quota has ensured women access to traditionally male-dominated decision-making bodies, they still confront the challenges of impacting on policy and contributing to the consolidation of the fledgling democracy.

#### Senegal: Grappling with party quotas

Although it is doing better than many of its West African neighbours, the participation of women in politics in Senegal remains limited. Ms Aminata Faye Kassé examined Senegal's modest experiment with political party quotas, and the slow rise in women's access to the legislature. From 12 percent representation in 1993, women now constitute 19 percent of MPs. With international and regional backing, women in Senegal have lobbied political parties for inclusion in politics. Faye Kassé notes that, 'as there were no legislative measures to assure the promotion of women to elected office, COSEF [the Senegalese Council for Women] decided to develop strategies to work with different political actors with the potential to further women's representation. These included the political parties, women's political movements, women's organizations, civil society in general, and the media'.

Ahead of the 1998 elections, some parties opted to introduce quotas for women, ranging from 25 percent to 40 percent on candidate lists. However, as Senegal uses a mixed electoral system (combing PR lists with constituency elections), the quota was only applicable to the PR portion of the poll. Faye Kassé finds that, as with any list system, the important variable in determining the number and placement of women on lists, is who is on the selection panel and a member of the party's decision-making bodies. Additionally, while the national party leadership may in principle support quotas, there is often resistance from the grassroots or the party's local structures to their implementation, or by women who see them as demeaning.

#### Discussions from the Floor

It was noted that, in all cases, important progress has been made in regard to collaboration between the *women's movement* and political women (and men), either from political parties or in parliamentary settings. The coincidence of sustained mobilization by women within the political system and by women in

civil society was central to the introduction of quotas in the three countries. Also important was the political support of the highest levels of government and political leaders. While many women have advanced their struggles through the political party system, it needs to be matched with the political backing of the party leadership.

While in Mozambique and Senegal the quota has resulted in more women being elected, it has not led to more women being appointed to *executive positions* in government. This is in contrast to South Africa, where at least one-third of ministers and deputy ministers are women, and not just the holders of traditionally 'soft' portfolios. Myakayaka-Manzini points out that the selection of cabinet members is a presidential responsibility, but that a commitment to gender equality filters through to the national leadership.

She also notes that, as part of its work in the field of international affairs, the ANC *shares experiences* with parties in other countries, and tries to develop party-to-party relations. This is an important means of forging ties with like-minded parties, especially when trying to affect gender reforms. The formation of links between the women's wings of parties should also be explored. This is potentially an important and effective way of working with political parties. It was suggested that a number of the issues discussed relating to gender equality, such as access to executive positions, should be linked to the APRM on the continent.



# Political Party Quotas in South Africa

MAVIVI MYAKAYAKA-MANZINI

## Background

To date, the African National Congress (ANC) is the only party in South Africa to have introduced a quotas to ensure the representation of women in politics and decision-making.<sup>1</sup> This system was introduced before the first general election for a democratic South Africa in 1994. The system is not legislated, but, instead, is found in the ANC's guidelines for nominations of public representatives. South African women, particularly women members of the ANC, have come a long way to achieve this. When the ANC was formed in 1912, women were not allowed under the constitution to be full members of the organization. They were regarded as auxiliary members with no voting rights.<sup>2</sup> Despite being regarded as such, under the leadership of Charlotte Maxeke, women actively participated in the ANC and in 1913 formed their own organization, the Bantu Women's League.

The Bantu Women's League articulated the concerns of women and contributed immensely in uniting African women against pass laws, rising food prices and apartheid in all of its manifestations. As a result of the activities of the Bantu Women's League, the ANC decided to permit full membership of both women and men in 1944. In 1948 the ANC Women's League was formally launched. From its founding, the League had a vision to unite South African women across the colour barrier. In 1954, the Federation of South African Women was established and the League became its leading component. The highlights of the achievements of the Federation were the uniting of women of all races, the drawing up a Women's Charter in 1954 (a year before the adoption of the Freedom Charter), and organization of the historic mass anti-pass campaign on 9 August 9 1956 (now observed as National Women's Day).

The struggles waged by women throughout this period left an indelible mark on the ANC. The ANC conference in 1957 acknowledged their role and honoured the women with the slogan 'Malibongwe Igama Lamakhosikazi', (Let the women's name be praised) which we continue to use today. During the period between 1960 and 1990 (the time of the armed struggle, international mobilization, and mass organization in the country and the underground), women were not found

wanting. They joined Umkhonto we Sizwe, became spokespersons for the ANC internationally, built and strengthened the mass democratic movement in the country and swelled the underground units of the ANC.

It was against this background of active participation that the ANC committed itself to a vision of a non-sexist, democratic, non-racial and prosperous South Africa. Gender equality and the emancipation of women found expression in ANC policy pronouncements. This commitment was evident during the period of negotiations to end of apartheid, the writing of the interim constitution and the development of the Reconstruction and Development Policies (RDP). It laid the foundation for issues of gender discrimination and their resolution to be mainstreamed into our present constitution, government policies, laws and programmes.

During the constitutional negotiations, which brought about a political settlement to the conflict in South Africa, women from across the political spectrum came together to form the Women's National Coalition (WNC). The WNC was an initiative of the ANC Women's League, and brought over 100 women's organizations and groups throughout the country together to draw up a charter covering women's rights. The WNC strengthened the position of the ANC Women's League on gender issues. It opened up the debate on the emancipation of women and gender equality in the country. It was during this period that the ANC Women's League deepened its understanding of the structural and complex nature of gender oppression, and the need to introduce extra special measures, such as affirmative action and the quota system, to address the underrepresentation of women in decision-making and politics, the economy, and all other areas from which women have historically been excluded.

## The Introduction of the Quota within the ANC

In the period when the Charter for Women's Rights was being written, ANC Women's League structures engaged in several discussions regarding, *inter alia*, mechanisms to implement affirmative action policies to ensure the representation of women. It drew on the

experiences of the international women's movement in particular; the experiences and achievements of women from the Scandinavian and Nordic countries also had an impact on these discussions. The setbacks suffered by women with whom we shared trenches during the struggle, namely those from Angola, Mozambique, Namibia and Zimbabwe – in regard to their participation in political decision-making – also informed our discussions. At its conference in Kimberly in April 1991, the ANC Women's League decided to push for constitutional recognition of 30 percent female representation in ANC decision-making structures.

This decision was thus tabled at the 1991 ANC conference. An intense debate on the issue lasted for five hours, but no agreement was reached. According to our assessment, the Women's League was supported by the ANC leadership at the national level, but branch delegates from the provinces, including women, argued that they did not have a mandate to support the motion. Indeed, the issue was not debated in ANC branches prior to the conference. The debate also focussed on the issue of merit: it was argued that the election of women to decision-making positions should be based on merit.

As women, we drew lessons from this. After the conference we approached our Women's League and ANC structures to initiate debate on the representation of women and the quota system. We identified our strategic allies among the male members of the ANC, who could also articulate this issue. This new approach bore some fruit. When the guidelines for the nomination of public representatives were drawn up for the 1994 elections the debate came up again.

In the democratic elections of 1994, one-third of the public representatives elected by the ANC to the national and provincial legislatures were women. As a result, 25 percent of the members of the National Assembly were women. This was a great leap forward, as prior to 1994, South Africa had never had more than 4 percent representation of women in parliament. This placed South Africa among the top ten countries in the world in regard to the participation of women in parliament. The ANC government went ahead and appointed women as ministers and deputy ministers. In parliament, women became presiding officers, advisers, whips and committee chairpersons.

The 1999 elections witnessed the increasing presence of women in political decision-making. Unlike in 1994, when the ANC had to use the quota system to place women on its lists for the national and provincial legislatures, in 1999, the list for the national parliament did not have to be altered to achieve one-third representation – women were placed in every third position

on the national list. Thus, the ANC list process resulted in the achievement of 33 percent representation of women. Women in South African politics became more visible.

From 1999 to the present, there has been significant progress in terms of the representation of women in the cabinet. Out of 27 ministers, nine are women, and of the 14 deputy ministers, eight are women. In cabinet, women are not only awarded the usual women-related portfolios, but they are also involved in almost all areas of foreign affairs, finance, housing, trade and industry, public works, public enterprise, health, minerals and energy, agriculture and land, home affairs, public service, communications, local government, justice and constitutional affairs, arts, culture, science and technology, tourism, the environment, defence and intelligence. In the national parliament, of the four presiding officers, three are women. Women are also playing a greater role in the civil service, as directors-general, deputy directors-general and chief directors.

In business and parastatal bodies, the ANC has facilitated a process under which these entities have gone out of their way to identify women to serve on various boards of directors. In the institutions supporting democracy, such as the Human Rights Commission and the Independent Electoral Commission, women are playing an increasing role. Much still remains to be done within the public service and business, however, the government equity act guides the representation of women.

These achievements would not have been possible if we did not have a viable women's organization within the ANC itself, which over the years has fought for the realization of these goals. Since 1994, one can boldly say that the Women's League has played an increasing role. In addition to consolidating the role of women in decision-making, it has had to make sure that the outcome went beyond numbers, and to use the critical gains that it has achieved in legislatures to change the lives of women throughout the country. It has helped to ensure that parliament and government adopt laws, policies and programmes that address the needs of women, such as creating a healthcare system that is readily accessible to women and children, establishing a social development system that targets people at risk, especially single mothers, developing water and forestry community projects that benefit rural communities environmentally and financially (through reforestation and sustainable development), implementing programmes that increase women's access to small and big business and financial opportunities, and introducing several laws that deal with issues including gender equality, the choice to terminate pregnancy, marriage,

divorce, maintenance, domestic violence, inheritance, housing, water and sanitation, electricity provision, and the protection of domestic and farm workers. The beneficiaries of government programmes have been the poorest of the poor, the majority of whom are women.

### **Endnotes**

- 1 The ANC is currently the ruling party in South Africa. From 1912, it led the struggle against apartheid and the struggle for the establishment of a democratic South Africa. It still regards itself as a liberation movement rather than as a classical political party.
- 2 This was, of course, the period when in most countries, including South Africa, women did not have the right to vote. The suffragette movement was fighting for this right.

# Political Party Quotas in Mozambique: The Experience of the FRELIMO Party

ALCINDA ABREU

## Background

Political participation offers an opportunity to various groups in the society to promote, articulate, advocate and defend their interests and views.<sup>1</sup> Women are as vital a human resource as men, and excluding them from political life risks not utilising, fully and efficiently, their knowledge, skills, experiences and different vision of the world and society. Political participation empowers people to understand and influence decisions that affect their lives.

The time has come to move on from the recognition of women's contribution to challenging those factors in the family, in the communities and in the country and the continent as a whole, which makes it difficult for women to play a full role in democracy and development. Is it a male or a female issue? The answer: it is an issue for society, as the society ascribes different roles for both men and women. Women constitute 53 percent of the total population of Mozambique.

Mozambique is basically a country with a people with peasant roots: savannah farmers for whom the agricultural cycle is marked by rituals that involve praying for rain and soil fertility and by harvest festivals. Agriculture determines a certain technical and social organization of labour, which, in turn, determines a certain form of family and productive organization where mutual aid among producers plays an important role. There are established rules for social reproduction, which have, overtime, undergone changes, demonstrating the impact of colonisation, the socialist model and the capitalist market economy on rural development. Women conduct the greater part of agricultural activity. In urban and peri-urban areas, informal economic activity has developed over the past 12 years as a means of subsistence. Women, including married women, widows and single mothers, undertake much of this. In a certain way, women have ceased to be just housewives or workers in family fields.

The economically active population represents more than 50 percent of the total population. In the public service sector, women and men hold 25.4 percent and 74.6 percent of positions respectively. In regard to education, 60.5 percent of the population is illiterate – 72.2 percent in rural areas. The illiteracy rate among

women is 74.1 percent.

Just like men, women believe in freedom and democracy. Thus, after the new constitution came into existence in 1990, women began to organize themselves within several non-governmental organizations (NGOs) in order to campaign for their rights, regardless of whether or not they belonged to a political party. From the beginning, women understood that democracy was not only about the right to vote. In the run-up to the 1994 multi-party general elections, women's organizations played an important role in educating female voters at the grassroots level so that they could participate in various phases of the electoral process. Democracy is not limited to simply casting a ballot: it is also concerned with a number of issues and rights that guarantee the participation of all in decision-making, as well as the representation of their interests in the fora where decisions are taken.

Over the past 15–20 years, the role of women in Mozambique has been more associated with the tasks of raising the family, taking care of the house and producing and processing food. The same situation exists in most of our African societies. The great fear of the men who dominate these societies is that women who play productive or political roles may establish sexual relations with other men. So it is better to confine them to the household space. This was the general attitude even in societies dominated by women.

Even after moving from domestic life to the public sphere, women's tasks remain linked to the reproductive function. Some women's NGOs, including the Mozambique Women's Organization (OMM), the Association of Women, Law and Development (MULEIDE), Forum Mulher, and the GEDLIDE Institute, started to challenge this situation, demanding more active participation by women in production and politics and that women have greater access to decision-making bodies. Seminars with political party leaders were convened in 1993–94, during which evidence was presented of the inequality.

Very few women, though, were trained as cadres and technical staff, which led the ruling party, FRELIMO, to recruit massively among young people of both sexes in order to confront the challenge presented by inde-

pendence and democracy. Women are acquiring more rights, particularly the freedoms of expression, assembly and association. Society has begun to look upon women differently. Nowadays, it is not strange to hear men say that there is an element missing: that is, gender in the different lists and working groups. By gender, many people still mean women. But we know that gender involves the socially constructed roles, relationships, attitudes and standards of behaviour that characterize the differences between men and women. And this is the rationale for having a quota system in the FRELIMO party.

## The Process

FRELIMO is a political party that emerged from the struggle to gain national independence. It was created in 1962 as a large front that involved all Mozambicans, male and female, who wanted to fight against colonialism. In 1977, it transformed itself into a political party. Until 1992, there was not a formal quota system within the party. There was only discourse and the practice of integrating women into structures at different levels of the party, as well as the struggle of women themselves through the OMM, the women's wing of FRELIMO.

In 1992, FRELIMO held its sixth Congress at which a decision was taken to introduce quotas to ensure female representation in all bodies and at all levels, from the central to the local level.

According to the FRELIMO constitution, all members have the right to vote and to be elected and also to propose a candidate for the party bodies. Article 16 states that all bodies and their leaders are to be democratically elected in a direct, secret, periodical and personal vote. Article 17 seeks to ensure that previous consultation is observed in internal elections and nominations for different missions and functions. Article 21 establishes the principle of continuity and renewal for party members in all bodies, so that the party can benefit from the experiences of old and new members.

The FRELIMO Political Commission has 15 members, four of whom are female (26.66 percent). The Central Committee Secretariat has seven members, three of whom are female (42.8 percent). At the provincial and local levels, 30 percent of members are women. During these eleven years, the Central Committee has had representation of women of up to 35 percent.

The FRELIMO party rules relating to the nomination of candidates for election specify the minimum quota of 30 percent for women, 25 percent for the youth and ten percent for former freedom fighters. So, in all of the electoral lists to elect FRELIMO bodies at

the central, provincial and local levels, women and the youth must be represented.

For general elections at the national and local levels, a list proportional representation electoral system is used. The same party quota applies to lists submitted by FRELIMO to contest national and local elections. In regard to the municipal assemblies, the percentage of females is 33 percent on average, a little more than was defined in the quota. However, we cannot say the same when it comes to the executive boards of the government, which are not elected, but nominated. By contrast, of 23 ministers only three are female, and of 17 deputy ministers only five are female. In the Supreme Court, the seven Counsellor Judges are male; and in the 167 judiciaries only 30 are women.

At the government level, FRELIMO defined a quota of 40 percent of women in executive bodies and 30 percent female representation in local government.

Due to the FRELIMO policy, many ministries implemented programmes to mainstream gender. Sectoral policies and strategies were designed that took into account gender needs and interests. Some mechanisms were also established within the executive structures, such as gender units. There is a national Operational Group for the Advancement of Women, which is chaired by the Minister of Women and Social Action Coordination. In parliament, there is a commission that deals with social, gender and environmental issues. Government institutions and NGOs are conducting research to identify gender inequities in the economic and social spheres and to advance proposals to overcome them and to create a more balanced society. Similarly, a review of existing legislation has been carried out, including the status of the Family Law. Women in parliament are also able to take advantage of a significant amount of gender training provided by government national and provincial directorates and NGOs.

## Quotas and Other Political Parties

Thirty-one political parties are formally registered in Mozambique, yet none has a female president nor secretary-general. In regard to the majority of political parties, women only appear on the lists of candidates for election, rather than in formal party structures. Some parties have one or two females on their board, with women usually serving as the head of the women's wing inside the party.

In the 1994 elections, the total number of women candidates on the political parties' lists was as follows.



**Table 1: Women Candidates by Party in the 1994 National Election**

Party	Acronym	Number of Women
Alliance for Democracy	APD	18
United Front of Mozambique	FUMO	33
Front for the Liberation of Mozambique	FRELIMO	130
Democratic Congress Party	PACODE	18
Democratic Party of Mozambique	PADEMO	15
National Convention Party	PCN	27
Independent Party of Mozambique	PIMO	7
Popular Party of Mozambique	PPM	82
Democratic Renewal Party	PRD	24
Labour Party	PT	46
Mozambique National Resistance	RENAMO	38
Social, Liberal and Democratic Party	SOL	36
Democratic Union	UD	40
Mozambican National Union	UNAMO	34
Total women candidates:		548 (17.6%)

As one can see, female representation in political parties other than FRELIMO was very low: out of a total of 3,115 male and female candidates, women constituted 17.6 percent. After the elections, 62 women were appointed as deputies (out of 250), representing 24.8 percent. The distribution of parliamentary seats was as follows:

**Table 2: Distribution of Parliamentary Seats by Gender in the 1994 Parliament**

1994	FRELIMO	RENAMO	UD
Men	79	98	8
Women	50	14	1
Total	129	112	9

Source: Abreu/Salomão

Therefore, 77.4 percent of 65 seats that went to women came from the FRELIMO party, RENAMO 20.9 percent, and the UD 1.6 percent. By the end of the parliament, the number of women had increased to 70, or 28 percent of the total number of members.

FRELIMO and the RENAMO Electoral Union won seats the 1999 polls. The number of women in parliament increased to 78, or 31.2 percent, with 54 women coming from FRELIMO. Let us hope that the 2004 general election will result in greater female representation in parliament.

### Conclusion

The crucial consideration in relation to FRELIMO policy is the effectiveness of social justice, including gender equality, a principle enshrined in the republic's constitution. It is important to evaluate at what level the goal of gender equality is being met. Of course, the quota system is a means of achieving equality, taking into account social and historical disadvantages. FRELIMO has the same quota target as that recommended by the Southern African Development Community (SADC), but the women inside FRELIMO want more than 30 percent. Nowadays, there are a large number of qualified females at all levels in the country, many of whom are members of FRELIMO. The issue is to identify and to integrate them into decision-making bodies.

One point that we can note is that it is easier for women to be elected to collective bodies than it is for them to gain access to nominated ones. The latter depends on the person in charge, usually a male. Even women in certain positions sometimes do not nominate women. There is a need for a more empowerment of both men and women. Another lesson learnt is that, at the local level, the decentralization process has offered greater opportunities to identify potential women for leadership positions.

All of the political parties that compete in the elections must adopt a quota system to ensure female representation, otherwise the 'multi-party democracy' will move backwards. Women are the foundation of the transformations underway in Mozambique. Our society and the world cannot ignore the fact that women are

the mothers and educators of the nation, the companions of men, and the fighters for prosperity and development. We must maintain our balance, good sense, patience and tolerance, so as to ensure that our performance is positive and valid.

The presence of women in areas previously reserved for men – as a result of democratic and social openings – is not a given. This changing scenario is in part due to the perseverance of, and the battle won by, women themselves. Nevertheless, the quota system is one of the strategies to guarantee that the voices, knowledge, experience, and skills of women impact on the development of the party and the country.

The struggle of political parties for gender equality is just the beginning. There is still a lot to be done to see the dream come true. However, the seed has been sown and there is no turning back. This is a common challenge for both men and women. Let us use our hands, strength and internal energy to make a better world for future generations.

### Endnote

- 1 This presentation is based on my own experience and perceptions, and is grounded in FRELIMO (Front for the Liberation of Mozambique) party practice and its gender equality policies.

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# Women in Politics in Senegal

AMINATA FAYE KASSÉ

Following the conference in Mexico City in 1975, and the conferences in Copenhagen, Nairobi, Vienna, Cairo, and Beijing in 1995, women's participation in development and women's access to decision-making positions have become recurrent issues that states and political decision-makers have had to grapple with. Today, all actors understand the basic notion that women's full participation in public affairs is one of the fundamental conditions for building democracy and achieving harmonious, sustainable development.

A true democracy is characterized by the full and equal participation of women and men in the formulation and implementation of decisions in all spheres of public life. No country can call itself democratic if half of the population is excluded from the decision-making process.

In 1995, the states parties that acceded to the Beijing Platform for Action committed themselves to taking steps to increase the number of women in decision-making positions. Nonetheless, there is still a low percentage of women in decision-making positions, especially in regard to elective office. In fact, very few mechanisms have been implemented by these states. Apart from the Nordic countries, which are well known for their policies in this area, and France, with its 1999 constitutional amendment, all one finds are statements of good intent.

## Women in Politics in Senegal

The situation in Senegal is quite complex, as in many countries. While women account for more than 50 percent of the population and for more than 50 percent of the electorate, and while they play a fundamental role in the country's economic development, they are hardly to be found in decision-making positions in general, particularly in the National Assembly. We will not dwell now on the socio-cultural, economic and political obstacles to women's participation in Senegal. The exhaustive analysis by Nadezdha Shvedova in IDEA's *Women in Parliament: Beyond Numbers* handbook seems entirely accurate.<sup>1</sup>

Even though the Constitution of Senegal, adopted in 2001, is relatively progressive when it comes to women's rights, there is no institutional mechanism to promote them politically.

As for women's representation in the National Assembly, Senegal is among the leading countries in Francophone Africa, with a rate of 19.2 percent since 2001. This has increased steadily over the past 20 years, climbing from 12 percent in 1993 to 16 percent in 1998.

**Table 1: Women in the National Assembly of Senegal from 1957-2001**

Legislature	Number of Seats	Number of seats held by Women
Legislature 1957-63	80	0
Legislature 1963-68	80	1
Legislature 1968-73	80	2
Legislature 1973-78	80	4
Legislature 1978-83	80	8
Legislature 1983-88	100	13
Legislature 1988-93	120	18
Legislature 1993-98	120	14
Legislature 1998-2001	140	21
Legislature 2001-06	120	23

This trend can be explained by a set of factors among which one can note the growing consciousness of women themselves, encouraged by a national and international situation favourable to women's representation in terms of quality and numbers. In the absence of a legislative mechanism, they have mainly concentrated on working with political parties and political actors generally, through initiatives to raise awareness, advocacy campaigns, and the holding of training workshops.

Coordinated action to promote the political role of women, through their organizations, really began in the context of international preparations for the Beijing conference. Until then, initiatives were isolated and quite weak.

## Strategies to Promote Women in Politics

In 1994, at a workshop organized by the African Institute for Democracy on the topic of 'Women in

Democracy', a group of women involved with political parties, trade unions, and women's organizations decided to create a unified structure to promote women's leadership, especially in politics, which it called the Senegalese Council of Women (Conseil Sénégalais des Femmes (COSEF)). Its status as an entity that cut across party lines, the commitment and cohesion of women at the grassroots, and its national presence in all ten regions of Senegal, made COSEF a major innovation in Senegalese politics.

As there were no legislative measures to assure the promotion of women to elected office, COSEF decided to develop strategies to work with different actors with the potential to further women's representation. These included the political parties, women's political movements, women's organizations, civil society in general, and the media.

The first meetings between multi-party COSEF delegations and the national leadership structures of the political parties were organized in 1996, on the eve of local elections. But despite the new initiative and the amount of press coverage, the results were quite limited: vague promises and commitments. Nonetheless, the seed was sown, as the discussions addressed issues regarding internal promotion and women's leadership programmes, in addition to the composition of candidate lists for election.

In 1997, efforts were made to consolidate COSEF structures at the grassroots level and to initiate training programmes for women and to raise awareness of gender issues among those who were elected. The 1998 legislative elections were preceded by a major campaign under the banner of 'Democracy where are you?' The campaign combined actions geared towards the parties, the media, and the general public, including press conferences, posters, the publication of inserts in the national press, and the production and dissemination of a cassette. Accordingly, under pressure from women and especially women's organizations, some parties have instituted quota systems (which ranges from 25 percent to 40 percent), which have experienced difficulties. For other parties, having directives sent to the grassroots structures in the lead-up to the elections was enough to ensure that the quota was implemented by parties.

However, despite resistance, the position of women on candidate lists began to improve. Of 20 lists: two put women in second place, right after the secretary-general, on the national list; three placed the first woman in third position; and two placed the first woman in fourth position. Another major gain is that, in 23 of Senegal's 33 departments, 12 parties put women at the top of departmental lists.

As a result, the percentage of women on the lists varies between one percent and 20 percent for the departmental lists and between 13 percent and 50 percent for the national lists. Senegal has a mixed electoral system, with proportional voting for national lists and majority voting for departmental lists.

## The Role of Political Parties

One of the conclusions drawn from the evaluation of the 'Democracy where are you?' campaign is that 'whether there is substantial representation of women on the lists depends on their presence in the directing bodies of their parties'.<sup>2</sup> Yet the number of women in directing bodies of political parties is low. Moreover, the evaluation confirmed that resistance to the quota system is also to be found in the party apparatuses and their grassroots structures, as well as among certain women who find it demeaning.

Most of the women deputies in the National Assembly have been elected via proportional representation from the national lists. This confirms the results of the analysis by Richard Matland, who states that proportional voting is more favourable to women. One example is the national list of the Parti Démocratique Sénégalais (PDS) – today the majority party in the National Assembly – in the last elections. Clearly, the party leadership decided to include a certain number of women candidates on the national list in winnable positions, to compensate for the very limited number of women on the departmental lists contested by majority vote. Even though it is apparent when analyzing the situation in Senegal that women in politics are not seen as integral to expanding democracy, it appears that this may be changing.

Already, the question regarding women in decision-making positions is posed within the political organizations, along with the question concerning just how much weight they have. In effect, women are hardly present in the parties' leadership bodies, at both the national and local levels. Knowing that it is at this leadership level that the candidates for election are recruited, it is not surprising that women candidates are so few in number.

Most of Senegal's political parties have created women's movements that are affiliated with the party or are a party structure. In principle, this somehow reflects the willingness of the parties to take on board women's concerns, and to address them actively. Yet one must ask: has their impact been evaluated, especially the resulting type of female representation, in the party structures? This is very important insofar as it is the main mechanism to ensure women's representation in the directing positions of the parties, and to determine

who will feature on the electoral lists. Hence, it is not surprising that so few women are elected.

The parties' training programmes are aimed at bolstering their capacity to carry out various activities; for a long time, for some, these programmes were very important. Yet, rarely does one see a programme designed specifically for women – that is, one that is mindful of women's needs and orientation. In fact, what has been missing the most, when it comes to expanding women's representation, is a genuine political will that goes beyond a declaration of principles. The objective of the parties is to come to power, to win the elections. But one does not find enough of an interest in building a balanced society, a task to be assumed in all respects by the men and women who are part of that society.

As indicated by Aissata De Diop in her study published in *Women in Parliament: Beyond Numbers* handbook, the fight for greater women's representation has essentially been waged by women and organizations for the defence of human rights, and civil society organizations. With very few exceptions, the parties have not made a fundamental issue of it.

Drawing on the lessons of the preceding campaigns, the 2000 legislative elections and the 2001 local elections were contested by a coalition bringing together five organizations in the COSEF, called the Group of Five (G5). The main lesson was the importance of placing emphasis on the quality of female representation through conscious appropriation of the key issues. The G5 initiated a broad action called the Citizen Campaign. The objective was not only to increase the number of women elected by working with the political parties, but also to bolster the capacities of women who are potential candidates for local elections, by designing new strategies with them. Fora were thus organized in ten regions of Senegal in order to gain support for the candidates. A large number of these female candidates benefited from the pre-campaign and campaign modules of the training.

The Citizen Campaign has laid the foundations for further action with the women who have been elected. Such action can be expected to have a multiplier effect. The Citizen Campaign was positive overall, given the quality and number of women targeted, and, in particular, in regard to the positions that they held on lists.

### **Lessons Learned**

In view of all of the above, it is correct to note that, in Senegal, the terms of the debate have been framed, and framed well. The political actors have been called upon and none has called into question the need to work to ensure better female representation in political decision-

making bodies.

Now, we must draw out the lessons from our own experience and the experiences of others and determine the best solutions for our democracy, while clearly understanding that there is no single or miraculous solution, and that quotas alone will not solve the problem.

As for the quota, beyond the debate regarding its adoption, which is the focus of this discussion in general, one must insist on an analysis of the process by which it is implemented, so as to make clear the responsibilities of the various actors and the measures that should accompany the quota if it is to be effective. Women should also direct their actions more effectively, gearing their efforts towards the real vehicles of change.

In 2000, Senegal witnessed its first change of government from one political party to another. All actors and political observers agreed that women played an important part in the transition. This change resulted in a constitution – its notable gains in terms of acknowledging certain rights of women were noted above. Nonetheless, the challenge remains to implement its provisions, which might be helped through providing education, training, and the continuous consciousness-raising of key actors, among them, first and foremost, the political parties. And the choice made by women's organizations is to appeal to them and to convince them really to adopt, in fact and in practice, affirmative action measures with respect to women. That is what we are working towards every day.

### **Endnotes**

- 1 Shvedova, Nadezdha. 1998. *Women in Parliament: Beyond Numbers*. Stockholm: International IDEA. pp. 19-34.
- 2 Aminata, Diaw, Aminata, Cissé and Aminata, Kassé. 1999. *Démocratie où es tu. Senegal*, p. 41.



## Overview of Quotas in Africa

### Overview of Presentation

Dr Aili Mari Tripp provided an overview of trends in quota implementation in Africa. The most significant increases with respect to women's representation in national legislatures over the past four decades have been seen in Africa. In 1960, one percent of African legislators were women; by 2003, this figure had risen to 14.3 percent. Three of the top 15 countries in the world in terms of the proportion of women in parliament are in Africa – Rwanda leads the field with almost 50 percent.

Tripp attributes this progress to the expanded use of quotas, which, in part, is due to the strength of the *women's movement* in many countries. Lobbying efforts have been greatly supported by the emergence of international norms on the need to include women in politics, which have found expression in conventions and resolutions on a global scale. Additionally, the upsurge in multiparty elections has put pressure on political parties to appeal to a wider constituency and to target women voters.

Tripp argues that there are two *main quota types* in Africa: reserved seats or executive appointments; and measures voluntarily adopted by parties to increase the number of women candidates. The introduction of quotas largely began in 1996, with most countries implementing them from 2000. Tripp credits this to the 1995 Beijing Platform for Action and regional parliamentary conventions, which are striving for 30 percent representation of women by 2005. The effects of quotas are noticeable: the average rate of representation of women in countries with quotas is just under 17 percent, compared to nine percent in those without them. Taking only those countries with a quota of over 20 percent, the average jumps to 23 percent. Seven of the eight countries in Africa with over 20 percent of women in politics utilize some form of quota, and five of these have PR electoral systems.

An important point to note is that many of the countries with quotas have recently emerged from civil wars or nation liberation struggles. The drawing up of new constitutions and the redrafting of legislation have created important opportunities for women: 'the end of major turmoil and conflict meant that there was greater openness in relation to creating new rules that included female leadership. Moreover, women were not contenting with entrenched male incumbents as they sought political representation'. Introducing quotas is,

therefore, easier where women compete for vacant seats, rather than competing directly with male incumbents.

### Discussions from the Floor

In the discussion, participants again highlighted what the state's agenda might be when adopting quotas, and questioned whether it is implementing them on 'women's terms'. A quota that is imposed from above without consultation with the women's movement and with political women can result in it being seen as an instrument of the state rather than a real means of empowering women. This is particularly relevant in countries with reserved seats, as they have often marginalized women and raised questions about who women MPs really represent – women in society, the region from which they come, or the political parties to which they belong.

*Time factors* were also debated: are quotas temporary and should women contesting reserved seats face restrictions on the length of their term? It was noted that, in Uganda, some women MPs have held the same seat for several terms. Instead of using the skills gained through holding a reserved seat to contest an election in the traditional way, many women have simply relied on the benefits that they afford. It was suggested that setting restrictions on terms may allow for the rotation of women candidates and may permit younger women to gain access to the legislature. But it was cautioned that, so as not to be discriminatory, term limits for men would also have to be considered.

Finally it was maintained that women often do the 'donkey work' in political parties: they mobilize members and supporters, wear political party propaganda motifs on their clothing, organize functions and campaigns and take care of many of the hospitality requirements. That women seek to gain positions of influence and leadership within political parties is not because they believe that they are owed something in return, but, rather, because they want to exercise a well earned right. 'When women say that they want to move beyond the hospitality right, it is because they are the ones who sustain and are the backbone of political parties, especially in southern Africa'.

# The Changing Face of Africa's Legislatures: Women and Quotas

AILI MARI TRIPP

Nowhere in the world has the rate of increase in the political representation of women been as fast as in Sub-Saharan Africa over the past four decades. The number of women legislators increased tenfold between 1960 and 2003, jumping from one percent in 1960 to 14.3 percent in 2003. The largest increase came between 1990 and 2003 when the number of seats held by women rose from eight percent to 14.3 percent. Rwanda became the country with the highest female legislative representation in 2003, as the women of that country claimed 48.8 percent of parliamentary seats – surpassing the Nordic countries.

One of the main factors accounting for this increase has to do with the expanded use of various forms of quotas. In part, these quotas result from pressure

applied by women's movements in African countries, as well as by international women's movements. They are a product of changing international norms regarding female representation, as evident in various United Nations (UN) conventions and resolutions and in relation to the legislative targets set by key African regional organizations like the African Union, the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS). With the rise of multi-partyism and the decline of mass women's organizations tied to the single party, there was a need to find new symbolic ways to appeal to women voters as well as to create new bases for patronage networks. In some predominantly Muslim countries, the women's quota became part of

**Table 1: Countries where one or both parties with largest number of legislative seats have quota or target**

Country	% Women mandated by quota	Year quota introduced	% Women in legislature in 2003
<b>Burkina Faso*</b> Alliance pour la démocratie et la Congrès pour la Démocratie et le Progrès (CPD)	25 25	2002 2002	11.7
<b>Cameroon</b> Cameroon People's Democratic Movement	25–30	1996	8.9
<b>Côte d'Ivoire</b> Ivorian Popular Front	30	–	8.5
<b>Mali</b> Alliance for Democracy	30	–	10.2
<b>Mozambique</b> Frente de Libertação de Moçambique (Frelimo)	30	1994	30.0
<b>Namibia</b> (targets) South West Africa People's Organisation (SWAPO) Congress of Democrats	50 50	1997 1999	29.2
<b>Senegal</b> Senegalese Democratic Party	33	2001	19.2
<b>South Africa</b> African National Congress	33	1994	29.8
<b>Tunisia</b> Democratic Constitutional Rally	20	–	11.5

\* Election not yet held under new quota arrangement.

**Table 2: Countries with Quotas Mandated by Legislature or Constitution**

Country	Type of quota	% Women mandated by quota	Year quota introduced	% Women in legislature in 2003
Djibouti	Reserved seats	10.0	2002	10.8
Eritrea	Reserved seats	30.0	1995	22.0
Kenya	Executive nomination	3.0	1997	7.1
Morocco	Women-only national list*	10.0	2002	10.8
Niger***	10% elective 25% nominative	35.0	2000	1.2
Rwanda	Reserved seats	30.0	2003	48.8
Somalia Transitional National Government	Women-only lists*	10.0	2001	10.0
Sudan	Reserved seat	9.7	2000	9.7
Tanzania	Special seats**	20.0	2000	22.3
Uganda	Reserved seat	17.0	1989	24.7

\* Only women can vie for these seats regardless of party affiliation, not based on constituency as with reserved seats.

\*\* The special seat quota for women is allocated to political parties based on the proportional number of parliamentary seats won in an election.

\*\*\* Election not yet held under new quota arrangement.

an effort to contain the growing influence of Islamists.

Quotas fall into two main categories in Africa. One includes reserved seats or executive appointments that are intended to determine the number of seats to be held by women in an election. Women may run for reserved seats in their districts and can be elected either by an electoral college of men and women (Uganda), or by women in each district/province (Rwanda). Another variant of the reserved seats system is the women-only list in which only women can vie for these seats on a nationwide basis regardless of party affiliation or district. In Tanzania, a reserved seat quota for women is allocated to political parties based on the proportional number of parliamentary seats won in an election.

The second category involves measures adopted voluntarily by political parties aimed at influencing the number of women candidates (for example, placing women higher on the party list, alternating women and men). Sometimes the adoption of national legislation or constitutional mandates requires that all parties nominate a certain number of women as electoral candidates.

Cross-national studies of women's representation have to date largely ignored the impact of such legislative quotas.<sup>1</sup> One explanation for this omission may have to do with the fact that the phenomenon is new in much

of Africa and Latin America. With the increased adoption of quotas in Latin America since the 1990s and in Africa since 1995, the findings of these earlier studies need to be modified to take account not only of quotas, but also of women's movements that have advocated for these changes in domestic and international norms.

## Characteristics of Countries Adopting Quotas

By 2003, approximately 19 African countries had adopted some form of legislative quotas for women; some, like Angola, had plans to adopt quotas, while others, like the Gambia, Kenya and Nigeria, were engaged in ongoing debates on quotas. With a few exceptions, the majority of the countries with quotas had adopted them after 1995, which was the year that the UN Conference on Women was held in Beijing. The countries and parties that introduced quotas often cited the Convention on the Elimination of Discrimination Against Women (CEDAW) and the 1995 UN Conference on Women in Beijing and the Beijing Platform for Action, which laid out guidelines for increasing the political representation of women. These were clear indications of the impact of the international women's movement on the adoption of quotas in Africa. Only three African countries with quotas in 2003 had

adopted them prior to 1995. This excludes the adoption of a quota for ten women by the Convention People's Party in Ghana in 1960 and the introduction of eight percent quotas in Egypt between 1979 and 1986.

In those African countries with quotas, on average, 17 percent of legislative seats were held by women, compared with nine percent of seats in countries without quotas. Those countries with reserved seats of over 20 percent or where the ruling party or top two parties had targets or quotas of over 20 percent were able to raise female representation in the legislature to 23 percent.

A number of countries with quotas recently emerged from civil wars (Eritrea, Mozambique, Rwanda, Somalia and Uganda) or wars of liberation (Namibia and South Africa) after which they drew up new constitutions and re-established their parliaments from scratch. Similarly, countries with quotas in Africa are more likely to be newly independent states: hence, they are also countries where women most recently got the right to vote and to run for office. Africa is different from other parts of the world in this respect, where the end of conflict and the lateness of independence have not mattered as much. In Africa, the end of major turmoil and conflict meant that there was greater openness in relation to creating new rules that included female leadership. Moreover, women were not contending with entrenched male incumbents as they sought political representation. Female quotas have generally been difficult to introduce when they have meant ousting a male incumbent from his seat, especially in places where large numbers of incumbents are usually re-elected. Therefore, it has been easier to introduce quotas in situations where women could compete for vacant seats – newly recreated parliaments (after a civil conflict) provided such a venue.

Some of the countries that have adopted quotas have left leaning parties in power: Eritrea, Mozambique, Namibia and South Africa. Seychelles also had a left leaning party in power in 1991 when it had female representation of 46 percent, suggesting that some kind of informal preferential treatment was applied within the party in regard to the selection of candidates. Overall, however, there is no particular relationship between left leaning parties and the adoption of quotas in Africa.

Many of the countries with quotas have the most active women's movements in Africa (Botswana, Mali, Mozambique, Namibia, South Africa, Tanzania and Uganda), while approximately one-third of the countries have relatively weak women's movements (Burkina Faso, Cameroon, Côte d'Ivoire and Djibouti), co-opted women's movements (Eritrea) or suppressed women's movements (Sudan). If the number of women's organizations attending the Beijing conference in 1995 is

taken as a rough indicator of the strength of the women's movement, countries with quotas tended to have more of these organizations at the conference.

In many parts of the world, the electoral system is said to influence women's ability to gain legislative representation. Of the eight countries with female representation of over 20 percent in Africa (Rwanda, Mozambique, South Africa, Namibia, Uganda, Tanzania, Seychelles, Eritrea), all but one have quotas and six have party list systems and five have proportional representation systems (see Table 3). In Africa more generally, about 33 percent have party list proportional representation; 31 percent have first-past-the-post (FPTP) plurality systems; 18 percent have two round majority systems and ten percent have FPTP semi-proportional systems.

The countries that have adopted quotas divide evenly into three categories in regard to regime type: democratic, semi-authoritarian, and authoritarian. This suggests that regime type in Africa does not determine whether countries are more or less likely to adopt quotas, although democratic countries with quotas average some four percentage points more in terms of female representation in parliament than semi-authoritarian and authoritarian regimes with quotas. About 23 of Africa's states would fall into the semi-authoritarian regime category based on Freedom House data, and, of these, nine have some form of legislative quota for women (Uganda, Tanzania, Senegal, Burkina Faso, Djibouti, Cote d'Ivoire, Kenya, Niger, Morocco). In the nine African countries that would be considered democratic according to Freedom House, three have quotas (South Africa, Mali and Ghana) and Namibia has local level quotas. Finally, of the nine authoritarian regimes, four have quotas (Rwanda, Eritrea, Cameroon and Sudan). In other words, around half of the countries representing each regime type have some kind of quota. If one compares countries with and without quotas, differences regarding democratic status and civil and political liberties are minimal. However, the more democratic leaning countries in Africa (Botswana, Mali, Mozambique, Namibia, Senegal and South Africa) have tended to prefer quotas or targets set by parties themselves rather than adopting reserved seats or quotas mandated by legislatures or constitutions.

Countries adopting quotas include the wealthiest in Africa, Botswana, Namibia and South Africa, as well as the poorest, including Cameroon, Eritrea, Mali, Mozambique and Tanzania. Generally, though, the countries with quotas tend to be less wealthy with gross domestic product (GDP) per capita of approximately \$2,646, compared with \$3,361 for those without quotas, according to figures from the UNDP *Human*

**Table 3: Countries with legislative quotas or political party quotas over 20 percent for women**

Country	Month/year of last election	Size of legislature	Number of women in legislature	Women in legislature	Quota over 20%	Electoral System
Rwanda	11/2003	80	39	48.8	Yes	Party list proportional
Mozambique	12/1999	250	75	30.0	Yes	Party list proportional
South Africa	06/1999	399	119	29.8	Yes	Party list proportional
Uganda	06/2001	304	75	24.7	Yes	FPTP plurality
Tanzania	10/2000	274	61	22.3	Yes	FPTP plurality
Eritrea	02/1994	150	33	22.0	Yes	Party list proportional
Senegal	04/2001	120	23	19.2	Yes	Parallel party bloc and semi-proportional
Mali	07/2002	147	15	10.2	Yes	Two round system majority
Cameroon	06/2002	180	16	8.9	Yes	Parallel FPTP semi-proportional

*Development Report 2003*. Countries that have the highest rates of female representation in parliament (over 20 percent), however, do have, on average, higher per capita GDP (\$4,433) than those with lower rates of female representation (\$3,315).

About half of the countries adopting quotas have a population of 50 percent or more that considers itself Muslim, although in several of the predominantly Muslim nations like Djibouti, Somalia and Sudan, the quotas are relatively small (ten percent). Nevertheless, overall, countries with quotas are less likely to have a high percentage of Muslims or Catholics and are more likely to have higher Protestant populations when compared with countries without quotas. Female representation rates in predominantly Muslim states still tend to be lower than those of other countries in Africa.

### Factors Giving Rise to Quotas

#### Domestic women's movements

Women's movements have been closely associated with the adoption of quota systems in most African countries. The best documented cases of pressure applied by women's movements in regard to quotas are to be found in southern Africa. In South Africa, the African National Congress (ANC) Women's League spearheaded the initiative to increase female representation in parliament, achieving a 30 percent quota.<sup>2</sup> In Namibia, before the 1999 National Assembly elections, a coalition of women's organizations and other non-governmental organizations (NGOs), the Namibian Women's Manifesto Network (NWMN), convinced several parties to adopt resolutions providing for party lists in

which 50 percent of the candidates were women, resulting in 26.4 percent female representation in parliament in 1999, a jump from 12.5 percent in 1994.<sup>3</sup> (More women would have been elected had the parties stuck to their resolutions. For example, only 20 of the ruling party's 72 candidates were women). In September 2000, the NWMN launched the 50/50 Campaign to fight for 50 percent female representation in the legislature. The Parliamentary Women's Caucus and the Namibia Elected Women Forum (including elected women from the local, regional and national levels) have also been involved in this campaign.

#### International women's movements

Another factor giving rise to the increased adoption of quotas has been pressure from international bodies. Not only did pressure come from international conferences like the 1995 UN Conference on Women in Beijing, but it was also applied throughout the region. Women activists pressed regional bodies within Africa to pressure member states to increase female representation. The African Union's 2003 Protocol on the Rights of Women in Africa calls for equal gender representation, as do the 1997 SADC Declaration on Gender and Development and the 2001 Protocol on Democracy and Good Governance of ECOWAS. There have also been efforts to bring about one-third female representation in these regional bodies themselves. The East African Legislative Assembly (EALA) has a provision for one-third female representation and the ECOWAS Female Parliamentary Association (ECOFOPA) is working to increase the number of parliamentarians in that organization.



**Diffusion factor**

Another related explanation for the adoption of quotas is the diffusion factor, both from country to country and also within countries.<sup>4</sup> It is especially evident within countries in Africa. If one party adopts quotas, other parties may feel compelled to do the same lest they lose the votes of women. During the 2001 parliamentary elections in Senegal, a group of women's organizations instigated a Citizen Campaign to address the under-representation of women in parliament. They sought to reverse a situation in which only 19 of 140 legislators (13.5 percent) had been women.<sup>5</sup> In an unprecedented development, the majority of the 25 political parties in Senegal fielded over 20 percent female candidates in national lists in the run-up to the 2001 parliamentary elections, with the list of the Parti Démocratique Sénégalais (PDS) amounting to over 33 percent.<sup>6</sup> As a result, women ended up with 19.2 percent of the seats in Senegal, an increase of about six percent.

**Symbolic appeal**

Quotas sometimes served as symbolic gestures to appeal to women voters. In a multi-party context, some countries sought new methods of winning the political allegiance of women voters after the demise of the single parties and their attendant mass women's organizations. With the proliferation of independent women's organizations, the use of quotas became a way to indicate support for women and women interested in political representation.

**Creating new lines of patronage politics**

In some countries, the introduction of quotas was linked to the attempt to create new state patronage networks. Uganda is a country that has adopted female legislative quotas in response to pressure from a vibrant women's movement to increase the number of female political leaders. By 2003, women held 25 percent (77) of the seats in parliament. The use of reserved seats – one seat that only women compete for in each of Uganda's 56 districts – has contributed to a change in the political culture. Today, by and large, the population accepts women as public figures.

Many women parliamentarians, however, owe their positions to President Yoweri Museveni and the existing system of patronage. While the relatively large number of women in parliament is an indication of the success of lobbying by women for greater representation, many of the elected women officials have been restrained from supporting women's issues. As one activist explained to me in 2002: 'Our voice has been hijacked at the highest organs, at parliament. Our voice there has been killed'. Some argue that the affirmative action seats in parliament have created a group of legislators

more beholden to the regime in their loyalties than to the cause of women's emancipation.<sup>7</sup>

One factor that accounts for the consolidation of parliamentary loyalties is the fact that the District Women Representatives in parliament are elected by an electoral college of roughly 200 people who can potentially be manipulated via bribery and vote buying. Other interest groups (youth, disabled, and workers) with special reserved seats in parliament directly elect their own representatives through their own organizations. Women District Representatives, however, are not representatives of women, but, rather, they are women representatives of the district, which has translated into a different mode of election for the women representatives. Efforts to open up the election process to universal suffrage were voted down as a result of pressure applied by the president, who argued that it would be too difficult for women to canvass votes across an entire district.<sup>8</sup> Many of the women parliamentarians who have been elected to the reserved seats have been used to vote for anti-democratic legislation (such as the 2002 Political Parties and Organizations Bill) and against legislation that would promote women's rights (such as the co-ownership amendment to the 1998 Land Act).

Thus, the introduction of quotas in Uganda served many purposes. It signalled to ordinary women the government's commitment to women's leadership and opened up new avenues for women to become political leaders. At the same time, it created a bloc of loyalist women who could be used when needed to suppress various demands of the women's movement or of democrats when they ran counter to government wishes.

**Conclusion**

The introduction of legislative quotas in Africa has served multiple purposes for different actors. Women's movements, domestic and international, have sought legislative quotas to increase the representation of women. Parties have sometimes introduced quotas under pressure from other parties to keep up with their competitors. Governments, in turn, have often sought quotas for symbolic reasons to appeal to women voters and to signal an interest in women's rights and voices. They may be responding to changing international norms regarding female representation, but they may also be seeking to create a modern image for themselves in order to challenge more conservative societal forces, including Islamist movements in predominantly Muslim countries (Morocco and Tunisia, for example). In other instances, government leaders may be seeking to create new lines of patronage and to ensure loyal support as old networks become problematic or threatening (Rwanda and Uganda). Future research should

explore these varying reasons why countries adopt legislative quotas for women. It is essential that quotas be introduced in a manner that keeps women's interests at the core and that the terms are acceptable to women.

**Endnotes**

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## Quotas in Practice: Challenges to Implementation and Enforcement

### Overview of the Session

Evidence from around the world reveals that, while quota laws may be enacted in legislation, their enforcement can prove extremely difficult. This session examined the challenges to implementation and enforcement, with case studies from Tanzania, Namibia and Rwanda. It also dealt with the consequences of implementing quotas.

#### Tanzania: Special seats

Professor Ruth Meena examined the challenges to implementing quotas in Tanzania, and some of the negative consequences that have ensued. Quotas, or 'special' parliamentary seats, were introduced in 1985 for women, youth, members of the army and workers. Women were to constitute 15 percent of representatives. Rather than compensating for historical imbalances, the underlying principle was to ensure that the voices of special categories of citizens were heard in parliament – those that were placed at a disadvantage in the normal electoral process.

In 2000, a constitutional amendment increased the number of special seats in parliament to 20 percent and to 33 percent on local councils. The seats are allocated to political parties in direct proportion to the number of seats that they win in the election. The special seats are, in effect, nominated rather than elected. Each party produces its own rules for filling the special seats. For example, in 2000, one party allowed its women members to elect their own candidates and broadened the base of representatives to include intellectuals and members of NGOs. As political parties fill the special seats, they maintain firm control over who enters the political sphere by this route. Women thus become beholden to the party leadership when seeking to enter parliament.

Meena notes that the way in which *special seats* are distributed has impacted negatively on women's chances of entering parliament through normal constituency elections. In the first parliament of 1961, 7.5 percent of women members were elected in constituency polls, compared with four percent in 2000. Therefore, 96 percent of women are elected via special seats rather than direct elections. Reliance on special seats has taken the pressure off political parties to address the many challenges that women face in being directly elected, or in holding strategic positions within party organs.

Meena points out that there is some tension as to 'whom' the women elected in special seats represent. By and large, women tend to see themselves as national MPs, rather than as MPs for women. Additionally, the manner in which the special seats are filled affects the capacity of women to challenge the patriarchal norms and values that are inherent in parliamentary debates. Women become accountable to the parties that nominated them, rather than to the voters.

#### Namibia: Quotas at the local level

Ms Liz Frank supplied an overview of the status of quotas and the lobbying efforts undertaken to ensure their implementation, as well as initiatives to empower women in elected positions. The introduction of quotas at the local level is linked to the unravelling of the legacy of oppression and colonial rule in the country. The constitution recognizes that, as a result of past laws and practices, the members of some groups suffered discrimination because of their sex or race, and hence it allows parliament to engage in affirmative action as a means of redress. Consequently:

"The parliament of Namibia adopted an affirmative action provision in the Local Authorities Act of 1992 ... Party lists had to include at least two women in respect of local authority councils with ten or fewer members, and at least three women in respect of councils with 11 or more members. This contributed to the fact that 37 percent of the local councillors elected in 1992 were women."

The quota was further strengthened in 1997, effectively providing for a minimum 30 percent representation of women at the local level. In the following elections, in 1998, the ruling South West African People's Organization (Swapo) party and the opposition Democratic Turnhalle Alliance (DTA) called for the alternation of male and female candidates on party lists (called 'zebra' lists). The quota law, together with voluntary party policies on zebra lists, resulted in more than 40 percent representation of women at the local level.

The introduction of quotas has become enmeshed in debates on *electoral system* reform at the local level. While a system of proportional representation was employed in 1992 and 1998, opposition parties have called for revisions to be made to the law in favour of a ward-based or constituency electoral system. However,

the ruling party has argued strongly for the continuance of the quota system for women, which is easier to apply in a PR electoral system. This is evidenced by low levels of participation at the regional level (less than ten percent women) where a majoritarian electoral system is utilized.

Frank also highlights the important role played by *women's organizations* in the electoral system debate and calls for continued mobilization around the issue of women's representation in decision-making bodies. A national '50/50 Campaign for Gender Balance' has been spearheaded by Sister Namibia, seeking to achieve equilibrium between women and men in all elected bodies. The campaign is raising awareness of the importance of women's access to decision-making, and training workshops have been provided for citizens throughout the country. Sister Namibia has also compiled a Namibian Women's Manifesto with widespread participation from civil society and government, promoting a gender agenda. Within this framework, women's organizations have systematically lobbied political parties to introduce zebra-style lists for all elections at the local and national levels. By achieving equitable representation of women, it is hoped that women politicians will be able to make changes that lead to the real empowerment of all women in Namibia.

#### Rwanda: Fast track to women's representation

In September 2003, Rwanda made history by electing more than 48 percent of women to its National Assembly, surpassing Sweden, which for many years had held the lead. *Hon. Judith Kanakuze* pointed to the key factors that led to this dramatic achievement, including the use of quotas.

"The Transition Government – in office between July 1994 and May 2003 – had the political will to facilitate the progressive establishment of institutional mechanisms to promote gender equality and to bolster the capacities of women. This process unfolded with a view to implementing gender quotas."

A defining moment in the history of Rwanda was the

drafting of the new constitution. It was developed with the involvement of grassroots organizations and women's groups, and was endorsed in the May 2003 referendum. The constitution incorporates gender equality provisions, especially relating to governance structures.

In addition to the 24 seats reserved for women (elected through a women's only ballot), 15 women were elected under the normal system of elections via political party lists. This brought the total proportion of women elected to 48.8 percent, up from 25 percent. The combination of reserved seats and women's placement in electable positions on the party lists in the PR portion of the poll resulted in the high numbers of women in parliament. The role

played by women's organizations in mobilizing and preparing women candidates also needs to be acknowledged. Rwanda is now the African country closest to achieving gender parity in politics.

Kanakuze cautions, though, that there are *challenges* that need to be addressed. Many women have limited access to education and healthcare facilities, the feminization of poverty is increasing and customary laws and cultural traditions continue to discriminate against women. One of the most pressing concerns is to go beyond mere numbers in parliament and achieve real changes to women's status in society.

#### Discussions from the Floor

Much of the discussion focused on how *Rwanda* achieved its momentous election results, easily surpassing the required quota of 30 percent. This is in contrast to Tanzania and Uganda, where women have struggled to achieve seats aside from those reserved for them.

It was noted that the *electoral system* is a determining factor: both Tanzania and Uganda have constituency-based electoral systems. This system has often been criticized for hampering women's chances of election, as they compete directly with men. Men often enjoy the advantage of being the incumbent and are able to secure more funding for electioneering, making them more attractive candidates to political parties. By contrast, Rwanda uses a proportional representation system to elect its 53 directly elected MPs (as distin-

Article 9 of the Rwandan constitution provides for equality between women and men, reflected by ensuring that women hold at least 30 percent of the positions in decision-making bodies. Article 76 stipulates that 24 of the 80 members of the Chamber of Deputies shall be female.

guished from the 24 reserved seats for women). As women were placed in winnable positions on the party lists, an additional 15 women (18 percent) were elected, in addition to those holding the 24 reserved seats. These results contradict conventional theories that reserved seats serve to marginalize women and create a glass ceiling that women are not able to move beyond.

That the *financing* of election campaigns affects women and men differently was a point that was also raised. In Tanzania and Uganda, with constituency-based electoral systems, this is a major obstacle to women competing successfully for the directly elected seats. In Tanzania, the majority of male candidates in the 2000 elections spent between \$6,000 and \$10,000 on their campaigns, which few women were able to match. However, it appears as though financing may not pose as serious an obstacle in PR systems. It was questioned whether there are mechanisms that can be linked to party funding (especially the provision of state funding) to increase the number of women candidates, as are in operation in France. This was flagged as an area requiring further research.

The role of *Electoral Management Bodies (EMBs)* in enforcing quotas was also discussed. In Namibia, the EMB has, in the past, rejected lists for the nomination of candidates at the local level that did not comply with the quota law. Further research is needed to ascertain the important role that EMBs play in enforcing legislated quotas. It was pointed out that electoral support networks (networks of civil society organizations that are formed to monitor and support the functioning of the EMBs in a number of countries in Southern African) could provide a strategic entry point for monitoring quota implementation.

Attention was also drawn to the sustained and coordinated efforts of the *women's lobby*. Frank explained that the quota campaign in Namibia operates on two levels. First, at every stage of the campaign, national NGOs are consulted and asked to prepare jointly the materials that will be used. Second, grassroots organizations are consulted and are part of the network that distributes materials like posters and pamphlets. This dual approach is key to outreach and information-sharing strategies in Namibia.



# The Politics of Quotas in Tanzania

RUTH MEENA

## The Profile of the Country

The United Republic of Tanzania includes the mainland (the former Tanganyika) and Zanzibar (made up of the islands of Pemba and Unguja). The country covers 945,085 square kilometres and is the largest state in East Africa, estimated to be twice the size of France. It borders Burundi, the Democratic Republic of the Congo (DRC), Kenya, Malawi, Mozambique, Rwanda, Uganda and Zambia. Although the majority of Tanzanians speak Swahili, Tanzania is a multilingual country with approximately 120 ethnic groups with different dialects, customary practices, and value systems, which largely determine the position and status of women.<sup>1</sup>

Tanzania is one of the world's poorest countries, with more than 50 percent of its population receiving an average income that is 16 percent below the national poverty line.<sup>2</sup> Approximately half of all Tanzanians live in poverty and 36 percent live in absolute poverty. Some 59 percent of the rural population is poor (10.9 million people). About 85 percent of all poor Tanzanians are to be found in rural areas, accounting for about 90 percent of absolute poverty in the country. Around 39 percent of the urban population, including those residing in the capital, Dar-es-Salaam, is poor. The urban population is growing rapidly, at a rate of 6.8 percent per year, the fourth highest in Eastern and Southern Africa. The poor spend at least 75 percent of their minimal income on food, which is of low nutritional value (less than 2,100 calories per person). The poor spend only two percent of their income on healthcare and 0.6 percent on education. It is estimated that 32 percent of the poor and 57 percent of the absolute poor have never received any kind of formal education. Women head more than 25 percent of Tanzanian households.<sup>3</sup> Women shoulder a disproportionate burden in regard to poverty due to existing customary laws and practices, which deny them access to property and credit facilities.

## The Political System

Tanzania is a country that is in transition from a monolithic political system to a pluralist political system. In May 1992, the Eighth Constitutional Amendment

(Act 4 of 1992) removed the one-party system of government and provided for multi-party elections for the Union Government. Further amendments provided for multi-party elections for local government and redefined new rules of states of emergence. The composition of the multi-party parliament was also redefined (all candidates elected except the Attorney General) with qualified women nominated to fill 15 percent of the number of constituencies (to represent parties in proportion to the numbers of seats won), and five Zanzibaris nominated by the Zanzibari House. Additionally, new rules for the National Electoral Commission (where commissioners are appointed by the president and with powers to create new constituencies, subject to the permission of the president) were established.

## The Quota System (Special Seats)

In Tanzania, 'special' parliamentary seats for women were first introduced during the one-party era in order to increase female representation in the legislature. Women, though, were not the only group to be allocated special seats. Other groups that received them included the youth, the army and workers. The idea of special seats was to ensure that the voices of special categories of citizens were heard in parliament. The thrust was not to bring about balance, but to incorporate these voices, which otherwise would have been at a disadvantage in the 'normal' electoral process. These parliamentary representatives were known as national members of parliament (MPs) who represented the national interest.

The national interest, however, was not clearly defined. In an interview conducted by this author in 1988 with a few female MPs who had taken this path, one stated emphatically that she is a "national MP" (*Mimi ni Mbunge wa Taifa na siyo Mbunge wa wanawake*), meaning, I am a 'national member of parliament, not an MP for women'. When asked why it was necessary for them to enter parliament on the women's ticket, she said: 'women are practical; they deal with small details, which matter!' That is, women raise very practical questions in parliament because they do not forget small details like a shortage of cot-

ton wool in hospitals or a shortage of sanitary towels in shops. Men are more interested in global issues. Hence there is a need to marry the two. Most female MPs who were interviewed during this period shared similar positions: they considered themselves to be 'national' MPs, and not MPs for women. But none could provide a clear definition of what constituted the national interest as opposed to 'constituency' interests. The screening of female MPs was conducted by the women's wing of the ruling party, Umoja wa Wanawake wa Tanzania (UWT), but the final vote lay with parliament. The first question with regard to this category of MPs is: whose interest are they representing? What is their constituency? Who are they accountable to?

The initial objective of these special seats for women and other groups was not to redress a historic imbalance, which had excluded them from parliament, but rather to 'add' more voices, to enhance the representation of varied interests under a one-party regime. Ironically, though, these voices were not even supposed to represent 'particularistic' interests, but, instead, 'national' interests. Hence, there were no plans or strategies to level the playing field, so as to reflect the diverse interests that needed to be represented. Once an MP was elected through the special seats arrangement, they were not expected to associate themselves with the groups whose ticket they were using to gain entrance to parliament. They became national MPs without defined terms of reference as to what was expected from them.

## "Special Seats" for Women and Representation of Women's Interests

The introduction of special seats for women did not lead to an increased number of women in parliament. As a matter of fact, it might have impacted negatively on their chances of entering parliament via the normal constituency channel. The percentage of female MPs was already in decline. In the first parliament (1961-65), 7.5 percent of female members were elected in constituency elections. This fell to 3.5 percent during the 1970-75 parliamentary elections. In the 1985 elections, which were the first to test the quota, women suffered yet another setback in terms of constituency seats, where only two percent of female MPs won constituency seats in 1985, a decline of 5.5 percent compared to the general elections of 1961. In the elections in 1990, 1995 and 2000, the percentages were two, 2.9 and four respectively. From 1985 to 2000, therefore, 95 percent of female MPs entered the legislature via the special seats arrangement.

In 1997, a constitutional reform resulted in the quota for women being increased to 15 percent of spe-

cial seats in parliament and 25 percent of seats on local councils. This is in addition to normal constituency representation elections. A constitutional amendment in 2000 resulted in the percentages of special seats being further increased to 20 percent in parliament and 33.3 percent on local councils. These constitutional commitments have not reached the 30 percent target set by the Beijing Platform for Action and the Southern African Development Community (SADC) for the national parliament. It is expected that the 30 percent target will be reached by 2005. However, there are no clearly articulated action plans to ensure that the country meets the target.

Some key questions emerging from the Tanzanian experience are listed below.

1. The question of representation: Who are these women representing?
2. Who decides on the type of candidates entering parliament via this method?
3. What strategies are in place to phase out the quota or preferential treatment?
4. How have political parties internationalized the quota system?
5. Is the quota system an effective way of promoting women's access to positions of power and influence?
6. Are the processes for transforming political institutions exclusively based on male principles of politics? And who is leading them?

## Whose interest is being Represented?

Despite the low number of women in parliament, women MPs have been able to push for laws that address women's concerns in several areas. The first concerned maternity leave for both married and unmarried mothers – a Bill was tabled and defended by women MPs. Women MPs were also able to push for a revision of a law that demanded that high school leavers stay home for two years before attending university. This decision dramatically affected the enrolment of women in tertiary level institutions. Parliament revised the bill to allow female candidates to enter university directly after high school. A sexual offence bill increasing the severity of the punishment of sexual offenders, was pushed in parliament by female MPs who had networked with women's non-governmental organizations (NGOs). Similarly, the land law reform incorporated a clause that declared unconstitutional customary practices that discriminated against women. But women MPs were not able to push for the total removal of customary laws from the statute books, even though most are based on discriminatory practices.

### Merely Adding Women or Transforming the Patriarchal Political Culture?

Changing laws in favour of women is not sufficient to transform patriarchal political norms and values that continue to prevent women from accessing political resources. The issues of women impacting transformation of parliamentary patriarchy culture into a non-sexist institution has also been a subject of discussion. The method used to elect or appoint women MPs (through the quota system) affects their capacity to challenge the patriarchal norms and values that continue to influence parliamentary debates. For instance, when the Speaker of the House made a sexist joke in order to defend his position on the board of a telephone company, no female MP dared to protest, only civil society actors challenged him and demanded that he apologize to the women of Tanzania, which he did. In addition, some MPs have been trivializing the debate on HIV/AIDS as an issue concerning the female dress code, for example, without protest from female MPs. When a female civil society activist was brought before a parliamentary committee for what appeared to be an interrogation for having the audacity to challenge the sexual behaviour of MPs in the era of HIV/AIDS, female members of parliament did not object.

### Who Decides who Represents the Women's Quota?

The reserved seats for women are allocated in direct proportion to the number of seats a political party wins in the parliamentary elections. Each of the victorious political parties sets out its own mechanisms for appointing/electing candidates, some of which are not included in the constitution of the party. In the 2000 general election, only the ruling party made its mechanism a little more competitive by allowing women party members to elect their representatives and also by broadening the base of representation also to include, for example, representatives of NGOs and female intellectuals. Other political parties have not yet defined a mechanism for electing or appointing members to these positions. This introduces into the political system the potential for corruption, including sexual corruption, thereby undermining the integrity of female candidates, even those who entered via a more transparent system.

The special seats arrangement, however, seems to be more beneficial to the ruling party than to any other party in terms of increasing numbers. This is indicated in Table 1.

**Table 1: Special Seats for Women MP's by Political Party in the 2000 General Election**

Political party	Number of special seats	Percentage
Chama Cha Mapinduzi (CCM)	41	85.42
Chama Cha Wananchi (CUF)	4	8.34
Chama cha Demokrasia na Maendeleo (CHADEMA)	1	2.08
United Democratic Party (UDP)	1	2.08
Tanzania Labour Party (TLP)	1	2.08
Total	48	100

Source: National Electoral Commission, 2001.

The special seats arrangement seems to increase the voice of the ruling party in a multi-party parliament. Similarly, at the local level, the ruling party seems to have benefited equally in terms of numbers, as illustrated in Table 2.

The special seats have indeed helped the ruling party to continue to enjoy an overwhelming majority in the multi-party parliament. It is a special arrangement to engage women without necessarily threatening the chances of their male competitors in regard to accessing parliament. Also, it is a safe way of involving women without transforming the male-dominated culture of parliamentary politics.

### Issues of Accountability

Women entering politics through the special seats are not necessarily accountable to the majority of women, particularly those who do not belong to political parties. Screening methods give political parties a great deal of control over who enters politics by this route. The quota system has served as a subtle mechanism to prevent certain women from participating in competitive politics. Political parties do not seem to be supportive of the quota system in principle, since none of the existing political parties has introduced a quota in relation to party leadership positions. The political parties that screen candidates are male dominated, and through old boys' networks a lot of the work is done to back or discredit competitors.

During the parliamentary elections of 2000, for instance, there were 7,386 male contestants from all political parties, and just 526 female contestants from all political parties. Of these, 526 men were selected during the primary screening process, while only 70 women were selected by their respective parties to contest parliamentary seats. Of the 70 female candidates,

**Table 2: Special Seats for Councillors by Political Party in the 2000 General Election**

Political party	Number of special seats	Percentage
1. Chama Cha Mapinduzi (CCM)	863	93.18
2. Chama cha Demokrasia na Maendeleo (CHADEMA)	18	1.94
3. Tanzania Labour Party (TLP)	15	1.63
4. Chama Cha Wananchi (CUF)	12	1.30
5. United Democratic Party (UDP)	12	1.30
6. National Convention for Construction and Reform (NCCR-MAGEUZI)	5	0.54
7. Tanzania Democratic Alliance Party (TADDEA)	1	0.11
8. Tanzania People's Party (TPP)	0	0
9. Union for Multi-party Democracy (UMD)	0	0
10. Popular National Party (PONA)	0	0
11. National Reconstruction Alliance (NRA)	0	0
12. National League for Democracy (NLD)	0	0
13. United People's Democratic Party (UPDP)	0	0
Total	926	100

Source: National Electoral Commission, 2001.

only 12 won constituency seats. Reserved seats have taken the pressure off political parties to nominate women to stand in constituency seats.

This implies that special seats have eroded the competitive 'power' of women in regard to what is constructed as the 'normal' way of entering parliament and other representative organs of the state. This has had or will have an impact on 'gender power' in these institutions. For instance, 'powerful' women, such as Kete Kamba, Anna Makinda, Zakia Meghji and Gertrude Mongella, were forced to resort to special seats, since their chances of winning constituency seats were minimal. Kamba, for example, who was secretary-general of the women's wing, lost her parliamentary seat in the 1985 general election after opting to compete in constituency politics. Her defeat was a message to most women that they had been given special seats, and that they should not dare to intrude into the male domain. Prior to the constitutional amendments of 1997, the names of women candidates proposed by the women's wing of the party had to be endorsed by parliament, which was dominated by men. The majority of women, and indeed the rest of the population, had little say as to who entered parliament through the defined special seats arrangement.

This method was changed slightly as a result of the constitutional amendment of 1997, which allowed political parties to have the final say on the women who entered parliament via the special seats. Women are

thus entering politics through special measures that are organized and managed by political parties and political parties are assigned a percentage of seats in proportion to the overall number that they hold in parliament. Each political party has instituted its own internal mechanisms of electing or nominating female representatives for these special seats. However, this complicates the issue of accountability in regard to women MPs who have entered politics through the special seats. Whose interest do they represent? When women and gender-related issues are in conflict with the party interest, what position will these women take?

Positive action to promote women's participation in formal politics in Tanzania has neither had a significant impact on numerical representation nor transformed the male dominated political culture in parliament and in district councils. Since those who enter politics as a result of positive action are sponsored by their political parties, their primary interest is to toe the party line. Political parties have not shown a serious interest in transforming party politics to accommodate women in the governance structures of the party. There is no single political party that has introduced positive action in regard to female representation in its highest organs, including the central committee and the national executive council, as well as in relation to party leadership at the regional, district or ward levels.

In the Tanzanian context, lack of serious party support for a transformation process that will lead to

women's political empowerment is a major constraint to promoting women's participation in formal political structures.

### Conclusion

While special seats continue to be the most direct measure to tackle the increasing imbalance in regard to women's participation in politics, they do not seem to address in any significant manner issues concerning equity and equality in terms of political representation. The special seats arrangement should complement other efforts to transform political norms and values, which discriminate against women and other disadvantaged groups.

Male dominated political parties can manipulate quotas in order to increase their numerical representation. Lack of transparency in regard to the election of candidates, and the central role that political parties play in the screening exercise, have defeated the whole purpose of redressing the gender imbalance. Political parties have been paying lip service to special seats - there has been no genuine attempt to transform party politics in a way that will enhance women's ability to hold strategic positions within the party organs. However, all political parties consider women to be central to mobilizing the support of members and, during an election campaign, in mobilizing voters to support party candidates.

The link between civil society activists and women parliamentarians is not strong enough. Hence, no strategies have emerged for collective action to advance women's participation in politics. And yet, women matter in terms of their role as voters who finally decide who gets into power. The need for strategies to counter manipulative tactics by political parties has to be underscored.

Despite the constraints, the presence of women in parliament has had a modest impact on debates in Tanzania, particularly the raising of issues pertinent to the specific interests of women. To achieve greater change, though, a critical mass in parliament and other representative organs needs to support processes that address the patriarchal political culture. Numbers do matter, but women MPs and councillors have to be supported by programmes that will enhance their political consciousness, as well as their confidence to take part in parliamentary debates.

### Endnotes

- 1 Tanzania Gender Networking Programme (TGNP) and *Southern African Research and Documentation Centre* (SARDC) 1997. (incomplete reference)
- 2 Southern African Development Community Electoral Support Network (SADC-ESN). 2000. 'Gender Checklist For Free and Fair Elections Southern Africa'. Dar es Salaam, Tanzania Gender Networking Programme (TGNP).
- 3 Tanzania Gender Networking Programme (TGNP) and *Southern African Research and Documentation Centre* (SARDC) 1999. (incomplete reference)

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# “Working Towards Gender Balance in Elected Positions of Government in Namibia”

LIZ FRANK

## Background

It was only with the gaining of national independence from colonial occupation and South African apartheid rule 14 years ago that the majority of Namibians, both women and men, achieved legal citizenship in their own country. A constitutional democracy was established based on the rule of law and regular elections at the national, regional and local levels.

The Constitution of the Republic of Namibia, adopted in 1990, includes a Bill of Rights that gives ‘[a]ll citizens... the right to participate in peaceful political activity intended to influence the composition and policies of the government’, as well as the right ‘to participate in the conduct of public affairs, whether directly or through freely chosen representatives’, and to form and join political parties, to vote and be eligible for election (Article 17).

Given the history of oppression under colonial and apartheid rule, the restoration of human dignity and the achievement of true equality are fundamental values underpinning the constitution. It recognises that, through past laws and practices, some groups in Namibia suffered special discrimination because of their sex or race, and it allows for parliament to pass affirmative action laws aimed at redressing such discrimination. Article 23 states that: ‘it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged to play a full, equal and effective role in the political, social, economic and cultural life of the nation’.

On the basis of the above, parliament adopted an affirmative action provision in the Local Authorities Act of 1992, which stipulated that the first local authority elections were to be conducted using a party list system and that party lists had to include at least two women in respect of local authority councils with ten or fewer members, and at least three women in respect of councils with 11 or more members. This contributed to the fact that 37 percent of the local councillors elected in 1992<sup>1</sup> were women.

In 1997, the Local Authorities Act was amended to allow for a second round of local authority elections to take place in 1998 using the party list system instead of

changing to a ward-based system as stipulated by the Act. At this time, the affirmative action measures were further strengthened, specifying that party lists had to include a minimum of three women on councils with ten or less members, and at least five women on larger councils. Both the ruling Swapo Party and the opposition Democratic Turnhalle Alliance (DTA) called on party branches to alternate male and female candidates ‘zebra-style’ on party lists. The total percentage of women candidates was 47. Approximately 42 percent of the Swapo Party lists followed the ‘zebra’ format, while 20 percent of the DTA lists complied with this principle. This resulted in an increase of women’s representation in local government up to 41 percent. Had the zebra principle been adhered to gender balance would almost have been achieved.

More women have entered office through by-elections, such that Namibia currently has 45 percent women at the local authority level, while 40 percent of mayors are women. The current president of the Association of Local Authorities in Namibia is a woman – two other female presidents preceded her.

In November 2002, the Local Authorities Act was amended again to retain the party list system for all future elections.

Parliamentary debates concerning quotas for the local authority elections were thus closely connected to debates for and against the ward system. In 1992, the Swapo Party made strong reference to the need for affirmative action provisions for women when stating its case for the party list system. This argument was repeated during debates on the amendments of the Local Authorities Act in 1997 and 2002.<sup>2</sup> In contrast, the opposition parties were staunchly united in their call for a ward-based electoral system, claiming that Swapo rejected it because it would benefit the smaller parties. They highlighted that, if the ruling party was genuine about gender equality, it would implement a 50:50 quota. Some members of parliament added that women should enter politics on their own merit and that quotas were an insult to their capabilities.

Since 1999, the women’s movement has also lobbied government and political parties to retain the party list system, fearing that a ward-based system would result

in women’s numerical representation of over 40 percent at the local level dropping drastically to the four percent level currently experienced at the regional level, where elections take place in constituencies.

At the national level, 29 percent of parliamentarians currently in the National Assembly are women, elected through party lists. In the National Council, in which two representatives are elected from each of Namibia’s 13 Regional Councils, only two (eight percent) of the 26 members are women, reflecting the small percentage of women elected at the regional level. Yet women constitute 51 percent of the population and 52 percent of the country’s electorate.

As a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action and the Southern African Development Community (SADC) Declaration on Gender and Development, and with its own National Gender Policy, the Namibian government has committed itself to increasing female participation at all levels of politics and decision-making. The National Gender Policy states that government shall ‘[s]trive, in line with Article 23 (3) of the Constitution, to establish mechanisms for attaining the goal of gender balance in government bodies and committees, public administration, judiciary and any other decision making organs’,<sup>3</sup> and refers specifically to using affirmative action to achieve gender balance in regional councils and the National Council. The National Gender Plan of Action 1998–2003 calls for gender balance at all levels of government, including in the cabinet.

The Department of Women’s Affairs in the Office of the President was established in 1990 and became a fully-fledged Ministry of Women’s Affairs and Child Welfare in 2000, tasked with promoting substantive gender equity by overseeing the mainstreaming of gender issues in all government departments and policies.

However, while the above policies, plans and structures provide a conducive environment for increasing the participation of women in decision-making, access to formal politics is controlled by political parties, which, apart from the newly-formed Congress of Democrats (CoD), have made little effort to promote women within their own ranks and as candidates in national and regional elections. There has been a tendency to blame women for not coming forward as candidates rather than to analyse the many barriers and constraints confronting women who enter the patriarchal sphere of party politics. The endowment of women with the same citizenship rights as men has not addressed the many obstacles preventing most women from exercising these rights, both in the formal political arena as well as in relation to informal politics.<sup>4</sup> At

the same time, women face a difficult choice, since the price of access to formal political power is subordination to male party hierarchies.

## Quotas in Political Parties

### Swapo Party

At the May 1997 party congress, Namibian President Sam Nujoma proposed that Swapo take a decision to have 50 percent female representation on all Swapo lists for municipal and regional elections. The congress elected a Central Committee with only seven women out of 58 members. However, it passed a resolution calling for women to make up 30 percent of candidates for the Central Committee at future congresses and 50 percent of candidates in future national elections.<sup>5</sup>

At the 1999 electoral congress, Nujoma included 16 women in the party list, utilising his prerogative to name his preferences for the first 32 party candidates for the National Assembly elections. However, his male comrades protested strongly and the final list of 72 candidates included women who were positioned towards the bottom of the list.

Leaders of the Swapo Party Women’s Council (SPWC) have also publicly supported moves towards gender balance in government as well as in their party. On the eve of the fourth SPWC congress in December 2001, the SPWC Assistant Secretary for Information, Research and Programmes said in a media statement: ‘The possibility of nominating a female candidate to succeed President Sam Nujoma cannot be ruled out’.<sup>6</sup> Yet the congress did not discuss whether the Swapo wing wanted female candidates to occupy the top party posts, with the newly elected secretary-general stating to the media afterwards that there was still ‘ample time’ before the party’s full congress in 2002 to deal with the issue.<sup>7</sup> The congress did resolve to ‘work on pro-active initiatives to bring about changes to guarantee a gender balanced representation’.<sup>8</sup>

However, the lack of a SPWC strategy to get more women elected democratically to party structures was evidenced at the Swapo Party Congress in August 2002. The SPWC refrained from nominating any female candidates for the top four posts after the party president made it clear that he expected delegates to support his nominations – all of whom were men. Furthermore, women delegates relied on an undemocratic attempt by the party president to appoint personally 21 women to the central committee in contravention of the party constitution, which resulted in major disruptions to the proceedings as well as media headlines. It became clear that female party members were relying on the patronage of a powerful male leader,

whose interests they would have been obliged to serve had they been appointed.

### **Democratic Turnhalle Alliance**

Discussion on internal quotas within the DTA has not led to any tangible results. Currently, 37 percent of central committee members are women.

### **Congress of Democrats**

The CoD brought three women and four men into parliament in the 1999 National Assembly elections. Currently, 37 percent of its central committee is made up of women. It is committed to party lists with a minimum of 40 percent candidates of both genders for the forthcoming local authority elections.

### **The 50/50 Campaign of the Women’s Movement**

Over the past four years, Sister Namibia has advocated strongly for women’s equal representation and greater participation in politics and decision-making, building on research that it conducted in 1998 on the political participation of women in the country’s new democracy. It developed a national campaign calling for ‘50/50 Gender Balance’ in elected positions at all three levels of government, which was carried out with broad support in three phases (as described below). Sister Namibia is currently engaged in Phase 4 of this campaign to mobilize women to participate as candidates and voters in the forthcoming local authority elections, and to lobby political parties to put forward gender balanced ‘zebra-style’ lists alternating male and female candidates on the lists, as well as to include women’s issues in their party manifestos.

#### **Phase 1 (1999): Development of the Namibian Women’s Manifesto**

After presenting the findings of its research on women’s participation in politics and decision-making at a workshop in March 1999, Sister Namibia was given the mandate by female members of parliament, government and non-governmental organizations (NGOs) from across the political spectrum to take the lead in developing collaboratively the Namibian Women’s Manifesto, promoting its ‘gender agenda’ and calling for gender balanced ‘zebra-style’ candidate lists for the National Assembly elections at the end of the year. It produced and published the manifesto in seven languages and conducted a ‘Training of Trainers’ workshop for female leaders from regional centres and major towns in all 13 regions of Namibia, who then conducted local workshops to raise awareness of women’s political and human rights and to popularize the 50/50 demand.

Some of the achievements of this first phase of the campaign are set out below.

Sister Namibia mobilized many individuals and organizations to participate in the consultation process to compile the manifesto, and thereby built broad ownership of this document. The response to the manifesto was overwhelming: participants at the workshops held all over the country took it as their own and began to use it as a tool to voice their concerns and to add concerns of their own. Through the manifesto thousands of women began to realize that they had rights as women, that they were equal to men. The manifesto thereby served as a much-needed tool in the long and arduous struggle to restore women’s dignity after decades of apartheid and centuries of patriarchal rule.

Through the Namibian Women’s Manifesto Campaign we contributed substantially to the building of a new regional layer of the women’s movement in Namibia, and to the formation of a female constituency in elections. We began to train facilitators in regional centres and towns in matters concerning the equal participation of women in politics and decision-making. Together we learnt and shared new skills country-wide - in regard to lobbying on women’s and gender issues. We called ourselves the Namibian Women’s Manifesto Network (NWMN).

However, at an evaluation workshop with women leaders in December 1999, we agreed that the campaign had begun too late to have a major impact on the political parties. Most parties had made little effort to promote women as leaders within their own ranks and to nominate them as candidates in the National Assembly elections. We therefore resolved to continue lobbying for gender balance in elected positions of government, as well as to raise awareness of women’s human rights and the impact of HIV/AIDS on women. Sister Namibia was mandated to plan and implement programmes relating to these issues on behalf of the NWMN over the next three years.

#### **Phase 2 (2000): The 50/50 Campaign: Women and Men in Government - Get the Balance Right!**

Phase 2 of the Namibian Women’s Manifesto Campaign focussed broadly on the issue of increasing female participation in politics and decision-making. We designed a pamphlet and two posters to popularize our demand for the equal representation of women and men in elected positions of government. We called on political parties to include 50 percent female candidates on ‘zebra’ party lists in all future elections, and lobbied parliament to amend the electoral laws to bring about gender balance in elected positions at all three levels of government. We held two ‘National Training of

Trainers’ workshops for the facilitators of the NWMN from the regions, who then conducted their own workshops and lobbying activities using the campaign materials in 22 towns and villages across the country.

At the national level, we held meetings with leaders of political parties and parliamentary standing committees in order to introduce our demands. We also made sure that we received a lot of media coverage of our activities. In addition, more than 2,500 signatures were collected in a short time in a petition calling for laws to allow women to occupy 50 percent of all elected positions in government. The petition was handed to the Speaker of the National Assembly following a march on parliament by the NWMN and many supporting NGOs.

With this campaign we became part of the global campaign entitled ‘50/50 by 2005: Get the Balance Right!’, which was launched by NGOs in New York in June 2000, parallel to the United Nations Review of implementation of the Beijing Platform for Action. Two-hundred-and-twenty groups and organizations in more than 60 countries around the world have already joined this campaign to ‘get the gender balance right’.

#### **Phase 3 (2001-02): Developing and mobilizing support for the 50/50 Bill**

With Phase 3 of the campaign we strengthened our call for parliament to adopt the necessary amendments to electoral acts to provide for gender balance at all levels of government in all future elections. The NWMN commissioned Dianne Hubbard of the Legal Assistance Centre to conduct research on ‘50/50 Options for Namibia’, which were presented and discussed at our First National Planning Meeting in June 2001. Forty town and village facilitators of the network and 30 members of NGOs attended the meeting. Following this, the facilitators conducted local workshops in 39 towns and villages in order to gauge support for the 50/50 demands. They provided positive feedback to Sister Namibia.

Having established wide agreement on the 50/50 options, Dianne Hubbard was commissioned to develop a ‘layperson’s draft’ (called the 50/50 Bill) of the amendments of electoral acts needed to ensure gender balance in elected positions at all three levels of government. At the same time, we developed collaboratively a pamphlet containing a simplified version of our demands, which we translated into six local languages. Members of 34 NGOs publicly documented their support for the demands contained in this pamphlet.

The 50/50 Bill was introduced to the members of the NWMN and NGOs at the Second National Planning Meeting in October 2001. The 52 network facilitators and representatives of 31 NGOs who were present enthusiastically endorsed the Bill, and agreed to

mobilize support for it. Following the meeting, the pamphlet and a signature campaign were launched to attract support for our demands. Among the speakers at the launch were the Deputy Minister of Women’s Affairs and Child Welfare, Marlene Mungunda, UNAIDS Country Programme Advisor Ms Mulunesh Tennegashaw (representing the United Nations Development Programme (UNDP)), and the Acting Mission Director of the United States Agency for International Development (USAID), Kirk Dahlgrin.

The network facilitators then conducted a second round (and some even a third round) of local workshops in 50 towns and villages on the contents of the pamphlet and the 50/50 Bill. They organized visits to schools, churches and local NGOs and met with government representatives and community leaders in an effort to garner support for our demand for women’s equal representation at all levels of government.

During Phase 3, the network facilitators conducted a total of 105 local workshops, in which we have directly involved 3,500 people, mainly women, but also a number of men, in discussions on the importance of women’s participation in politics and decision-making. These people enthusiastically supported our demands for amendments to the electoral laws to ensure gender balance at all three levels of government in all future elections. Through contact activities at the local level we brought the message of gender balance in government to 70 schools, 88 churches, nine traditional leaders, 17 regional councillors and 32 local councillors, distributed thousands of pamphlets and collected hundreds of signatures. We accessed the media to mobilize support for our initiative and to publicize and report on local events, and we held local marches to hand over the petition to many different local government representatives.

At the national level, Sister Namibia led the NGOs supporting the manifesto and the 50/50 campaign in lobbying political parties, parliamentary standing committees, line ministries and the media. Together we collected signatures, convened a march on parliament and handed a petition and the 50/50 Bill to the Speaker of the National Assembly in March 2002. This led to a fruitful meeting with members of the Parliamentary Standing Committee on Petitions in May 2002. While committee members from all major political parties agreed on the need to bring about equal representation of women in the interest of gender equality, some questioned whether enough women were ready for political office in terms of their level of education to bring about gender balance in the next elections. It seems that some female members of parliament are now pulling up the ladder behind them in order to avoid challenging male



power, instead of helping to open the doors for their sisters. The report of this committee to the National Assembly has still not been tabled more than 18 months after this meeting.

In the meantime, Namibia has achieved almost 30 percent representation of women in the National Assembly, as both the ruling party and the United Democratic Front (UDF) recently replaced outgoing male MPs with women.

### **Responses from Political Parties**

Responses by the ruling party to the 50/50 campaign have been highly contradictory. In 1999, the SPWC publicly attacked the Namibian Women's Manifesto before it was printed let alone launched, because of its reference to the human rights of all women, including lesbians. In a press statement, the SPWC said that: 'It is unfortunate that there are some elements that would like to use gender equality as a stepping ladder to reach their own goals that have no relevance to gender ... the so-called circulating women's manifesto has no other intention but to confuse the Namibian women and divert them from the core concept of gender equality as defined in the Beijing Platform for Action and the Namibian National Gender Policy ... Swapo Party Women's Council calls upon all its members, supporters and sympathisers to remain focused ... and be vigilant against any forces of confusionists that come in the guise of gender equality'.<sup>9</sup> The SPWC spokesperson said at the press conference: 'Homosexuality should not be linked to the struggle for gender equality, as gender deals with the relationship between women and men'.<sup>10</sup>

This language goes back to 1995, when Namibian government and Swapo party leaders who participated in the Fourth World Conference on Women in Beijing worked hard to keep the issue of sexual orientation out of the Platform for Action. It is constantly being brought up to attack the NWMN in an attempt to divide the women's movement in Namibia. 'The fight to manipulate gender for irrelevant issues has not ended with the adoption of the Beijing Platform for Action, but those opportunists are still continuing to confuse people by trying to put the issue of gays and lesbians on a par with the struggle for Gender Equality. I therefore warn the Namibian people, women in particular, not to allow themselves to be used ... The so-called Women's Manifesto ... has no other message than asking women in Namibia to promote homosexuality'.<sup>11</sup> The attack on the network by the Minister of Women's Affairs and Child Welfare in parliament in July 2002 followed the same pattern: dismissing and discrediting the activities of the network and accusing it of having 'hidden agendas' rather than supporting women in parliament and

in the cabinet to implement the National Gender Policy.

The Minister of Women's Affairs and Child Welfare further stated in an interview in 2002 that she viewed the 50/50 campaign as 'unrealistic'. This stands in contradiction to the National Gender Policy spearheaded by herself. In particular, the National Gender Plan of Action calls for gender balance at all levels of government, including in the cabinet, by 2003. The minister further criticized the lobbying and advocacy activities of the NWMN, claiming that it was 'seeking publicity'.

However, many government leaders, including the former Minister of Local and Regional Government and Housing, Dr Nickey Iyambo, the Attorney General, Pendukeni Ithana, and the Regional Governor of Swakopmund, mayors and others have publicly supported the call for *50/50 gender balance*, and the National Elected Women's Forum has included this goal in its vision statement.

The two main opposition parties, the CoD and the DTA, recently reiterated their strong support not only for the 50/50 campaign but also for the Namibian Women's Manifesto itself.

### **Lessons learnt from our 50/50 Campaign**

In 2001–02, Sister Namibia conducted research on the 50/50 campaign as part of a project on gender, citizenship and governance sponsored by the Royal Tropical Institute of the Netherlands (KIT). Its research question was: how did the collective development of gender balance legislation promote the greater participation of women from the grassroots in politics and decision-making, and what impact did advocacy and lobbying by women for law reform have on the awareness of policymakers and the general public regarding female political participation?

We found that broad consultation on the development of legislation designed to bring more women into elected positions of government was indeed a useful tool for mobilizing women, particularly at the grassroots level. We were able to recruit facilitators from 35 towns and villages who between July 2001 and March 2002 conducted a total of 105 local workshops – in two or three rounds – with more than 3,500 participants, mainly women, but also a number of men, with whom they discussed the importance of women's participation in politics and decision-making. They were able to teach participants about current electoral acts and possible law reform to bring about equal female representation in elected positions of government, and to generate enthusiastic support for the 50/50 Bill.

Good relations established with one of the national

radio's seven language services through the past activities of the NWMN also served the facilitators well, as many were able to mobilize support for their workshops and for our goals by phoning in to this service.

However, our local activities took place mainly in central, western and southern Namibia. We were only able to recruit a small number of facilitators in the north, where half of the country's population resides. The north is a ruling party stronghold in which political activity outside of the party is quickly labelled a threat to 'one-party rule'. Civil society is weak and independent women's organisations almost non-existent. The facilitators we did manage to recruit through other NGOs experienced harassment by local authorities and traditional leaders who spread rumours about the workshops and claimed that their permission had to be sought before such activities could take place in future. The response from the women participating in the workshops was positive, though, with some workshops involving more than 70 highly interested participants. A female traditional leader supported our activities.

The impact of the campaign on the network facilitators themselves was equally remarkable. Through workshops, contact activities, media work and marches they became highly visible as local leaders who could share newly gained knowledge about electoral laws and law reform as well as national and international gender policies and agreements with their communities. Additionally they could lead other women in exercising their constitutional right to participate as citizens with the aim of influencing law reform at the national level in the interests of women. This changed the way in which the facilitators are seen by their partners, families and communities, and opened new doors for them to become active in community affairs.

At the national level, our campaign for gender balance generated particularly strong support from three NGOs whose own work involves promoting political participation, namely the Namibian Girl Child Organization, which trains schoolgirls for leadership, the National Society for Human Rights, which featured gender balance in a recently launched publication *My right to participate*, and Women's Action for Development (WAD), which trains women for economic and political empowerment.

With regard to responses from political parties, the CoD has offered the most unequivocal verbal support for our demands.

Our media campaign was highly successful because we were able to use our own magazine extensively as well as to mobilise women journalists in strategic positions in both print and electronic media organizations to support our activities. This has resulted in broad

public awareness of the need for women's equal representation and participation in politics and decision-making.

### **Conclusion**

This research project taught us to analyze the national and local contexts more closely to assess where there is space for meaningful collaboration between government and civil society and where there is not. At the national level, the ruling party currently holds a majority in parliament of more than two-thirds of members, and party leaders continue to portray opposition parties and civil society as 'the foe', as in the days of the struggle for national liberation – during which Swapo was recognized by the United Nations as the sole representative of the Namibian people. Loyalty to the ruling party prevails in the northern regions of Namibia, and is entrenched by traditional patriarchal structures that oppress women. This has made it difficult for us to have much impact there and we will need to develop different strategies to convince women to become active citizens in their own communities and in their own right in these regions.

We found it easier to work in those parts of the country where other political parties and NGOs are present. Our focus on increasing the participation of women at the grassroots level and mobilizing support across party lines in the interests of women was successful in these regions. We were able to show that it is possible for poor women to engage in law reform processes, and to be involved in the processes of broad consultation, collective implementation and joint evaluation that ensures the maximum participation of women. The campaign itself thus became a vehicle for women to exercise their citizenship, and through their participation they spoke of their image and criteria of what a leader should be. Consequently, leadership was no longer defined by whether one is rich or educated or literate but, rather, by one's work and one's actions in the interests of others.

At the same time, we learnt that the ruling party and the state are not monolithic entities, such that we were able to make contact with government leaders at the regional and local levels, despite the controversies resulting from the campaign by using the issue of lesbianism. More than 45 percent of local councillors are women and they supported the 50/50 Bill regardless of party loyalty, perhaps because they had personally experienced the benefits of the affirmative action provisions in the local authority elections. And while the Minister of Women Affairs and Child Welfare and the members of the Parliamentary Women's Caucus did not see themselves as accountable to grassroots women and



refused to meet with the network, we were able to meet with the Parliamentary Standing Committee on Petitions due to the standing rules of parliament. Other lessons we learnt are that women's organizations need to know which rules can be utilized to ensure accountability by members of government, and that we need to link campaigns for gender balanced representation with the call for accountability in regard to the gender agenda by those in power.

Finally, we learnt through this campaign that, despite divisive party politics, ethnic barriers and homophobia in post-colonial and post-apartheid Namibia, it is possible to unite and mobilize women around a common issue, such as the 50/50 Bill. Through the sharing of stories of our everyday lives, women got to know and understand each other, build trust and solidarity, and realize that what we share as women is far more than what divides us. We also realized that handing the campaign over to another NGO not led by public lesbians would have served no purpose, as the other women's NGO voicing strong support was said to be working for an opposition party. And just as women in general have learnt that shelving their demands for gender equality until national liberation is achieved leads nowhere, lesbians are learning that postponing their demands until gender equality is achieved will also lead nowhere. This campaign thus also became a model for integrating unpopular issues and standing firm on the indivisibility of women's liberation.

### Endnotes

- 1 This includes the figures for Walvis Bay, where local authority elections were only conducted in 1994 due to the delayed re-integration of this harbour town into independent Namibia.
- 2 For a detailed analysis of the parliamentary debates surrounding this issue, see Tjihero, K., Namalambo, D. and Hubbard, D. 'Affirmative Action for Women in Local Government in Namibia. The 1998 Local Government Elections'. 'National Gender Policy'. Department of Women's Affairs. Windhoek. November 1997. p. 23.
- 3 'National Gender Policy'. Department of Women's Affairs. Windhoek. November 1997. p. 23.
- 4 The recently developed EISA 'Gender Checklist for Free and Fair Elections in SADC Countries' indicates what needs to be done before women can participate equally in the election process.
- 5 Tjihero, K., Namalambo, D. and Hubbard, D. p. 16.
- 6 'Swapo Party Women may Flag Female for President'. *New Era*. 30 November–2 December 2002.
- 7 'Call for woman president "not on SWC Congress agenda"'. *The Namibian*. December 2002.
- 8 'Enact Maintenance Bill Early: SWAPO Women'. *New Era*. 17-20 December 2001.
- 9 SWAPO Party Women's Council. 'Press Release'. 4 October 1999.
- 10 Xoagub, Francis. 'SWC Unleashes Salvo at Women's Manifesto'. *The Namibian*. 10 October 1999.
- 11 Statement by the Minister of Women Affairs and Child Welfare (then Director-General of the Department of Women Affairs) to the Elected Women's Forum. 8 October 1999.

# The Challenge of Implementation and Enforcement in Rwanda

JUDITH KANAKUZE

## Introduction

We would like to thank the organizers of the Pretoria workshop on quotas in Africa for having included Rwanda in this very interesting and useful debate. We hope that the experience we are going to share in this document will be useful to other countries, and that we will also be able to benefit from the great possibilities emerging in Africa in relation to quotas.

We are most hopeful that the gender approach will be integrated at all governing levels of the different institutions of the world and of Africa in particular.

It is a matter of right, equity, and social justice.

## The Implementation of Quotas in Rwanda for Women

Rwanda has signed up to many international resolutions, conventions, recommendations, and provisions on the social, economic, and political rights of women, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Nonetheless, very recently, in Rwanda, the actual situation continued to lag behind the legal provisions that confer the same rights on men and women.

Women were still under-represented in the strategic decision-making institutions, such as the legislature, the central government, local administrations, trade unions, cooperatives, professional organizations, and grassroots bodies. At these different levels, Rwanda was far from attaining 30 percent of women in decision-making positions.

This was validated by the Study on the Participation of Women in Decision-making Positions, undertaken and released in 1999 by Réseau des Femmes Ouvrant pour le Développement Rural (Network of Women Working for Rural Development) – a civil society organization – in collaboration with the Ministry of Gender and Women's Promotion. The release of the results of this study marked the beginning of the debate, and strategies have subsequently been decided upon with respect to quotas. The low level of female representation in decision-making positions made the situation very pressing in Rwanda.

As the resolution on implementing quotas included in the Beijing Platform for Action had also foreseen, it

was urgent to find a formula whereby women could hold at least 30 percent of decision-making positions. As of 31 August 2002, women accounted for 52.3 percent of the total population, according to the General Population and Housing Census (54.6 percent just after the April 1994 genocide). This population should not continue to be marginalized. It is a potential resource of society, and should be recognized and valued as such.

The Transition Government – in office between July 1994 and May 2003 – had the political will to facilitate the progressive establishment of institutional mechanisms to promote gender equality and to bolster the capacities of women. This process has unfolded with a view to implementing gender quotas.

We can note the pressure brought to bear by the movement of civil society organizations, especially women's organizations grouped in the Collectifs Pro-femmes Twese Hamwe and the women's networks, as well as the Forum of Rwandan Women Legislators, who are from different political parties, along with the eminent role of the Minister of Gender and Women's Promotion.

These strategies developed into a crosscutting approach that involved fostering awareness, conducting training, carrying out research to evaluate the indicators of equality and equity, and strengthening the advocacy and lobbying skills of women. The aim was gender mainstreaming.

In Rwanda, the major watershed came with the process of drawing up a new constitution, which was characterized by consensus building with the grassroots, and culminated in the 26 May 2003 referendum.

This workshop to share experiences on implementing gender quotas is being held just as the democratic transition in Rwanda is proceeding with full force. The referendum on the new constitution (adopted in May 2003) was followed by a presidential poll on 25 August 2003, and elections to the National Assembly in September 2003. The National Assembly is a new, bicameral (Chamber of Deputies and Senate) political institution that is preparing to eradicate the different barriers that prevent women from participating in decision-making.

## Introducing Quotas in the Electoral System in Rwanda: Accomplishments and Challenges

### Current opportunities

The Rwandan Constitution fully incorporates gender equality in its 203 provisions. Accordingly, this fundamental instrument provides a strategic opportunity to implement quotas in the three branches of government, and to allow citizens to enjoy their rights and to fulfil their duties.

We highlight, for example, Article 9, which spells out the fundamental principles of the constitution. This provision stipulates that: 'The Rwandan State undertakes to conform to the following principles and to uphold them:

1. the struggle against the ideology of genocide and all its manifestations;
2. the eradication of ethnic, regional, and other divisions, and the promotion of national unity;
3. the equitable sharing of power;
4. building a State under the rule of law and a pluralist democratic regime, the equality of all Rwandans, and equality between women and men reflected by ensuring that women hold at least 30% of the positions in decision-making bodies;
5. building a State devoted to the well-being of the population and to social justice;
6. permanently seeking dialogue and consensus-building.'

Articles 54 and 76 of the constitution are also telling examples that enshrine the principle of quotas:

'Article 54: The political organizations must at all times reflect, in the recruitment of their followers, the composition of their governing bodies, and all their operations and activities, national unity and the promotion of gender.'

'Article 76: The Chamber of Deputies is composed of eighty (80) members, as follows:

1. Fifty-three (53) elected under Article 77 of this Constitution;
2. Twenty-four (24) female members, two per province and the city of Kigali, elected by the District Councils, City Councils, and the Kigali City Council, to which are added the Executive Committees of the women's structures in the provinces, the city of Kigali, the cities, the districts, and the sectors.'

### The challenges that must be addressed

It is important to look at the indicators to take account

of the steps taken to improve women's participation in decision-making. Even so, there are still a number of challenges that need to be addressed, including the following.

*Gender inequality:* Gender inequalities are apparent in relation to access to basic services and resources, and in regard to political participation and decision-making. This situation appears to be common to most African countries. Some of its characteristics in Rwanda are set out below.

*Education:* Women have limited access to education. Accordingly, 25 percent of women, as compared to 17 percent of men, have never been to school or to a literacy centre. Only 47.8 percent of women are literate, compared to 58.1 percent of men. In terms of access to primary school, there are no major distortions. Nonetheless, the rates for being held back and dropping out continue to be higher for girls than for boys. The drop-out rate for girls is 15.2 percent, compared to 7.9 percent for boys. These imbalances are even more pronounced in rural areas. A small proportion of girls and women reach university, and the academic performance of girls is far below that of boys, especially in the areas of the sciences and technology.

*Health:* The Demographic and Health Survey of 2000 shows that the total fertility rate is high: approximately 5.8 children per woman. Maternal mortality is estimated at approximately 1,070 per 100,000 births, and infant mortality at 110 per 1,000 live births. These high rates of mortality are associated with limited access to healthcare. In effect, only 31 percent of births take place in modern healthcare facilities. The health situation is marked by a prevalence of HIV/AIDS, estimated at 11.2 percent nationwide, and 10.8 percent in rural areas. Prevalence is 11.3 percent for women, compared to 10.8 percent for men.

*Employment and economic opportunities:* The employment situation is characterized by profound disparities. Women hold only 34.6 percent of jobs in the public sector (compared to 65.4 percent for men). In the parapublic sector, women hold 31.9 percent of jobs (compared to 68.1 percent for men).

Women are mainly concentrated in agriculture and in the informal sector, bearing a considerable extra burden. Approximately 90 percent of farmers are female, but, as a result of gender discrimination, it is more difficult for them to own land, and to get access to, and/or control of, certain inputs, such as fertilizer, seed, pesticides, loans, and agricultural extension services. Often

they are less competitive in the job market, or do not even have information about it.

The feminization of poverty is still a major challenge and Rwanda's primary concern in the context of Vision 2020, which is focused on poverty reduction and good governance. Rwanda is ranked 158th in the human development index, which compares the member states of the United Nations (UN).

*Human rights:* Cultural traditions and customary law maintain prejudices favourable to certain forms of violence in the home. In addition, despite efforts to raise the awareness of the population so as to eradicate different forms of violence against women, especially in relation to the right to physical integrity, certain practices continue, especially in rural areas. Gender-based violence remains a persistent problem. Furthermore, the consequences of the violence inflicted on women during the genocide must be addressed - these are physical, physiological, and social in nature.

### **Women's Representation Before and After Quotas**

#### **Before the introduction of quotas**

In regard to the 2001 local government elections, the electoral law emphasized that at least one-third of elected committee members should be women. The following is additional information provided in the Gender Profile report on Rwanda, which was prepared in 2002 by the Ministry of Gender Issues and the Ministry of Finance and Planning. In preparing the report, progress was detected in relation to equality and equity, although a long road still lies ahead. Some facts are set out below.

- Five women ministers and secretaries of state out of a total of 26 – that is, about 19 percent.
- Four women secretaries-general out of a total of 16 (25 percent).
- Four women mayors of districts and towns, out of a total of 106 (approximately three percent).
- Two of six presidents of the departments of the Supreme Court are women.
- More than 35 percent of the members of the Gacaca courts are women.
- The Court of Appeals has four presidents and four vice-presidents, all of whom are men; three of 157 appellate judges are women (two percent).
- The National Assembly was composed of 75 percent men and 25 percent women.
- At the local level, 76 percent of the members of the Provincial Executive Committees are male.

- Men account for 75 percent of Rwanda's diplomatic personnel abroad.

#### **After the introduction of quotas**

The quotas were first implemented in the 2003 parliamentary elections. Rwanda emerged in first place regarding women in national legislatures worldwide, according to the classification by the Inter-Parliamentary Union (IPU). With 48.8 percent of the members of the Parliament women, Rwanda is now the country closest to male/female parity in politics; before these elections, 25.7 percent of the members of the Rwandan legislature were women.

Twenty-four seats (30 percent) were reserved for women in 12 provinces, including the city of Kigali. This guaranteed the participation of women at the grassroots or local level. In addition, elections were held in the provincial district, where women accounted for more than two-thirds of voters.

The Constitution of Rwanda is clear about quotas: the same formula is only to be applied in regard to members of the government. In terms of the other central or decentralized institutions, the choice is clear – an office has been established within the gender observatory that will monitor respect for quotas at every level (Article 185).

#### **Debates on Quotas in Rwanda**

Rwandans are convinced that the country's sons and daughters should be responsible for its sustainable development. And it is a matter of social justice to support equal access for men and women in regard to participation, resources, control, and decision-making. The factors that give rise to debate are inherent to the patriarchal system and culture. Transformations will occur gradually, as gender is integrated at every level (including in projects, programmes, budgets, conduct and culture).

#### **The lessons to be drawn from the Rwandan case**

Rwanda's positive experience is based on the following factors:

- Good governance, which gives rise to the political will to achieve gender equity and equality.
- The state's partnership with civil society.
- Training executive and managerial personnel so that they are capable of listening to the population, and persons trained in advocacy based on the results of studies and research.
- Strengthening the capacity of women through specific mechanisms.

- Female solidarity, and partnerships with men in regard to gender issues.
- Institutionalizing budgets that integrate gender.
- Reviewing laws that enshrine inequalities or any form of discrimination against women.
- Those countries preparing new constitutions, or revising them, should respect the clauses of CEDAW during the constitutional process. Moreover, they should accord priority to the participatory and inclusionary approach, by creating a specific space for women.
- Sensitizing the population to the equality of men and women (girls and boys should be provided with the same education, for example).
- Strengthening the capacity of women involved in decision-making and continuing to project a positive image of women.
- Continuing the education of leaders and planners in relation to gender issues (concepts, tools for gender analysis, gender audit, etc.).
- The gender approach should be a planning tool.
- Drawing up a national gender policy.
- Creating a permanent network for sharing experiences of the new style of leadership built on a partnership between women and men.

We are open to any comments in order to build on these lessons. We are convinced that we must continue to learn so as to get the best results from the integration of a gender approach, which is also a vision for sustainable development.



## Quotas, Democracy and Governance

### Overview of the session

This session examined the application of quotas in different contexts. The case of Mauritius, where ‘best loser seats’ (BLS) are reserved for minority groups, was presented. The reluctance of the national leadership to extend this system in order to incorporate women was explored. The session also looked at the use of affirmative action provisions within the SADC PF, which provides important lessons for other regional assemblies on the continent. Beyond the quantitative guarantees offered by quotas, Colleen Lowe-Morna looked at some of the unintended consequences of special measures, such as how women elected via these mechanisms fare in parliament. Finally, the session analyzed the increasing demand for women to be included in peace negotiation processes, spurred on by UN Security Council Resolution 1325 (on Women, Peace and Security, passed in 2000).

#### Mauritius

Dr Sheila Bunwaree noted that Mauritius is often considered to be a strong democracy in the SADC region, seen as an example of good governance and a model for social cohesion. It supports a ‘politics of recognition’, and political stability in the country rests on the inclusion of ethnic group interests, preventing fragmentation and polarization. Mauritius employs a plurality electoral system with 60 representatives elected to multi-member constituencies. Additionally, four *best loser seats* are awarded to those candidates who belong to under-represented ethnic groups and who come next in ranking in terms of number of votes received. The rationale behind the BLS is to ensure the representation of minority communities in parliament.

Bunwaree, though, shows that the *politics of recognition* does not extend to the inclusion of women in the political process. Mauritius has the second lowest rate of representation of women in the SADC region, 5.7 percent, just ahead of Swaziland with 3.1 percent. She argues that a number of obstacles prevent women from competing on a level playing field

with men, including traditional beliefs that relegate women to the private sphere and the substantial resources required to finance a campaign and win a party nomination. The constituency-based electoral system also operates to the disadvantage of women, as seen in other countries on the continent. Discussions are ongoing regarding electoral system reform, yet they focus primarily on the incorporation of the BLS within a PR system. Women’s participation is not central to the discourse.

Bunwaree highlights the challenges of implementing quotas in the absence of sustained and organized lobbying and advocacy by women. While a number of reports produced by the Ministry of Women view the under-representation of women as a problem, and recommendations have been made for the adoption of either a legislated or political party quota, such solutions do not seem to have the backing of grassroots women or political parties. Bunwaree points out the importance of the intersection of mobilization by both women in civil society and in political parties, as well as in the media, if real gender gains in representation are to be achieved.

#### Quotas in the SADC Parliamentary Forum

Ms Rumbidzai Nhundu looked at the evolution of quotas within the SADC PF. The latter is a regional organization that brings together 12 parliaments in Southern Africa and represents 1,800 MPs. A key objective for the institution is to develop into a regional parliamentary structure – for the purpose of strengthening the capacity of the SADC – by involving the MPs of member states in its activities.

The SADC PF seeks to ensure women’s representation and participation by implementing positive action measures. This is backed by both the Beijing Platform for Action and the SADC Declaration on Gender, which propose that special measures be adopted to ensure that at least 30 percent of decision-making positions are held by women.

The SADC PF has put in place a number of institutional mechanisms to *monitor* implementation of the

special measures, and to ensure their implementation in Forum activities. Women make up 30 percent of the membership of the SADC PF’s decision-making bodies, primarily the Executive Committee, whose chairperson is a woman. There is also a Gender Advisory Team, composed of representatives of regional organizations that promote gender equality, which provides strategic advice on how to advance the regional gender agenda. Furthermore, a SADC Regional Women’s Parliamentary Caucus was established in 2002, comprising women parliamentarians. They work to unite forces across party lines and strategize before presenting proposals to the Plenary Assembly regarding gender equality and the attainment of 30 percent representation of women in positions of power.

The experiences of the SADC PF underline the importance of women (and men) working together to achieve advances for women. It provides an example of what such parliamentary bodies can do to promote gender equality, and offers lessons for other parliamentary assemblies on the continent, including the EALA and ECOWAS.

#### Beyond Numbers: quotas in practice

Ms Colleen Lowe-Morna argued that there has been minimal investigation of how quotas affect the ability of women elected through such mechanisms to do their jobs in parliament. She presented some of the findings of a recent research project to measure the impact that women have had on political decision-making in six countries in Southern African, focusing, in particular, on changes to institutional culture, the attitudes of men, and policies and laws that affect women directly.

Lowe-Morna points out that a major advantage of quotas voluntarily adopted by political parties in PR systems is that parties own the quota – there is no visible difference between male and female candidates. This is particularly pronounced in countries that have gone through a liberation struggle, where gender equality was integral to the broader liberation effort. In Namibia, she finds that the system of legislated *and* voluntary party quotas at the local level has meant that women have made a qualitative difference to governance. She notes, though, that the role of women in parliament cannot be separated from the debate on the lack of representation

and accountability of MPs elected under this system to voters. Some question the accountability of elected representatives, arguing that the primary loyalty of an MP is to the party rather than to voters.

In contrast, Lowe-Morna asserts that women elected via quotas in the form of reserved seats are differentiated from women MPs who are directly elected. Such quotas have also reduced the chances of women being elected through the normal route, as they tend to rely on the reservation. There is a hierarchy between women: those who are directly elected are held in higher regard than those who hold special seats. These are some of the unintended, and less acknowledged, consequences of quotas, which need to be considered in the region and on the

continent when implementing special measures to increase the parliamentary representation of women.

#### Quotas in Peace Negotiations: Lessons from the DRC

Ms Doris Mpoumou provided a different perspective on positive mechanisms by focusing on actions taken to promote women’s participation in peace negotiations, especially in the DRC. In general, formal peace negotiations have tended to bring together

the male leaders of warring parties to engage in talks to end the conflict and establish new political dispensations. For the most part, women have tended to be sidelined in these processes, as was evident in the DRC.

However, in light of the growing number of conflicts and their impact on women, the international community has highlighted the need for women to be included, a point finding expression in CEDAW and the Beijing Platform for Action. The most important move in this regard, though, was the adoption of UN Security Council Resolution 1325 on Women, Peace and Security, passed in 2000, which stresses the importance of women’s involvement in efforts to advance peace, and urges all parties to take action to increase women’s participation in formal peace processes. While not setting a specific numerical target, women’s groups in conflict zones have used Resolution 1325 as a mobilizing tool to demand involvement at all level of decision-making, including at negotiation tables, and in the implementation of peace processes.

From the outset of the conflict, Congolese women actively sought to participate in formal peace negotiations. Their efforts to mobilize at the local level and across borders helped to galvanize national and international support for their representation at the peace table.

## Discussions from the Floor

*Lydia Wanyoto*, a member of the EALA, highlighted the importance of the initiatives put in place by the SADC PF. She said that when the EALA was created, each member state (Kenya, Tanzania and Uganda) was charged with electing nine members, of which one-third was to be women. However, Kenya (which does not have a quota policy for women) rejected this provision, and elected only two women – a move facilitated by the lack of a strict method of enforcement. This prompted the women members to lobby the Kenyan government and to develop a policy for gender equality in Kenya and the sub-region, which is still in draft form. Wanyoto underscores the importance of forging national and regional links to support the development of this policy.

As for the implementation of quotas in peace negotiations, the value of developing *strategic coalitions* and partnerships was underlined. It was pointed out that women in the DRC have cultivated an alliance with women in South Africa, who provide moral and technical support, as well as training in the area of gender equality and advice on lobbying strategies. International connections are critical for assisting people on the ground during the war and in the transitional phase. And the more organized women are during the conflict phase, the greater the chance that they will enjoy meaningful participation in the peace process. It was noted, furthermore, that coalitions go beyond civil society networks to include academics, activists and politicians. The involvement of a broad range of players was key to South Africa's transition. These are crucial lessons that need to be applied not only in the DRC, but also in other conflict and post-conflict countries on the continent, including Burundi, Eritrea, Rwanda, Somalia and Sudan.

The importance of *electoral systems* and the opportunities they provide for broad participation was emphasized once again. On the matter of accountability of elected officials, it was argued that there is no evidence to suggest that constituency-based electoral systems will be more effective or representative than PR ones. A PR system may be viewed as more representative and accountable, since, typically, only one representative is elected under a constituency-based system. It was suggested that the mixed electoral system – combining an element of list PR with constituency elections – might be a good alternative to the other two options. As Drude Dahlerup cautioned, however, this

could merely be combining the worst of the two systems: 'I hear many people saying this, and I agree, that there are problems with the PR system as there are problems with the majority system. Therefore they propose a mixed system. But how can you be sure that instead of solving two problems you do not create more problems. Additionally, most studies show that voters do not understand the mixed system, the way it works and who their representative is'.

# Engendering the Mauritian Political Space: The Need for Quotas

SHEILA BUNWAREE

## Introduction

The *Human Development Report*<sup>1</sup> notes that: 'Political space belongs to all citizens but men monopolise it'. Fifty-two per cent of Mauritian citizenry is female, yet women remain extremely under-represented in parliament. Although Mauritius takes great pride in presenting itself as a highly democratic country, women remain largely invisible in the political sphere. Women have been given the right to vote but they barely participate in political decision making. Pluri-ethnic Mauritius has been very adept in promoting the politics of recognition and representation through its 'Best Loser' system, but somehow gender as a category has remained absent. Sachs et al describe the low level of women's representation in Mauritian politics as 'a grave democratic deficit'<sup>2</sup>. This paper examines the evolution of democracy and gender representation within it. It argues for the introduction of quotas and suggests that more work should be done in this respect so that the Mauritian democracy can be strengthened and become more inclusive.

Views diverge on the question of quotas for women in politics and there is no sense of a clear answer to the question despite the fact that Mauritius has ratified the Convention of All Forms of Discrimination Against Women (CEDAW) as well as the 1997 Southern African Development Community (SADC) Declaration on Gender convention for a better representation of women in parliament. The SADC Declaration aims to ensure the equal representation of women and men in the decision making of member states and SADC structures at all levels and the achievement of at least a thirty percent target of women in political and decision making structures by the year 2005.

The paper will examine the democratic process in Mauritius and the very slow rate of advancement in relation to women's visibility in the political arena. The figures speak for themselves. Compared to a number of other SADC countries, Mauritius is lagging behind, and the constraints faced by women to enter the political sphere will be examined. It examines the electoral system, commenting on the 'Best Loser' system and explores the extent to which ethnicity is of concern to the politicians whilst gender remains occulted. It then

discusses the absence of quotas in Mauritius. The paper concludes that Mauritius has passed a number of laws which impact positively on women's lives but there is still a long way to go before Mauritian women's rights are fully respected. A more adequate representation of competent and able women will contribute to making a significant difference in women's lives as well as transforming the inequitable patriarchal dispensation into a more just society. The integration of women's issues into additional legislation becomes more critical as the economy experiences a painful decline and a growing feminisation of poverty.

## Gender Imbalances in the Mauritian Democracy

Women's low level of representation and participation in politics is a worldwide phenomenon, but the problem seems to be more pronounced in certain countries. The political playing field may have different characteristics in different states, but a common feature is that it is uneven and not conducive to the involvement of women. Unless this problem is rectified, democratisation will remain incomplete.

Mauritius is often showcased as an example of 'good governance' and a model of social cohesion, yet good governance seems to be largely insensitive to women's representation in politics. It is difficult to speak of an inclusive democracy when women who constitute more than 50 per cent of the population are so inadequately represented in parliament. All women have the right to vote and be elected but they suffer from various forms of discrimination thus causing very few to engage in formal politics and only a handful stand for elections. While women attend political rallies and organise private political meetings at their places, very few are presented as candidates.<sup>3</sup> In a press article entitled 'voices and votes that count', Virahsawmy states:

"The December 2003 by election was a golden opportunity for all political parties to give women a chance and try and redress the harm being done to women through political oppression. But leaders of political parties decided to select only men as candidates."<sup>4</sup>

It is often argued that gender equality in politics and decision making is both a human right and a dem-

ocratic imperative. If democracy comprises a government of the people, by the people and for the people, then a government of men by men can only be for men and cannot be democratic. The achievement of real democracy is becoming a matter of intense debate in Mauritius. According to some local political commentators, a new era has been ushered in as a result of a representative of a very small minority group – Paul Berenger, a White Franco Mauritian – being appointed Prime Minister. People are now asking questions like: 'Can and will the new PM rise to this noble challenge and seize this unique opportunity to rid our constitution of blatant communalism and racism?'<sup>5</sup> Few, though, are asking how to eradicate pervasive gender inequalities.

Mauritius often extols the virtues of its strong 'democracy' and, according to many observers, the rest of the African continent can learn a number of lessons from it. But one area in which Mauritius certainly has to draw on the experience of some of its neighbours is women's representation in parliament, including the special mechanisms that are being utilised to promote women into the political space.

Among the SADC group of countries, Mauritius has the second lowest number of women in parliament with 5.7% (Swaziland is the lowest at 3.1%). It is rather surprising that as an African country which has no gender educational gender gaps and where women and girls are often doing better than men, female political representation remains so low. It is therefore worth throwing a glance at the factors that hamper women's entry into the political sphere.

## Constraints faced by women

Women across the globe face a number of obstacles when seeking to enter the political realm. The most common ones, especially in the developing world, are gender gaps in education, socialisation patterns within a patriarchal dispensation, shortage of funds for campaigning, job security and the type of electoral system.

*Education and socialisation:* Gender educational inequality is not a problem in Mauritius where education is free at all levels. But the availability of educational opportunities for women and girls does not necessarily mean more autonomy and access to decision making positions. Women continue to be socialised along male norms and are still primarily regarded as home makers. Mathur argues that the appallingly gross under-representation of women in the national parliament of most democracies including Mauritius can be attributed to the "strongly held traditional belief that a woman's role is in the home and that she is above all, a

mother, a housewife, a carer of children and a wife."<sup>6</sup> Domestic identity seems to persist in being women's gender identity and continues to act as a barrier to women's entry into formal politics. Patriarchal norms also permit some men to believe that they can use foul and dirty language against their opponents and this too has been recorded as a major barrier to women's entry into politics.

*Campaign finance:* Funding remains a fundamental question for both males and females who want to enter politics. It is common that candidates seeking election should bring substantial resources to the political party he or she belongs to. Cassam Uteem, the ex-president of the republic of Mauritius notes:

"In the competition for political power in democracies, money is indeed instrumental: money and politics are therefore inextricably entwined and will stay that way"<sup>7</sup>. Contrary to some other African countries, the fee to be paid to the Electoral Commission for qualification to run as a candidate is very nominal, less than US\$10.00. However on an informal level, the parties often require that candidates bring substantial sums of money before they can be considered for nominations by the party.

*Job security:* Another obstacle is job security and livelihoods. Some very well educated citizens who are in the paid labour market in the public sector are not permitted, according to legislation, to engage in active politics unless they resign from their jobs. And many women and men are rather reluctant to do so since their job is their livelihood and the uncertainty attached to winning an election keeps many from competing. And yet the most educated, competent women are to be found in the public sector in Mauritius.

*Type of electoral system:* Changing the Mauritian electoral system from one based on first past the post to a proportional representation system has attracted the attention of many. Not later than March 2004, the current Prime minister Berenger at a public rally claimed that the imminent adoption of the PR system would be a historic move for women since such a system would mean more women in the political arena but the move towards such a system seems to be mere rhetoric until now.

Mauritius is a multi-party parliamentary democracy based on the Westminster model. The head of state is the president, who is appointed by a majority of the National Assembly for a five-year term. Legislative power is exercised by parliament, comprising the president and members of the National Assembly. Free and



fair elections are held every five years. The Mauritian electoral system operates on plurality basis. For electoral purposes, the country is divided into multi member constituencies, with each electing three members of parliament (MPs). The legislature is made up of 60 elected representatives; four additional seats ('Best Loser' seats) are given to those candidates who belong to under-represented ethnic groups and who come next in the ranking in terms of the number of votes won. The allocation of Best Loser seats does not alter the net result of the election. The rationale for the Best Loser system – endorsed in the Constitution – is to ensure adequate representation of minority communities in parliament.

The application of the plurality system in the three-member constituencies, however, has frequently produced results that do not reflect the share of the votes obtained by the different parties. Despite gaining a substantial share of the vote, at times, the opposition was either completely or nearly eliminated. In 1982 and 1995, the result was 60 to zero, while in 1991 and 2000, the opposition's presence in parliament barely reached symbolic levels.

Much has been written on how the type of electoral system can affect women's chances of election. It is often argued that women in proportional representation systems are more successful in winning parliamentary seats than in single member or majority systems. The reason for this, Lowe-Morna argues, is that, in the former case, 'candidates focus on the party and its policies, rather than on a particular individual. This works in favour of women – at least in getting their foot in the door – because of the inbuilt prejudices against women.'<sup>8</sup>

The experience of some SADC countries supports this observation. Two of the three top countries in regard to women's representation in parliament (South Africa and Mozambique) have PR systems.

#### **Gender blindness within Mauritian plurality and diversity**

Mauritius is very adept in its politics of recognition. Eriksen has postulated compromise and tolerance as important ingredients in the shared Mauritian political culture;<sup>9</sup> this includes the recognition that political stability rests on a precarious balance between ethnic group interests. Brautigam<sup>10</sup> argues that the inclusion of all major ethnic groups in the political system has contributed to preventing fragmentation and polarisation and has therefore played a pivotal role in the consolidation of democracy. The legitimacy of the state through the representation of minorities has also drawn the attention of Mukonoweshuro who argues that

Mauritian politicians have woven a 'political spoils system' thus ensuring that each ethnic group has an established stake in the system.<sup>11</sup> Yet opinions remain divided on the implications of the Best Loser system. Some argue that the Best Loser system and the present electoral delimitations promote and encourage communalism and are therefore detrimental to nation building.<sup>12</sup> Hilary Blood after his period of governorship in Mauritius from 1949 to 1953, though recognising the need for special arrangements to ensure the representation of all communities, argued that if these arrangements were to become permanent, it would be testimony to the fact that the state has remained racially divided and cannot find a national unifying principle.<sup>13</sup>

The question of representation and recognition of the different ethnic groups is still very pertinent today and the perverse nature of the best loser system has often been evoked but still remains in place. Although debates and views on the question are multiple, very little if at all is said about the question of women's representation and when it does get mentioned, it is very quickly dissipated.

#### **The Sachs Report and Proportional Representation**

The Commission on Constitutional and Electoral Reform set up in late 2001, under the chairmanship of Justice Albie Sachs of the Constitutional Court of South Africa, has analysed the limitations of the Best Loser system. The Sachs Report (2000) has looked at the importance and the possibility of introducing a measure of proportional representation into the Mauritian electoral system and has made a number of recommendations, but these have not yet been implemented. Sithanen argues that, if well crafted, a measure of PR in the Mauritian electoral system could achieve broad representation while de-'ethnicising' the electoral formula and de-'racialising' the Constitution. Sithanen writes:

'As the electoral system is being revisited and as we are likely to have a mixed formula, we should subsume the BLS [Best Loser Seats] in the dose of the PR. Double candidacies can give an additional insurance for diversity and plurality. It is a fact that many PR formulae (Germany, Japan and New Zealand) give a second chance to some candidates and this should be used for a broad based representation in Mauritius without resorting to BLS. The introduction of a mixed system with a dose of PR gives us the opportunity to design a voting formula that will ensure broad representation. This includes party, gender and "rainbow" representation without ethnicising the electoral system.'<sup>14</sup>

Although gender is mentioned, it quickly gets forgotten. At the end of the same article, the author concludes that: 'It would be tryst with history to have a constitution and an electoral system expunged of ethnic, communal and racist considerations'. Expunging the Mauritius electoral system of ethnic, communal and racist considerations is no easy task, but removing its gender biases may be more difficult.

At the Angola SADC summit of 2002, a decision was taken that all SADC member states would use every single opportunity of cabinet reshuffles and elections to redress the severe gender imbalance that exists at the level of political representation but in the last cabinet reshuffle in Mauritius of 2003, recourse to the same usual ethno politics took place.<sup>15</sup>

#### **Quotas- Rhetoric or Reality?**

Quotas are often used to address major imbalances in terms of gender, but the introduction of gender quotas for legislative bodies remains a controversial issue. It raises troubling doubts about what it means for a 'collectivity' to be represented. Gender quotas are not as much of a political conundrum as they are made out to be, though. In India, for example, those who have argued for the inclusion of Indian women in local and central government for almost a decade now, contend that "institutionalised inequalities" require "institutionalised counter measures."<sup>16</sup> The fruits of their labours were the 73rd and 74th amendments to the Indian Constitution, enacted unanimously by parliament in 1992. This legislation guaranteed a 33 per cent reservation in the elected representatives to local government when it was 'quietly ratified' in April 1993. According to Mazumdar, this legislation brought about the 'political dynamism' of women voters, leading her to conclude that 'it is time for India to try out some new experiments in achieving real democracy' Mauritius, too, has to conduct some new experiments to achieve real democracy; the introduction of quotas would no doubt help to consolidate Mauritian democracy.

There is a dearth of research on Mauritian politics, but this gap is most pronounced in relation to the gender dimension. Nevertheless, the low level of female participation and representation in the country's politics has gradually generated concern among the authorities. In fact, for the celebrations of International Women's Day on 8 March 2000, the theme selected by the Ministry of Women, Child Development and Family Welfare was 'women and political empowerment'. A number of reports published by the ministry and other organizations do mention women's under-representation in politics. In a small section on politi-

cal representation, the White Paper on Women in Development (1995), for instance, states that women do not have much of an opportunity to vote for women and that an equal right to vote has not bestowed upon Mauritian women equal access to power. This report suggests that political parties adopt quotas for women candidates and highlights the need for a more female-friendly code of conduct in parliament. The National Gender Action Plan (2000) talks about the need to introduce legal reforms to ensure that political parties reserve at least 30 per cent of seats for women in national, municipal and village council elections.

The task force set up by the Ministry of Women, Child Development and Family Welfare to identify areas where discrimination against women still prevails makes similar propositions in its report (2001). It also stressed the need for changes in political party structures and procedures in order to remove all barriers that directly or indirectly discriminate against the participation of women. The Commission on Constitutional and Electoral Reform<sup>17</sup> endorses the view that major responsibility for correcting the problem of gross under-representation of women rests with the political parties.

#### **A subject of controversy**

A summary of the views of some women politicians as regards the proposal of the select committee on electoral reform and the female representation within this context is captured by Le Mauricien of 6 March 2004. Whilst a couple of the female politicians are in favour of quotas and some forms of affirmative action, others are adamant that quotas will create second category/class of parliamentarians and that women in parliament will then become mere tokens. In reaction to these views, columnist Patel<sup>18</sup> argues:

"Much concern is expressed on the question of affirmative action, arguing that it is discriminatory in nature. However, one should agree that in a number of fields, especially in politics, the situation will not evolve by itself. Men will simply not let go of their power that they have taken so much care to create and lock up for themselves. They should be given a helping hand." (Unofficial translation from the original French text).

On 7th March 2004, the eve of the celebrations of International Women's year, in an interview accorded to *Week-End*, a weekly newspaper, the current Minister of Women's Rights<sup>19</sup> argues:

"Up until now, women in Mauritius have not been able to come to consensus regarding the adoption of a method to increase the numbers of women in the political arena. I wish to invite all Mauritian women to reflect on this issue... I hope that Mauritian women will

work towards a common position and come to a consensus on this question.” (Unofficial translation from the original French text).

The question of women’s representation in politics always seems to gather steam around International Women’s Day. A number of public meetings and interviews are accorded by different stakeholders during that period but soon after, silence prevails around the question with the rare interview in the press featuring now and then.

It would certainly not be enough for Mauritian women only to obtain consensus on some form of affirmative action for women to enter the political space but every single citizen especially the males who hold power and who can contribute to making a difference should do so. Otherwise, the debates will remain at the level of rhetoric and would be very difficult to get translated into reality.

### Conclusion

Efforts to ensure better female representation in politics remain rather timid. Consequently, there is an urgent need to analyze the specificities of this issue and to bring them out into the open. Unless women are present in adequate numbers in decision-making bodies, their interests may not be given due consideration by the male majority. In fact, arguments put forward in favour of encouraging more women to participate in politics rest on a variety of normative and empirical claims.<sup>20</sup> There is the argument that sex segregation is wrong and hence that it is unjust for women to be excluded from central activities in the political arena. A second argument is that women bring to politics different values, experiences and expertise and thus may enrich political life and help to establish a more caring society. Women may also give greater priority to issues concerning women, children and the family.<sup>21</sup> There is also the argument that men and women have conflicting or distinct interests and, therefore, that men cannot represent women’s interests. Phillips states that particular needs, interests, and concerns manifest as a result of women’s experiences and that these may be inadequately addressed in the realm of male dominated politics.<sup>22</sup>

The link between the rate of women’s participation in political institutions and their contribution to the advancement of women has been the subject of extensive research.<sup>23</sup> Although no definite relationship has been established, the United Nations Development Programme (UNDP), in the 1995 edition of the *Human Development Report*, states that 30 per cent membership of political institutions can be considered to be the critical mass that will enable women to exert meaningful influence over policymaking. Furthermore,

according to Karl, when significant numbers of women are present in politics, as in the Nordic countries, where women are relatively well represented in government, they do make a difference.<sup>24</sup> Studies of women in politics indicate that women’s experiences, particularly as mothers and in the home, make them more acutely aware of the needs of other people. Hence, women are more able and more likely to give greater consideration to the needs and rights of women, children, the elderly, and other disadvantaged groups.

However, it is also important to bear in mind that women do not make up a homogeneous group and hence it becomes problematic to generalize about all women and their interests. Indeed, the idea of a ‘women’s interest’ shared by all women regardless of race, class and sexuality has been highly contested.<sup>25</sup> Thus, although the inadequacy of the conventional politics literature calls for women to be put back into the study of formal politics, women should not simply be factored into an analysis of political processes at the expense of other forms of social relations, such as class and ethnicity.<sup>26</sup>

What is clear in Mauritius however is that most legislations which have addressed women’s issues and or integrated women’s issues, thus impacting positively on women’s lives have been spearheaded by the Ministry of women – a Ministry which has always been run by a woman. In 1997, the country became the first in the region to have passed a protection from Domestic Violence Act. More recently, we have had the Sex Discrimination Act 2002. It is to the credit of these women and many other parliamentarians including males that these legislations have been voted but the questions to be asked are how easy it is to implement these laws and whether we should not have more women in parliament who would be able to work together to make sure that these laws become more effective.

Mauritius is currently experiencing major economic difficulties. The Indian Ocean ‘economic miracle’ and ‘success story’ is beginning to crumble – all the economic indicators are in the red. Thousands of women who form the largest pool of labour in the Mauritian Export Processing zones are losing their jobs. The growing feminisation of poverty has ripple effects on multiple facets of women’s lives. There is an urgent need to bring more women in parliament to ensure that Mauritian democracy becomes more inclusive. Not that this would be a sufficient measure but it would certainly make a significant contribution.

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# Implementing Quotas: Experiences of the SADC Parliamentary Forum

RUMBIDZAI KANDAWASVIKA-NHUNDU

## Getting started

This paper addresses the extent to which the Southern African Development Community (SADC) Parliamentary Forum has sought to ensure the representation and effective participation of women within the organization. What is its driving force with respect to the commitment on the representation of women and the implementation of quotas? How has its work evolved in this area? What strategies have been designed to promote female representation and the practical implementation of quota provisions within the organization?

Some countries in the SADC region are in the process of implementing measures to promote female participation and the representation of women in positions of power and decision-making, partly as a follow up to the 1995 Beijing Declaration and Platform of Action and obligations connected to the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Beijing Declaration and Platform for Action and CEDAW have contributed to the emergence of a regional consensus on policy goals, such as ensuring at least 30 percent representation of women at all levels of power and decision-making. Consequently, the SADC heads of state and government have gone further by committing themselves to achieving at least 30 percent female representation in positions of power and decision-making by 2005. The 1997 SADC Declaration on Gender and Development commits SADC countries to:

‘ensuring the equal representation of women and men in the decision making of member states and SADC structures at all levels and the achievement of at least 30% target of women in political and decision making structures by the year 2005’.

The SADC Parliamentary Forum’s work to promote the representation and participation of women is inspired, *inter alia*, by the provision cited above. The Forum is a regional body consisting of 12 national parliaments in SADC member states, representing about 1,800 members of parliament (MPs). Today, women in

the SADC region constitute 19.4 percent of parliamentarians. The Forum focuses, in particular, on advancing gender equality and equity in order to achieve the objectives set out in the SADC Declaration. Article 6(3) of the Forum’s constitution states that:

‘The SADC Parliamentary Forum shall consist of the Presiding Officers and three (3) representatives elected to the SADC Parliamentary Forum by each national Parliament, provided that in the election of the three representatives to the SADC Parliamentary Forum, each national parliament shall ensure equitable representation at the SADC Parliamentary Forum of women and political parties that are represented in that Parliament’.

High profile regional and international developments and gains in regard to gender provided the Forum with an enabling policy context to institutionalize the representation of women within its organs and activities at the time of its establishment in 1996. In turn, the ‘supportive’ regional and international climate for women’s issues and gender equality gave legitimacy, which is used for the institutional capacity strengthening of parliaments in relation to gender mainstreaming. The inclusion of a provision that speaks to the representation of women in the Forum’s constitution should be seen as a result of gender equality initiatives at the national, regional and international levels and not as an outcome of any directed and planned advocacy and lobbying within the organization.

## Making it happen

The Forum’s constitution articulates the requirement in regard to women’s representation, but to what extent has this been implemented? The Forum has a number of institutional mechanisms to track and monitor the implementation of such constitutional provisions. The Legal Sub-Committee that confirms the credentials of parliamentary delegations to the Parliamentary Forum Plenary Assembly will not accredit a member parliament to attend the meeting if its representatives are not constitutionally constituted.

In addition, the Forum’s Secretariat plays an impor-

tant part in tracking the enforcement and implementation of the constitutional provision in relation to the involvement of male and female parliamentarians in ongoing Forum activities, namely Election Related Conflict Mediation and Resolution, Elections Observation Missions, HIV/AIDS and Engendering SADC Parliaments. Within the organs and decision-making bodies of the Forum, specifically the Executive Committee, women parliamentarians make up 30 percent of the membership.

It has become acceptable within the Forum to elect women to leading positions. Today, the Chairperson of the Forum is Ntlhoi Motsamai, the Speaker of the National Assembly of Lesotho, undoubtedly a crucial role model. She is one of two female parliamentary speakers in the SADC region.

Implementation of Article 6 (3) of the Forum constitution revealed the ‘uneven advance’ in regard to gender. While there have been some positive results, the Forum still has along way to go. A combination of numerous initiatives is required. That only one-third of parliamentarians in the Executive Committee are female is not satisfactory. Furthermore, the number of female parliamentarians participating in the SADC Parliamentary Forum Plenary Assembly, the Forum’s main decision-making organ, is not impressive. Increasing the representation of female parliamentarians within the Parliamentary Forum demands the continuation of processes and efforts to mainstream gender equality at both the national and regional levels.

## Strategic Partnerships

Given the need to increase female representation within the Forum it was essential that the Gender Advisory Team (GAT) undertake a gender analysis of the Forum’s constitution. The GAT appraisal highlighted entry points for securing an increase in women’s representation and constitutional measures to guarantee a constant focus on gender equality issues at all levels of the organization.

The GAT is the ‘think-tank’ that advises the secretary-general of the Forum on gender and practical strategies that the organization can adopt to engender SADC Parliaments together with strengthening parliamentary action regarding the regional gender agenda. The Gender Advisory Team consists of the SADC Secretariat-Gender Unit, the Southern African Research and Documentation Centre (SARDC-WID-SAA), the United Nations Development Fund for Women (UNIFEM)-Southern Africa Regional Office, the Tanzania Gender Networking Programme (TGNP), Women in Law and Development in Africa (WILDAF), Women in Law in Southern Africa

(WLSA), the United Nations Development Programme (UNDP)-Southern Africa Sub-Regional Resource Facility (SURF), as well as eminent persons involved in the promotion of gender equality in the region.

While the GAT analysis covered various aspects of the Forum’s constitution, the central part of the appraisal was concerned with the need to secure gender equality at all levels. With regard to increasing women’s representation and participation in the Forum, the GAT underlined that it is important that Article 6(3) of the constitution be amended to provide for four as opposed to three representatives of each national parliament and that, of the four, two of the MPs be female. This profound recommendation was presented to the SADC Parliamentary Forum Standing Committee on Gender, Democracy and Conflict Resolution, which monitors the gender aspects of interventions by SADC parliaments. Meeting at the first Bi-Annual Session of the Plenary Assembly in April 2002, in Luanda, Angola, the committee considered and adopted the GAT recommendation. Its resolution and motion for the amendment of the constitution was tabled before the Plenary Assembly but it was not adopted due to procedural and technical arguments. It was pointed out that an amendment of the constitution can only be made by a national parliament and that national parliaments must be notified no less than three months before the Plenary Assembly can consider the amendment. This meant that committee members had to engage and motivate their national parliaments to ‘sponsor’ the motion. No constitutional amendment proposal was presented between April 2002 and May 2003, although the subject matter remained on the agenda of committee meetings during that period.

## Additional Empowerment Strategies for Women Parliamentarians

While the constitutional amendment motion was put on hold, the establishment and launch of the SADC Regional Women’s Parliamentary Caucus (RWPC) in April 2002 in Luanda helped to keep the issue of women’s representation on the agenda of the Plenary Assembly. The RWPC is a regional body comprising women parliamentarians whose mission is to unite forces across party lines and to create a space for women parliamentarians to strategize on their own before bringing their ideas into the mainstream, which is generally the ‘male-stream’. At present, the RWPC is mindful of the necessity to guard against falling into the mode of a ‘hospitality’ wing of the Forum as has happened with a number of specific initiatives led by women in political parties. Hence, the need for the



RWPC to retain its competitive cutting edge and enthusiasm cannot be overstated.

The RWPC's critical area of focus is the minimum 30 percent representation of women in positions of power and decision-making. In this regard, the RWPC has adopted a twofold approach, first by engaging and 'asking' political parties to nominate at least 30 percent of women on their lists for election to parliament and other decision-making positions, starting with the political parties, and, second, by informing voters of the need to have women in politics and decision-making. The RWPC's strategy is timely given the elections that are to be held in five SADC countries in 2004 – in Botswana, Malawi, Mozambique, Namibia and South Africa.

On reflection, it was a blessing in disguise that the Plenary Assembly deferred the motion to amend the constitution due to technical and procedural arguments, while proceeding to establish and launch the RWPC. Having launched the RWPC, the main points of debate and key questions became: what is the constitutional status of the RWPC? Why develop separate initiatives and institutions for women? Will these duplicate the mandate of the existing Standing Committee on Gender, Democracy and Conflict Resolution? Is this a form of a 'female coup'? Will the RWPC be one of the Forum's Standing Committees? If so, is that not discrimination against male parliamentarians, as it will be a Standing Committee for women only? Realising that these arguments were coming late, the focus centred on formalising the status of the RWPC, redirecting the Forum's attention to the amendment of Article 6 (3). The Forum's experience shows that there is need to create a general understanding that developing separate initiatives for women, as well as working within the existing ones – that is, the mainstream is strategic, is necessary for women both in the short and long terms.

### **Getting there**

Following debate on the status of the RWPC and the Plenary Assembly resolution at the fourteenth Plenary Assembly session held between 28 April and 3 May 2003, the National Assembly of the United Republic of Tanzania submitted the motion to amend the constitution in order to establish the RWPC as a Standing Committee in June 2003. The amendment proposal states that:

'Article 6 (3) be amended to provide for four (4) as opposed to three (3) representatives of each national parliament so that the twelve members of the Executive Committee of the RWPC who

are Chairpersons of national women's parliamentary caucuses can participate as designated members of the Plenary Assembly'.

The role of the Member of Parliament from Tanzania who serves on the Standing Committee on Gender, Democracy and Conflict Resolution has to be acknowledged and applauded. This is due to the fact that she 'took the Plenary Assembly resolution home'. Indeed, it is tempting to conclude that the Tanzanian parliament was naturally inclined to sponsor the amendment of the Forum's constitution as its national constitution has a quota for women in parliament – as the saying goes, 'charity begins at home'. The amendment will be adopted at the fifteenth Plenary Assembly session in December 2003 and will result in 50/50 representation of male and female parliamentarians.

### **Conclusion**

The experience of the Forum shows that work and initiatives concerning female representation at all levels of decision-making should be based on the following premises.

- First and foremost, understanding among women of the purpose of quotas.
- Adequate knowledge of organizational/institutional procedures and technicalities, as any oversights can be costly and lead to delays.
- Prior to initiating introducing quotas to guarantee the representation of women, it is necessary to undertake a 'gender consequences analysis' and to make the information widely available to minimize the backlash.

# “Beyond Numbers: Quotas in Practice”

COLLEEN LOWE MORNA

As a result of the fervour created by the Southern African Development Community (SADC) Declaration on Gender and Development, specifying a 30 percent target for women in decision-making by 2005, attention has understandably focused more on quantitative rather than qualitative arguments concerning gender and governance.

Little research has been conducted in the region on the extent to which quotas affect the ability of women elected using such mechanisms to do their job once they are in office. Ironically, those who argue against quotas on the basis that they will lead to tokenism seldom follow up to see if this has been the case.

In 2003, Gender Links, a Southern African non-governmental organization (NGO) that specialises in gender, media and governance, undertook the first qualitative study of women in decision-making in the region.

*Ringling up the changes: Gender in Southern African politics* set out to measure the impact that women have had in three areas of political decision-making – parliament, cabinet and local government – using case material from six Southern African states.

These consist of four countries that have a good track record in increasing female participation in decision-making (Namibia, Seychelles, South Africa and Zambia) and two that have not done so well (Lesotho and Zambia).

The study measured the impact of a ‘critical mass of

women’<sup>1</sup> on such areas as institutional culture and gender and service delivery. In addition, it examined the ability of female decision-makers to challenge the status quo, changes in the attitudes of men and to laws and policies that affect women directly, and gender mainstreaming in all laws and policies.

While the study did not focus on quotas per se, it revealed interesting findings on the extent to which they are seen either to help or hinder women in decision-making. As this conference is on quotas, this paper will concentrate on the findings relating to quotas and efficacy, bearing in mind that they constitute only a small proportion of the overall study.<sup>2</sup>

## **Electoral Systems and Quotas – Lessons learned**

All the evidence from Southern Africa – and this concurs with experiences around the globe – is that women’s increased representation in decision-making structures seldom happens as a consequence of some evolutionary miracle.

Table 1 shows the various possible combinations of quotas and electoral systems, and provides examples of each of these from Southern Africa. Essentially, there are three types of electoral system: proportional representation (PR), constituency or first-past-the-post (FPTP), and mixed. And there are two possible types of quotas: voluntary party quotas and constitutional or legislated quotas.

**Table 1: Possible combinations of quotas and electoral systems**

Type of quota	PR system	Constituency based system	Mixed PR and constituency based system
Voluntary party quota	E.g. African National Congress (ANC) in South Africa; Frelimo in Mozambique.	E.g. Opposition parties in Botswana in the 1999 elections.	E.g. South Africa local government in 1995 – ANC voluntary quota for list seats.
Constitutional	E.g. Local government elections in Namibia, or legislated quota	E.g. The Tanzanian constitution reserves 20% of seats for women (distributed on a PR basis).	E.g. South Africa local government elections in 2000; Municipal Structures Act stipulated that parties should strive to ensure parity.

Table 2 summarises the outlook for 2005 (the year set for a target of 30 percent representation of women in SADC legislatures) and links this to the type of electoral systems and the existence of quotas in SADC countries. It shows that Seychelles is the only high performing country that does not have a quota and has primarily a constituency based electoral system.

Striking features of the table are set out below.

- Apart from Seychelles, all of the other countries that have met or are likely to meet the target have a quota.
- Three of these five cases (Mozambique, Namibia and South Africa) have a PR electoral system.

- Tanzania, meanwhile, has a constitutional quota.
- With the exception of Angola, which has a mixed electoral system, all of the eight countries that have not met or are unlikely to meet the target have a constituency based electoral system. None of the eight countries has quotas.
- The countries with the highest proportion of women in decision-making structures have either recently emerged from struggle or conflict situations, or have had ruling parties with social democratic inclinations, or a combination of the two.

**Table 2: The outlook for 2005 linked to electoral systems and quotas**

Country	Current % of women in parliament	Current % of women in local government	Next election	Electoral system		Quota
				Const	PR	
<b>Made it to 30% representation of women</b>						
Seychelles	29.4%	57.7%	2007	YES		NO
South Africa	30.0%	28.2%	2004		YES*	YES – political party quota
Mozambique	30.0%	29.7%	2005		YES	YES – political party quota
<b>Might make it to 30% representation of women</b>						
Namibia	26.39%	43.3%	2004		YES	YES – Local Government
Tanzania	22.3%	34.2%	2005	YES		YES – constitutional quota
<b>Unlikely to make it to 30% representation of women</b>						
Botswana	18.0%	22.8%	2004	YES		NO
Lesotho	10.8%		2005	YES		NO
Malawi	9.33%	6.2%	2004	YES		NO
Zimbabwe	10.0%	4.3%	2005	YES		NO
Angola	15.4%	1.2%	UNSURE	YES		NO
<b>WON'T MAKE IT</b>						
Mauritius	5.7%	9.2%	2006	YES		NO
Zambia	12.0%	6.3%	2006	YES		NO
Swaziland	3.08%	18.5%	2004	YES		NO
<b>UNSURE</b>						
DRC						

An interesting finding in the study is that 76 percent of the 172 politicians canvassed (about one third of whom were men) said that they supported quotas. This was especially true of women, and of women in the two countries with a constituency based system and a low level of female representation (Lesotho and Zambia).

But a disappointing finding is that other than in South Africa at the national level, and in Namibia at the local level, where gender equality has been a consideration in whether or not to switch from the PR system to a constituency based or mixed system, electoral systems have hardly featured in debates on how to meet the 30 percent target.

There has been even less consideration of what the combination of quotas and different kinds of electoral systems means in practise. To some extent, this is understandable. When seeking to overcome the first hurdle – that is, women’s right to access decision-making structures – there is a caution about raising debates that could be snapped up by those opposed to quotas.

But the underlying theme of *Ringling up the changes* is that quantitative and qualitative arguments need to go hand in hand. They can strengthen the argument for quotas, while pointing to some of the concerns that need to be taken into account when formulating strategies to ensure the effective participation of women once they enter decision-making fora.

### **Voluntary Quotas in the PR system at the National Level**

The main advantage of voluntary quotas in the PR system is that parties ‘own’ the quotas, there is no visible difference between male and female candidates, and female candidates are less likely to feel ‘different’. This is especially so in countries where the ruling parties have a history of liberation struggles, and where gender equality has been seen as integral to the broader struggle for national liberation.

In Southern Africa, this combination of factors is found in South Africa and Mozambique, the two countries with the highest proportion of women in parliament in the region. In both cases, the ruling parties – the African National Congress (ANC) in South Africa and the Front for the Liberation of Mozambique (Frelimo) in Mozambique – have exceeded their 30 percent quota, but where opposition parties field lower proportions of women, to achieve an overall average of 30 percent women in parliament.

In both instances, opposition parties have been against quotas, but have grudgingly accepted that the position taken by the ruling parties has had a ‘snowball’ effect. Another interesting finding in the study is that, privately, women in these opposition parties are envi-

ous of women in the ruling parties and privately support quotas, although they would not say so openly. The opposition parties hold on to the argument that quotas lead to tokenism, but offer little to support their viewpoint.

In South Africa, Democratic Alliance (DA) Chief Whip Douglas Gibson said that, in contrast to the ANC, which has many women ‘passengers’, the DA (with 12 percent women members of parliament (MPs)) is making a conscious effort to recruit ‘quality’ women to the national legislature. Former ANC Deputy Secretary-General Thenjiwe Mtintso points out that, to the extent that the DA is ‘head hunting’, this in itself is an example of a special measure. And to the extent that DA women are hand-picked, Gibson conceded that the ‘majority of DA women perform better than DA men’.

ANC officials claim that there is no evidence to support Gibson’s contention that the majority of ANC women are simply there because of the quota. According to the Minister in the South African Presidency responsible for gender, Essop Pahad, while the ANC list had to be adjusted in the 1994 elections to ensure that the 30 percent target was met, this did not happen in 1999.

Mtintso refers to the way in which many ANC female parliamentarians improved their position on the ANC list between the 1994 and 1999 elections (see table below) as evidence of the fact that, once in parliament, women have gained acceptance and credibility in their own right.<sup>3</sup>

Some of these changes are dramatic. For example, former Minister of Health and now Minister of Foreign Affairs, Nkosozana Zuma, moved from ninety-ninth to third on the list, and there is frequent speculation that she could be the first female vice president of South Africa. In interviews, ANC politicians have spoken about how they have learned on the job, gained confidence, and brought a different approach to governance.

When the ANC asked Lydia Kompe, an activist with the Rural Women’s Movement (RWM) to become an MP in 1994, for instance, she responded: ‘Parliament needs people who are educated, who can understand bills and laws, high profile people. I was honest [enough] with myself to say I can’t take on something I can’t manage’.

She found, however, that many men were as confused as her. She thus chose committees that she could relate to, such as the land committee, and, as a result, soon found her feet and her voice. Widely regarded as one of South Africa’s most hard working and effective MPs, Kompe is highlighted in the study as an example of the difference that the life experiences of women can

bring to law making, as well as to making governance more responsive.

The South African experience shows how debates within the ruling party on quotas did more than get more women into decision-making structures. They were also a turning point for many men. ANC MP Mapetjane Kgaogelo Lekgoro recalls that: ‘In debating the issue I got persuaded. I came to accept the wisdom of the quota. The mere fact of a sizeable number of women makes you realise that women are capable. I saw it unfold before my eyes. Women, wherever they were given responsibility, performed as well as men. It sharpens your outlook. It changes the narrow view that you had about women in the broader society. It opens your horizons. More and more you come to respect women as equals’.

While the PR system coupled with voluntary party quotas is no doubt a powerful formula for increasing the representation of women and ensuring their effective participation, it is not without its limitations.

During a civil society focus group meeting, political scientist and gender activist Shireen Hassim noted: ‘I am not yet ready to change my mind about the PR system; it has delivered a lot. But we must also think about costs. What we have not done is look enough at party policies, and the other landscape issues in which we are making this argument for the PR system’.

Pahad notes that the ANC has a system of deployment of MPs to constituencies, and rejects the argument that the PR system lacks accountability: ‘If accountability is reduced to where you come from, then accountability has little to say for itself. If we are serious about accountability, as we are in the ANC, we are accountable to the country as a whole. When we get sent to constituencies, it is to localise the work and give it specific tasks’.

Pahad points to MPs like Kompe, who is constantly pleading for more time in her constituency, as an example of the fact that the PR system does not necessarily mean weaker links between people and politicians.

Civil society organisations involved in the Fifty-Fifty campaign in South Africa contend that a combination of a legislated quota of 50 percent and the PR system both at the national and local levels (see later section) would deliver a world first: gender parity in the South African parliament.

Pahad supports a 30 percent legislated quota at the national level, and is reluctant about a straight PR system at the local level. He said that the constituency system, or some form of it, is critical in local government: ‘You need it because by its very nature local is local. You need a system where the local community has a direct contact’.

### **Voluntary Quotas in the PR system at the local level**

Local government in Namibia comes closest to the activist’s ‘dream’ of a combination of a legislated quota, a voluntary party quota (in SWAPO’s zebra system where one woman is placed after one man on its lists) and a PR system. With 42 percent women in local councils in Namibia, it has certainly led to a ringing up of the numbers.

The study found many examples of women who entered decision-making structures via this system and have made a qualitative difference to local governance. Theresa Samaria, for instance, spoke movingly about how she had never aspired to be anything more than a ‘housewife’. Because of the SWAPO quota, however, she went on to become the country’s first black and first female mayor of Walvis Bay. Under her auspices, this troubled enclave, which South Africa only handed over to Namibia four years after independence, developed into a thriving regional port. Samaria also did much to integrate the poor ‘squatter’ neighbourhoods into the municipality, an effort that later earned her an award from Habitat, the United Nations (UN) agency responsible for human settlements.

But the study also found examples of local councils that appeared to be distant from their communities. Windhoek City Council, for example, is probably one of the only city councils in Africa with a majority (two thirds) of women. It is also, by any standards, a well-run council. Yet, in focus groups, residents complained that they did not know the councillors and that it is difficult to determine any distinctive contribution made by the women councillors.

The study includes a case study of the Keetmanshoop municipality in the south of Namibia. This is fascinating because the three ruling party councillors are all women, while the three opposition councillors and one independent councillor are all men. The independent councillor, who holds the sway vote, began with the SWAPO councillors but jumped ship when controversial issues like restructuring the administration and privatisation of water and electricity came onto the agenda. The council is frequently in deadlock and mired in controversy. What is interesting in both the Windhoek and Keetmanshoop case studies is the extent to which residents blamed the PR system for their sense of alienation from councillors.

Association of Local Authorities (ALAN) Director Lister Chaka acknowledged: ‘Accountability has been a real problem for us. You are electing a party, so how do you hold that individual accountable, especially with mismanagement of resources? At present, this comes from political structures, rather than from the bottom’.



He added that, in so far as women are most prevalent in local government in Namibia, these negative perceptions affect their ability to be effective at the local level. However, SWAPO has argued for the retention of the PR system at the local level because of the legacies of apartheid that, in a constituency system, would lead to racially divided councils.

### **Quotas and Reserved Seats**

The research did not include Tanzania as a case study, but the researchers had the opportunity to conduct interviews with a few key stakeholders there. The limited fieldwork highlighted some concerns about the ramifications of reserving seats for women under the constituency system.

The 20 percent of seats that are reserved for women under the Tanzanian constitution are distributed between parties on a proportional basis. Only 2.3 percent of women in the assembly have entered politics as a result of contesting seats in the main constituency-based elections.

According to Anna Makinda, Chairperson of the Tanzania Women’s Parliamentary Group (TWPG), this has created a hierarchy among female politicians, with those who contested the elections being more highly regarded than those who gained ‘special seats’.

However, the TWPG is making the best of the provision by offering on-the-job training to those female MPs who acquired ‘special seats’ so that they can stand in constituency elections in 2005.

### **Quotas and Mixed Systems**

The dilemmas of women MPs in Tanzania echo those of local councillors in South Africa, where there is a mixed PR and constituency system, and where the largest proportion of women have entered politics on the back of the ANC’s 50 percent quota for women on the PR seats.

In interviews, local councillors in South Africa have highlighted a number of ways in which PR councillors are practically disadvantaged. Some of their comments are outlined below.

- Ward councillors have offices and administrative support, whereas PR councillors do not.
- Initially, ward councillors received different financial rewards and benefits; this has been standardised after some campaigning.
- Ward councillors constitute and automatically chair ward committees that are the direct contact point with communities.
- The views of ward councillors are sought on important strategic issues, such as re-zoning applications, whereas those of PR councillors are not.

- PR councillors do a lot of the backroom work, without the same resources and without getting credit for it. As one woman councillor has put it: ‘This does not mean that you do not get involved, but you are not as visible. All councillors should be equal and get down to the dirty work’.

However, councillors had no easy answers to the constraints of electoral systems. Rehana Moosajee of Johannesburg City Council summed up the dilemma regarding electoral systems as follows: ‘The PR system has been important in facilitating access by women and minority parties. But if we go for a straight PR system, we would have an accountability problem. I think we need both, to deepen democracy. But we need to see how we bring more women in on the ward lists’.

### **Conclusion**

The conclusion to be drawn from the parts of the study that relate to the qualitative aspects of quotas is that there is no simple solution to the issue of quotas and electoral systems. However, there are some principles worth drawing out. Some of these are outlined below.

- Constituency systems on their own will simply not deliver rapid increases in female representation.
- While PR systems may have certain disadvantages with regard to accountability, they help to ensure the inclusion of marginalised groups, including women and minority parties.
- As noted by Pahad, accountability is not only a matter of geography, which parties can overcome via deployment mechanisms. Indeed, the study offers examples of MPs in Mozambique and South Africa who have been assigned constituency duties, are well known in their constituencies, and clearly take accountability seriously.
- Short of changing to a PR system, countries with a constituency system could look at the option pursued by Tanzania of reserving seats for women via a constitutional or legislated quota to be distributed among parties on a PR basis.
- Mixed systems, such as the one in Tanzania, and local government in South Africa raise the possibility of the PR system becoming a way for women to enter politics and then to contest constituency elections.

### **Endnotes**

- 1 Defined as ‘the point at which women, through a combination of numerical strength, enabling political environments, empowerment and conviction feel able to raise critical questions in mainstream environments’.
- 2 The study will be launched on 10 December 2003. For more information visit [www.genderlinks.org.za](http://www.genderlinks.org.za).
- 3 Mtintso, Thenjiwe. 1999. ‘Women in Decision Making: A Conceptual Framework’. In *Women in Politics and Decision Making in SADC: Beyond 30% in 2005*, SADC Gender Unit. p. 45.

# “Women’s Participation in Peace Negotiations: Discourse in the Democratic Republic of the Congo”

DORIS MPOUMOU

## Background

Women play a critical role in peace processes. Yet from Dayton to Colombia, and from East Timor to Pretoria, women have either been absent or grossly underrepresented in diplomatic peace negotiations at which peace accords have been signed and the future of countries decided. Formal peace negotiations generally bring together the male leaders of the warring parties who engage in a series of facilitated talks to end conflict and to lay the foundation for the reconstruction of political, legal, economic and social structures. However, the process of reconstructing the nation following an armed conflict requires the equal involvement of men and women. Ensuring women’s equal participation in formal negotiations enhances the legitimacy of the process by making it more democratic and responsive to the concerns and perspectives of those segments of society involved in, and affected by, the fighting.

This paper concentrates on advocacy by women for gender-balanced representation in diplomatic peace negotiations. The peace processes in the Democratic Republic of the Congo (DRC) serve as a case study.

The DRC – formerly Zaire – covers 2,345,410 square kilometres of central Africa and has a population of 56.6 million (UN estimates, July 2003), 55 percent of which is female.

Since gaining independence from Belgium in 1960, the country has been dominated by dictators. President Mobutu Sese Seko took power in 1965 and ruled the then Zaire for 32 years, until Laurent Kabila toppled him in 1997. Opportunities for women have generally been limited. Congolese women have borne the brunt of the economic decline. They are underrepresented in the formal workforce, especially in higher-level positions, and generally earn less than their male counterparts in the same jobs.

The war in Congo broke out in 1998 when neighbouring Rwanda and Uganda backed Congolese rebels trying to overthrow Kabila, accusing him of harbouring armed militias that threatened their own security. Angola, Namibia and Zimbabwe stepped in on the side of the government. Despite continued fighting in some regions of the country, the war officially ended with the signature of the December 2002 Pretoria Agreement.

The DRC conflict was characterized by internal and external actors fighting for control of territory, especially areas rich in natural resources, including cobalt, coltan, diamonds and gold. An estimated three million people have died because of the war, most of them from war-induced famine and disease.

## Women Mobilizing for Equal Representation at the Peace Table

In light of the growing number of armed conflicts and their differential impact on women, the international community has reached consensus on the need to include women in all aspects of decision-making related to peace. The Beijing Platform for Action, adopted by 189 governments at the Fourth World Conference on Women in 1995, clearly defined – under Strategic Objective E.1 – the need to ‘increase the participation of women in conflict resolution at decision-making levels’. The outcome document of the five-year review of the Beijing Platform for Action, *Women 2000: gender equality, development and peace for the twenty-first century*, reaffirmed this objective and called on governments ‘to ensure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building’. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by over 172 countries (as of July 2003), calls for the use of quotas and the introduction of other positive measures to increase the number of women at all levels of political decision-making.

Congolese women drew on these international commitments and policy guidelines – endorsed by the DRC – to mobilize across borders, nationally and locally, as well as to advocate for their participation in the diplomatic peace processes. As early as 1998, Femmes Afrique Solidarité (FAS) and Synergy Africa sponsored a symposium on women and peace-building processes. The meeting brought together delegates from Burundi, Rwanda and Uganda who shared experiences and developed strategies to encourage female participation in peace processes and to strengthen the building of a

network among women’s organizations from the three countries to promote peace and reconciliation efforts in the region.

In the DRC, mobilization and advocacy in regard to participation in formal peace negotiations reached new heights with the adoption of United Nations (UN) Security Council Resolution 1325. This was an historic document, as it stressed the importance of women’s full involvement in all efforts to maintain and advance peace and security. Unlike the Beijing Platform for Action or the provisions of CEDAW, the resolution urged the Security Council, the UN Secretary-General, UN member states, and all other parties (non-state actors, militias, humanitarian agencies, and civil society) to take action to increase women’s participation in formal peace processes. Being a Security Council resolution, 1325 is effectively international law. It is being used worldwide, including in 21 war-torn zones in Africa, as a mobilizing tool to demand equal and full participation at all levels of decision-making, including in peace talks.

Congolese women’s groups collaborated with the Office of Gender Affairs of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to translate Resolution 1325 into the country’s four national languages and to raise public awareness. With the support of the United Nations Development Fund for Women (UNIFEM), female members of the FAS, in cooperation with Women as Partners for Peace in Africa (WOPPA), organized several fora, including a meeting in Nairobi, Kenya, on 15–19 February 2002. This brought together women from across the DRC and representatives of the warring parties, government and civil society, who developed a common position prior to the start of the negotiations known as the Inter-Congolese Dialogue. The meeting in Kenya resulted in the formulation of the Nairobi Declaration and a plan of action that called for an immediate ceasefire, the inclusion of women and their concerns in all aspects of the peace process, the formation of the Congolese women’s caucus and the adoption of a 30 percent quota for women at all levels of government in any final settlement. UNIFEM provided travel and accommodation for the women’s caucus and ensured that all parties to the talks were familiar with the requirements of Resolution 1325.

As part of its regional networking and capacity-building in leadership skills initiative, UNIFEM facilitated a meeting in April 2002 between the Women’s League of the African National Congress (ANC) and Congolese women who were attending the Inter-Congolese Dialogue. Representatives of the ANC women’s league shared the experience of their struggle

for political participation and the strategies that they adopted to overcome barriers. In addition, they made piratical recommendations.

In October 2002, the Association des Femmes du Kivu (UWAKI) organized a workshop that brought together 90 women from Burundi, the DRC, Kenya and Rwanda in Butembo in eastern DRC’s war-torn province of North Kivu. The objective was to discuss and share experiences on ways to promote the integration of women in decision-making.

## Timid Participation at the Peace table

From the outset of the conflict, Congolese women actively sought to participate in the formal peace negotiations. Their efforts to mobilize at the local level and across borders helped to galvanize national and global support for their representation at the peace table.

Congolese women were practically excluded from negotiations leading up to the 1999 Lusaka Peace Agreement. Only one woman was designated to participate in the preparatory meeting of the Inter-Congolese Dialogue in Sun City, South Africa. Forty of the 340 delegates at the March–April 2002 diplomatic negotiations in Sun City were women. In order to increase the number of women attending the Sun City negotiations, UNIFEM and the United Nations Development Programme (UNDP) decided to invite an additional 40 women to participate as experts, selected from among those who had received training in negotiation techniques and leadership skills. This brought the number of female participants to 80 (23.53 percent). Yet, ultimately, only 40 women were allowed to participate in formal negotiations. The number of women present in the formal negotiations would have been lower if the warring parties had not come under pressure from the international community, particularly from UNIFEM and Sir Ketumile Masire, former President of Zambia and facilitator of the Congolese peace process.

Only ten women were able to attend the Sun City follow-up meetings in Pretoria, South Africa, in November and December 2002. Although group members were selected for their expertise on the issues being discussed, their role was largely symbolic and limited to private meetings with delegation heads.

## Challenges to Women’s Representation

Women’s efforts to participate in formal peace processes have faced various challenges. The polarized and tense environment of conflict negotiations usually reinforces prevailing patriarchal and other social attitudes that exclude women from power circles.

The Congolese government, as well as the other warring parties, strongly opposed the inclusion of women in formal peace negotiations. For them, war and peace are exclusively the business of men. In addition, the men who attended the negotiations felt that women did not have any right to participate because they were not fighters and they did not enjoy meaningful representation in local or national decision-making bodies before the war. Unlike in relation to electoral processes, Congolese men involved in formal peace negotiations did not feel the need to ‘woo’ the female constituency. This left Congolese women with international commitments - the implementation of which are tributary to governments and others actors’ good will.

In the Kivus, the Réseau des Femmes pour la Défense des Droits et de la Paix received threats from the rebel Rassemblement Congolais pour la Démocratie (RCD) when mobilizing to send representatives to the Sun City gathering. Its offices were ransacked several times and peaceful marches were systematically interrupted for ‘security reasons’.

Other barriers include lack of funding for women to participate in all diplomatic negotiations and in the implementation processes that follow. The majority of the formal processes take place in foreign countries. Women usually cannot afford to cover their travel expenses, as they generally come from among the poor. It is more difficult for them to participate in formal peace processes when their main concern is survival and fulfilment of the basic needs of their families in the chaos created by the war.

### **Assessing the Outcome of the Sun City Dialogue**

The outcome of the Sun City negotiations reflected some of the priorities of the Congolese women active in the peace process, including the recommendations formulated in the Humanitarian, Social and Cultural Commissions.

In addition, the Transitional Constitution encompassed some female concerns and recognized the need for women to play a role in decision-making, as is evident in Article 51. Although this constitutional provision is vague and does not contain specific language on affirmative action measures, such as quotas, or the relevant language of the Beijing Platform for Action, it does call on the government to take all appropriate steps to ensure women’s involvement in economic, social and cultural decision-making and their representation in local, provincial and national institutions. Article 51 is viewed as positive language that Congolese women can strengthen and build upon in the post-transition phase in order to achieve gender equality in

general and gender balance in decision-making in particular. Congolese women will have to explore new strategies to ensure that their priorities are specifically stipulated in the new constitution. This would, for example, help them to move beyond the seven percent representation that they currently enjoy in the transitional government.

Intense lobbying for gender balance during the peace negotiations did not guarantee significant female representation in the transitional government. This has certainly paved the way for debates on the adoption of gender quotas in all areas of public life.

An unprecedented number of networks have been developed. The city of Kinshasa alone registered over 150 new women’s groups during preparations leading up to the Sun City negotiations. La Dynamique des Femmes Politiques au Congo Démocratique (DYNAPFEP) represents women from all factions and political parties. It has been articulating the political views of women on the evolution of the transition process and has been working to increase their involvement and participation in the elections, through press conferences and other media activities. In a recent assessment of the first 100 days of the transitional government, the equal representation of women in the transition and in electoral processes was identified as a priority.

### **Lessons Learned From the DRC Case Study**

- Awareness raising, mobilization, alliance building, lobbying and calling for the implementation of international instruments are extremely useful.
- A critical mass of women is more likely to be included in peace negotiations if there are mechanisms, such as requirements for gender balance in formal peace processes, trust funds and expanded training and capacity-building programmes.
- Peace agreements should include paragraphs drawn from relevant international and regional conventions and norms on women’s rights and gender equality.
- Peace agreements and national constitutions should make specific reference to numerical targets to ensure gender balance in formal peace negotiations.
- Warring party leaders should be made aware the critical role that women play in preserving the social fabric and in peacemaking at the grassroots level.
- Women need key male allies, locally and internationally, to facilitate their participation.
- Connections with regional and international support networks need to be established to pressure warring parties to include more women in their delegations at formal peace talks.

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**Web Links:**  
<http://www.drc.org>  
<http://www.peacewomen.org>  
<http://www.unifem.org>  
<http://www.undp/governance/gender.htm>



# Conclusion: Women's Political Participation and Quotas in Africa

JULIE BALLINGTON

Africa stands out from other parts of the world due to its employment of two particular types of quotas: reserved seats; and voluntary party quotas. This is in contrast to Latin America, where legislated political party quotas dominate for the most part. The comparative analysis that emerged from the 17 presentations helped in identifying strategies for quota implementation and in assessing positive and negative lessons learned. It is evident that electoral systems matter – by and large, reserved seats exist under FPTP systems, whereas PR systems are more suitable for the adoption of voluntary party quotas. Women's mobilization, at the national, regional and international levels, is also important. As are windows of opportunity for legislative reform, especially when electoral or party laws are revised or constitutions are being drawn up.

Below are some of the main lessons learned from quota implementation in Africa – they are explained in more detail in subsequent pages.

- *Women's political representation* has increased steadily in Africa over the past two decades. Rwanda is the world leader in terms of women's representation in parliament, with Mozambique and South Africa also ranked among the top 15 nations. This 'fast-track' increase is largely due to the adoption of quotas in a number of countries.
- *Electoral system type* has a strong correlation with women's political representation: on average, countries with PR systems have twice the number of women in parliament than those with majoritarian systems.
- *Gender quotas* are utilized in 21 African countries, falling into two main categories: reserved seats or appointments; and voluntary party quotas. The latter work best under PR electoral systems and when there is a placement mandate specifying that women be put in winnable positions.
- *Women's mobilization* and recommendations from regional and international organizations have been crucial in the struggle to promote quotas.
- The *political will* of party leaders is key to the successful implementation of quotas.
- The *political effect of quotas*, and whether they lead

to any real empowerment of women, is an area requiring further research.

## Women's Political Representation and Quotas

Table 1 below illustrates the types of quota provisions and electoral systems in use in 21 African nations. Legislated quotas exist in eight countries – Djibouti, Eritrea, Kenya, Morocco, Namibia (at the local level), Sudan, Tanzania and Uganda (and previously in Egypt and Ghana). Voluntary quotas have been adopted by more than 20 political parties in a further 13 states. Women's groups continue to lobby for greater inclusion in politics in yet more. As Tripp points out, the most significant increases in women's representation in national legislatures over the past four decades have been seen in Africa. In 1960, women comprised one percent of African legislators; by 2003, this figure had increased to 14.3 percent.

While countries with quotas in Africa average nearly 17 percent of women in politics (compared to nine percent in those without them), there are notable differences between them. The highest rate of representation on the continent, and in the world, is to be found in Rwanda (48.8 percent). Only two other countries, Mozambique and South Africa, have reached the 30 percent target set by the Beijing Platform for Action. Six other nations have rates of representation above the African average of 14 percent (Botswana, Eritrea, Namibia, Senegal, Tanzania and Uganda); 12 have rates below it (Algeria, Burkina Faso, Cameroon, Côte d'Ivoire, Djibouti, Equatorial Guinea, Kenya, Mali, Morocco, Niger, Sudan and Tunisia). The reasons for the variations are many, but the main ones are the electoral system in operation and the type of quota employed and the target that it sets.

## Electoral Systems and Quota Types

Many scholars have demonstrated that electoral systems can have a significant impact on the presence of women in legislatures: several studies show that PR systems are typically related with higher levels of representation, as compared to majoritarian electoral systems. Table 2 illustrates this point: of the 15 highest ranked countries in the world in terms of women in politics,

Table 1: Quotas in Africa

Country	Electoral System	Quota Type	Women in Parliament (%)
Algeria	List PR (closed lists)	Voluntary party quota	6.2
Botswana	FPTP	Voluntary party quota	17.0
Burkina Faso	List PR (closed lists)	Voluntary party quota	11.7
Cameroon	FPTP/List PR (closed lists)	Voluntary party quota	8.9
Côte d'Ivoire	FPTP	Voluntary party quota	8.5
Djibouti	Party Block Vote	10% reserved seats	10.8
Equatorial Guinea	Majority TRS*	Voluntary party quota	5.0
Eritrea	N/A	30% reserved seats	22.0
Kenya	FPTP	Nominated seats	6.7
Mali	Majority TRS	Voluntary party quota	10.2
Morocco	List PR (closed lists)	9% reserved seats	10.8
Mozambique	List PR (closed lists)	Voluntary party quota	30.0
Namibia	List PR (closed lists)	Voluntary party quota Legislated 30% at the local level	25.0
Niger	Parallel-FPTP	Voluntary party quota	1.2
Rwanda	List PR (closed lists)	30% reserved seats	48.8
Senegal	Parallel-PB**	Voluntary party quota	19.2
South Africa	List PR (closed lists)	Voluntary party quota	32.8
Sudan	FPTP	9.7% reserved seats	9.7
Tanzania	FPTP	20% reserved seats	22.3
Tunisia	Parallel-PB	Voluntary party quota	11.5
Uganda	FPTP	20% reserved seats	24.7

## Countries that had Quotas in the Past

Egypt	Majority TRS	Previously 8% reserved seats. Abolished in 1986	2.4
Ghana	FPTP	Previously 10 reserved seats between 1960-1965	9.0

Notes: a voluntary party quota is one where one or more political party has stipulated a target for women candidates in an election. For further information on which parties, see [www.quotaproject.org](http://www.quotaproject.org)

\* TRS = Two Round System

\*\*PB = Party Block Vote

Source: IDEA and Stockholm University, [www.quotaproject.org](http://www.quotaproject.org), and the Inter-Parliamentary Union, [www.ipu.org](http://www.ipu.org). Figures from 2004.

Table 2: Countries with the Highest Rates of Representation of Women

Rank	Country	Electoral System	Quota Type	Women (%)
1	Rwanda	PR (closed lists)	Legislated Quota: 30% reserved seats	48.8
2	Sweden	PR (open lists)	Voluntary Political Party	45.3
3	Denmark	PR (open lists)	No (Previous Voluntary Party)	38.0
4	Finland	PR (open lists)	No	37.5
5	Netherlands	PR (open lists)	Voluntary Political Party	36.7
6	Norway	PR (closed lists)	Voluntary Political Party	36.4
7 (a)	Cuba	TRS	No	36.0
7 (b)	Spain	PR (closed lists)	Voluntary Political Party	36.0
8	Belgium	PR (open lists)	30% Legislated Quota	35.3
9	Costa Rica	PR (closed lists)	40% Legislated Quota	35.1
10	Argentina	PR (closed lists)	30% Legislated Quota	34.0
11	Austria	PR (open lists)	Voluntary Political Party	33.9
12	South Africa	PR (closed lists)	Voluntary Political Party	32.8
13	Germany	MMP (closed lists)	Voluntary Political Party	32.2
14	Iceland	PR (closed lists)	Voluntary Political Party	30.2
15	Mozambique	PR (closed lists)	Voluntary Political Party	30.0

**Average** **36.1**

Source: IDEA and Stockholm University, [www.quotaproject.org](http://www.quotaproject.org), and Inter-Parliamentary Union, [www.ipu.org](http://www.ipu.org). Figures from 2004.

13 have PR systems and 13 have quotas. At the other end of the spectrum, the 15 countries with the lowest rates of representation have plurality or majority systems, averaging one percent of women in their legislatures.

There are several reasons why PR systems tend to result in a higher rate of representation of women than majoritarian ones. But a key variable is that quotas are easier to implement under a PR system. Through the system of party lists quotas can be applied to increase the number of women candidates. If quotas are enforced with women placed in winnable positions, women are more likely to be elected.

Of the 21 African countries with quotas, 13 have majority electoral systems and seven have PR systems (Eritrea's electoral system is being reformed). African averages are in line with the global trend of higher representation of women under a PR system: 24 percent, as opposed to 12 percent under a majoritarian system. Within these electoral systems, two main types of quotas are employed: voluntary party quotas and reserved seats. In 13 countries, political parties have adopted voluntary party quotas, while seven have reserved seats – Kenya uses a system of appointed seats to ensure that more women gain access to parliament.

The type of electoral system typically influences the kind of gender quota introduced. Globally, we see a trend in which party quotas are introduced under PR systems, while reserved seats typically guarantee the presence of women in legislatures elected by majority vote. Yet, in Africa, the type of electoral system does not limit the kind of quota used: reserved seats are in operation in PR systems and party quotas are used in majoritarian systems.

All but two of the seven countries with reserved seats have majority electoral systems. Morocco and Rwanda are the odd ones out, as they have a system of reserved seats for women within a PR electoral system. Rather than placing the onus on parties to ensure that a set percentage of electoral candidates are women, they reserve a certain number of seats for women in the legislature.

Reserved seats and legislated quotas are quite different from the voluntary quotas adopted by political parties. Reserved seats typically *guarantee* the presence of a set number of women *in the legislature* (often with separate electoral arrangements), whereas voluntary party quotas normally ensure *women's presence as candidates* in the electoral process. There is no guarantee, however, that the latter will result in the election of women, as evidence from Africa suggests. There are several reasons for this.

First, voluntary quotas have been adopted in some

countries with majority electoral systems. In majoritarian electoral systems, winning a party nomination is heavily influenced by money in politics, name recognition and the advantages enjoyed by (male) incumbents. And while a party may genuinely seek to address these issues by adopting quotas, there are no guarantees that women will be elected. Voters ultimately decide on the candidate.

Second, as the quota is voluntary, there is every chance that, in practice, it will not be enforced by the party. Political parties maintain firm control over the selection of candidates to compete in an election. Many African political parties are closed entities, maintaining patronage systems and 'old boys' networks', which make it difficult for women to infiltrate the party leadership. Many parties operate without clear and transparent rules on candidate selection and are dominated by personalistic male leaders, hindering women's access to the legislature. Where quotas are adopted they are usually imposed from the top down by central party leaders, and decentralized party branches do not always adhere to national directives, as in Senegal. This is particularly evident where there is no enforcement mechanism specified by the party.

Third, the way in which quota provisions are formulated directly affects their implementation: many quotas are simply not enforced or they are adhered to in the most minimal way possible. While political parties may meet a 30 percent target of women on lists, they are often placed at the bottom in largely unelectable positions. In South Africa, by contrast, the quota adopted by the ANC is coupled with a placement mandate whereby every third position on the national list must be held by a woman. This is enforced by the national candidate nomination committee and is the reason why there is such a high rate of representation of women in parliament.

As voluntary quotas rely on the goodwill of parties for enforcement, many observers underline the advantages of a legislated party quota in ensuring that women are selected as candidates. Legal quotas are more controversial, yet they are often more effective. In Latin America, it is common for party quotas to be legislated so that women are guaranteed a certain number of electoral candidacies on party lists. This is often complemented by a placement mandate to ensure that women are placed in winnable positions. Legislated party quotas have been effective in ensuring the election of women to legislatures throughout Latin America, as well as in a handful of European states. This type of legislated party quota does not exist in Africa – with the exception of Namibia at the local level.

It is important to highlight that quotas do not work

in isolation: they cannot be separated from dominant societal attitudes and norms, and the socio-economic position of women in society. They interact with other variables, such as the presence of an organized and strong women's lobby both within and outside of political parties. Also important is regional and continental mobilization by women. There is evidence to suggest that quotas that rest on sustained mobilization and the integration of women within all spheres of society have a better chance of success than those that do not.

### **Women's Movements**

While the electoral structures and political institutions are central, the strength and cohesion of the women's movement are also vital in influencing the adoption and implementation of quotas. Women's movements are not homogenous entities (rising above differences based on class, race, ethnicity or religion), yet there is an increasing trend for women to come together as a bloc in electoral politics in order to press for increased representation through quotas. The adoption of quotas in Africa is closely associated with the strength and strategies of the women's movement.

Particular successes have been seen in countries where the women's movement has collaborated with political women (and men), either from political parties or in parliamentary settings. Many women's organizations also actively support women candidates, through the establishment of fundraising bodies and networks, through the provision of training and skills development, and by pressuring political parties to include more women in their ranks and on their slates of candidates for election. In South Africa in the 1990s, the ANC Women's League spearheaded a campaign calling on the African National Congress to adopt an internal quota to ensure the electoral participation of women, which was supported by a broad-based women's movement. However, this needs to be complemented by the political will of the party leadership. In countries like Djibouti, Kenya, Mauritius and Nigeria, sustained pressure from the women's movement has not led to notable increases in the representation of women in parliament.

### **International and Regional Mobilization**

An important driver behind the increased adoption of quotas in Africa, and, indeed, around the world, has been the pressure exerted by international women's movements and international organizations. The 1995 UN Conference on Women in Beijing provided a pivotal lobbying forum, resulting in increased implementation of quotas (and, in turn, more women in politics) on a global scale, most notably in Africa and Latin

America. The combination of the recommendations of international organizations and the inspiration derived from successes in individual nations and cross-country alliances has been highly influential.

The Beijing Platform for Action has prompted the adoption of regional conventions, highlighting the steps that need to be taken to meet the targets set in Beijing. For example, the 1997 SADC Declaration on Gender and Development, endorsed by the SADC member states, contains the proviso that member states must achieve 30 percent representation of women by 2005, while the African Union's 2003 Protocol on the Rights of Women in Africa calls for equal representation of women on the continent. Additionally, the continent's different parliamentary assemblies, including those of the AU, EALA, ECOWAS and SADC, have adopted provisos to bring about at least one-third representation of women.

### **Political Opportunities**

In Africa, notable gains have resulted from women making strategic use of windows of political opportunity. In a handful of countries where legislative, electoral system or political party reforms have been undertaken, women have taken advantage of this opening to press home their demands for inclusion in reform processes. This has also been the case in relation to a number of post-conflict settlements. Where women have been active participants in national liberation struggles, for instance, their collective organization and mobilization has allowed them to influence the processes of institution- and state-building, with positive effects.

Most of the quotas that have been adopted have been in countries that have emerged from civil wars or national liberation struggles, including Eritrea, Mozambique, Namibia, Rwanda, Somalia, South Africa and Uganda. The drafting of new constitutions and legal frameworks, as well as the re-establishment of legislatures, has provided women with an important political opportunity. For example, as political party and electoral system laws are debated and drafted, women have been able to push their demands for greater inclusion in national governance structures. As Tripp notes, furthermore, the reconstitution of parliaments means that candidates are likely to compete in future on a level playing field: women will no longer be competing against entrenched (male) incumbents who enjoy name recognition and are generally able to raise large sums of money for campaigning. The creation of new rules and processes offers better prospects for the inclusion of women.



### ***Do Quotas Lead to the Empowerment of Women?***

Central to the ongoing debate on the implementation of quotas is the question of whether they are able to go beyond descriptive or numerical representation to afford women real substantive representation in politics or real influence over decision-making processes. It is argued that, in some countries, the introduction of quotas, especially in the form of reserved or appointed seats, has not led to real empowerment of women. Rather, since women lack an independent electoral or organizational base, reserved seats have typically benefited the dominant party and have served to reinforce patronage networks and to strengthen allegiance to political leaders.

This is evident in Uganda, where 53 parliamentary seats are reserved for women. Tamale argues that the introduction of quotas has not produced real changes for women. The adoption of reserved seats was largely a symbolic top-down move by the state to include marginalized groups. The rules that govern quotas were not discussed with, or devised by, the women's movement and have thus resulted in women wielding little power. The women are elected by male-dominated electoral colleges in the districts. Women elected through quotas tend to owe their allegiance to the men who appointed them. This results in a situation where women are not really connected to a constituency and are unable to articulate its interests. An important lesson is to assess critically the way in which the quota law is framed, and whether it takes into account the needs and views of women.

In addition, reserved seats can create an 'easy' avenue for the election of women and can take the responsibility off the parties to address gender concerns and to nominate women as electoral candidates. In Tanzania, 20 percent of parliamentary seats are reserved for women, being allocated to political parties in direct proportion to the number of seats that they win in the election. Therefore, the special seats are, in effect, nominated rather than elected. Meena contends that the way in which special seats are distributed has impacted negatively on women's chances of entering parliament through normal constituency elections: 96 percent of women are elected via special seats rather than direct elections. Reliance on special seats has taken the pressure off political parties to address the many challenges that women face in being directly elected, and to become more democratic and transparent in their internal procedures.

The effects of political party quotas are, however, not as well documented. As a critical mass of women has only recently been elected to some legislatures on

the continent, an appropriate amount of time will have to pass before we can make an informed assessment of how these women have used their numbers to achieve policy changes. This is an area requiring further research.

### ***'Fast-Tracking' Women's Participation Through Quotas?***

Dahlerup suggests that equal representation of women can result from incremental change or from fast-tracking. The relatively high rate of representation of women in Scandinavia has come about through incremental change – it has taken 60 years to achieve over 30 percent representation. In contrast, some African countries have achieved a high rate of representation of women in a short time, notably Mozambique, Rwanda and South Africa. This has occurred as a consequence of the introduction of quotas and women's mobilisation. Yet quotas remain highly controversial in many countries.

Quotas ultimately aim to revise candidate selection mechanisms in order to overcome the obstacles that women confront in the electoral process, thereby allowing them to acquire political power. This can be achieved by simply setting aside seats in the legislature that women compete for under different electoral arrangements, or by implementing measures to ensure that women and men compete for political power on a level playing field. Here, the political support of the highest levels of government and the country's political leaders is paramount. Africa has produced some important successes, but the reluctance of political leaders to advance a women's agenda remains a huge challenge in most countries.

The case studies in this report highlight the fact that institutions matter. But while institutional design is important in promoting or hampering the involvement of women, the institutional aspects cannot be separated from dominant societal attitudes and norms, and the socio-economic position of women in society. How women politicians use their leverage to address matters concerning gender inequality in society at large remains a key outstanding point in Africa. The evidence that IDEA has gathered suggests that increasing numerical representation is an important first step towards facilitating real change in power relations throughout the world.



## About the Authors

**Gihan Abou-Zeid** is head of the Development Unit at the Gebril for Training and Consultancy (GETRAC) in Cairo, Egypt. She is a member of the Board of the Egyptian NGO Forum for Women in Development, and has served as a consultant to numerous international organizations. She edits various publications, has written extensively on human rights, poverty and women's political participation in the Arab World and has presented several research papers to local, regional and international conferences. She is one of the authors of *Democracy in the Arab Countries* and a contributor to the IDEA *Women in Parliament: Beyond Numbers* handbook.

**Alcinda Antonio De Abreu** is President of the Gender Institute for Democracy Leadership and Development and a member of the Central Committee and Political Bureau of the FRELIMO party and the Administration Council of the Commercial and Investment Bank of Mozambique. Previously she was a member of the Mozambican National Assembly (for 17 years) and Minister for Social Action Coordination. She also served as Gender Advisor to the Prime Minister and was one of the first gender trainers in the country to work with MPs and cabinet members. She was a member of the Commission created by the Parliament to revise the Constitution in 1990. She has written various articles on women and gender issues and has edited manuals and training materials.

**Julie Ballington** is Manager of the Women in Politics Project at IDEA in Stockholm, Sweden. Prior to joining IDEA in 2001, she was a researcher and Gender and Elections Project Manager at the Electoral Institute of Southern Africa (EISA) in Johannesburg, South Africa. Her research interests include the political representation and participation of women, voter turnout and electoral politics.

**Brigalia Bam** is the Chairperson of the Independent Electoral Commission of South Africa (since 1999). Previously she was General Secretary of the South African Council of Churches and a Programme Director with the World Council of Churches. She is a member of the Council of the University of Transkei, Deputy Chair of the Council of the University of South Africa, Chancellor of the University of Port Elizabeth and a member of the Board of the Institute for Global Dialogue. She has served as Deputy Chair of the Board of the South African Broadcasting Corporation, and was the founding President of the Women's Development Foundation. Dr Bam is a trained social worker and educationist, who holds a master's degree in communications and four honorary doctorates. She was appointed a member of IDEA's Board of Directors in June 2003.

**Sheila Bunwaree** is a sociologist and gender consultant at the University of Mauritius. She was formerly Director of Research and Documentation at the Council for the Development of Social Sciences Research in Africa (CODESRIA) in Dakar, Senegal.

**Drude Dahlerup** is Professor of Political Science at Stockholm University, Sweden. She has conducted extensive research on women in politics, social movements, the history of the women's movement, sex segregation of the labour market and feminist theory. She has published many articles and books and is the author of a handbook on women's representation, published by the Nordic Council of Ministers in all five Nordic languages.

**Liz Frank** is Director of Sister Namibia and Editor of the *Sister Namibia* magazine. She has carried out research on women's participation in politics in Namibia, which led to the development of the 50/50 Campaign for Gender Balance in elected positions of government, and on the socio-cultural discourses connected to women's reproductive and sexual health and rights in Namibia, including the rights of lesbians.

**Judith Kanakuze** is a member of the Rwandan Parliament. She was a Commissioner with the Constitutional Drafting Commission in Rwanda, and has worked with women's civil society organizations, holding research and management positions. She is National Coordinator of the Women's Network for Rural Development, and a strong activist for gender equality.

**Aminata Faye Kassé** is a member of the political office of the Independence and Work Party (PIT) and President of the Women's Democratic Union of Senegal (UDFS). She is a member of the Board of Directors of the Women's International Democratic Federation (WIDF) and was elected Head of the Senegalese Women's Council (COSEF) in 1998. Since 1996, COSEF has organised several campaigns for the promotion of women in politics and has been running special training sessions for female. She served as a Deputy with PIT between 2000 and 2001 and has been on the Dakar Municipal Council since 1996.

**Bookie Kethusegile-Juru** is Technical Advisor on Gender at the Southern African Development Community.

**Colleen Lowe Morna** is Executive Director of Gender Links, a Southern African NGO specialising in gender, media and governance. She joined the Commonwealth Secretariat as a Senior Researcher in 1991, and later served as Chief Programme Officer of the Commonwealth

Observer Mission to South Africa. Following South Africa's first democratic elections in 1994, she became an advisor on gender and institutional development to the Commonwealth Fund for Technical Assistance. She is the founding CEO of the South African Commission on Gender Equality, and has conducted numerous research studies and designed gender training courses for governments, NGOs, the media and other stakeholders in Southern Africa, including a gender training manual for SADC decision-makers.

**Mary Maboreke** is Director of the Women, Gender and Development Directorate at the African Union. A lawyer with more than two decades of diverse experience in the field of gender, as an academic, a woman rights activist and a researcher, she has planned and managed numerous gender programmes and projects in Africa, with the last five years having been spent at the then OAU, now AU.

**Ruth Meena** is Professor of Political Science and Public Administration at the University of Dar es Salaam, Tanzania. She has written on gender, human rights, and development in Sub-Saharan Africa. She was a Fulbright Scholar and recently received the Woman of the Year Award from the American Bibliographic Institute. Her major works include an evaluation of the Gender Program of the SADC PF and the Tanzania Gender Development Index Study. She is also the principal researcher on the Gender Budget Initiatives in the five key sector ministries. In addition, she is the resource person for the Evaluation of the Tanzania Legal Reform.

**Doris Mpoumou** is the Gender and Governance Associate at the Women's Environment and Development Organization (WEDO) in New York and coordinator of the 50/50 Campaign for Gender Balance. Prior to joining WEDO, she worked in Brazzaville, Republic of Congo, with the International Rescue Committee as Deputy Program Coordinator on its Sexual Violence Program. She has conducted research on women's representation in global economic decision-making bodies and has developed advocacy materials on how to implement the provisions of the CEDAW and its Optional Protocol to advance women's political rights at the national and local levels.

**Mavivi Myakayaka Manzini** is Head of International Affairs in the President's Office of the ANC. She is a former member of the South African National Assembly, and was a parliamentary advisor to the Deputy President until 1999. She was Editor of the *Voice of Women* and the Journal of the ANC Women's Section covering matters related to gender equality. She has been involved in the constitutional negotiation process, which drafted the Interim Constitution and the new Constitution of South Africa. She has written on various issues concerning women in general and South African women in particular.

**Rumbidzai Nhundu** is Gender Officer at the SADC PF, responsible for gender mainstreaming. She has a background in the women's movement in Zimbabwe. She has more than ten years' experience of gender and development, capacity-building and training of policy-makers. She has worked with women policy-makers and members of civil society.

**Rachida Tahri** is President of the Democratic Association of Women in Morocco. She is a co-founder of the Centre for Women's Leadership (CLEF) and Co-ordinator of its Programme for Women's Leadership. She is also the Co-ordinator of the committee for the access of women to parliament and is involved in the campaign to attain 35 percent representation of women in the Moroccan legislature.

**Sylvia Tamale** is a Senior Lecturer at the Faculty of Law, Makerere University, where she teaches, among other things, a course on Gender and the Law. She holds a Bachelor of Laws from Makerere University, a Masters in Law from Harvard Law School and a Ph.D. in Sociology and Feminist Studies from the University of Minnesota. Her research interests include gender and politics, gender and sexuality and Third World women and the law. She has published widely on a variety of topics, including *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda* (Westview Press, 1999).

**Aili Mari Tripp** is Associate Dean of International Studies, Director of the Women's Studies Research Center and Associate Professor of Political Science and Women's Studies at the University of Wisconsin-Madison. She is author of *Women and Politics in Uganda* (2000) and *Changing the Rules: The Politics of Liberalization and the Urban Informal Economy in Tanzania* (1997). She edited *Sub-Saharan Africa: The Greenwood Encyclopedia of Women's Issues Worldwide* (2003), and co-edited *The Women's Movement in Uganda: History, Challenges and Prospects* (2002) as well as *What Went Right in Tanzania? People's Responses to Directed Development* (1996). She has also published numerous articles and book chapters on women and politics in Africa, women's responses to economic reform, and the political impact of the transformation of associational life in Africa.

**Lulama Xingwana** is an ANC MP in the South African National Assembly. She is the Chairperson of the Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women in the Parliament, and a member of several other committees. She is also the Chairperson of the SADC PF's Regional Women's Parliamentary Caucus.

## List of Participants

### **Gihan Abou-Zeid**

Head of the Development Unit  
Gebril for Training and Consultancy (GETRAC)  
MOROCCO  
E-mail: getrac@tedata.net.eg

### **Alcinda Antonio De Abreu**

President  
Gender Institute for Democracy Leadership and  
Development (Instituto GEDLIDE)  
MOZAMBIQUE  
E-mail: cinda.antonio@tvcabo.co.mz

### **Julie Ballington**

Manager of the Women in Politics Project  
International IDEA  
SWEDEN  
E-mail: j.ballington@idea.int

### **Brigalia Bam**

Chairperson  
Independent Electoral Commission of South Africa  
SOUTH AFRICA  
Tel/Fax: +27 12 428 5578/+27 12 428 5508

### **Sheila Bunwaree**

Professor of Sociology  
Faculty of Social Studies and Humanities  
University of Mauritius  
MAURITIUS  
E-mail: s.bunwaree@uom.ac.mu

### **Nestorine Compaore**

Gender Consultant, Centre pour la Gouvernance  
Démocratique (CGD)  
Gender Adviser, Royal Dutch Embassy  
BURKINA FASO  
E-mail: compaorp@hotmail.com

### **Drude Dahlerup**

Professor of Political Science  
Stockholm University  
SWEDEN  
E-mail: drude.dahlerup@statsvet.su.se

### **Margaret Dongo**

President, Zimbabwe Union of Democrats (ZUD)  
Co-Director, Counterpart Zimbabwe  
Address: 14 Louis Road, P.O. Box Amby, Greengrove,  
Greendale, Harare  
ZIMBABWE

### **Emilia Fernandez**

Coordinator of the Women in Political Parties  
ProjectRede Mulher  
ANGOLA  
Tel/Fax: +244 2 449 513/+244 2 449 513  
E-mail: rede.mulher@netangola.com

### **Liz Frank**

Director  
Sister Namibia  
NAMIBIA  
E-mail: sister@iafrica.com.na

### **Amanda Gouws**

Head of the Department of Political Science  
University of Stellenbosch  
SOUTH AFRICA  
E-mail: AG1@sun.ac.za

### **Judith Kanakuze**

Member of Parliament, Government of Rwanda  
RWANDA  
E-mail: jkanakuze@yahoo.fr

### **Shumbana Karume**

Researcher in the Democracy Development  
Unit/Research  
Electoral Institute of Southern Africa (EISA)  
SOUTH AFRICA  
E-mail: shumbana@eisa.org.za

### **Aminata Faye Kasse**

President of the Women's Democratic Union of Senegal  
(UDFS)  
Head of the Senegalese Women's Council (COSEF)  
SENEGAL  
E-mail: cosefsenegal@sentoo.sn

### **Bookie Kethusegile-Juru**

Technical Advisor on Gender  
Southern African Development Community (SADC)  
BOTSWANA  
E-mail: BKethusegile@sadc.int

### **Anne Ljung**

First Secretary, Development Co-operation  
Swedish Embassy, Pretoria  
SOUTH AFRICA  
E-mail: Anne.ljung@sida.se

### **Colleen Lowe Morna**

Executive Director  
Gender Links  
SOUTH AFRICA  
E-mail: clmorna@mweb.co.za

### **Mary Maboreke**

Director, Women, Gender and Development Directorate  
African Union  
Tel/Fax: +251 1 517 700/+251 1 517 844  
ETHIOPIA

### **Ruth Meena**

Professor of Political Science and Public Administration  
University of Dar es Salaam  
TANZANIA  
E-mail: rmeena@uccmail.co.tz

### **Sheila Meintjes**

Former Commissioner, Commission on Gender  
Equality, Gauteng Province, South Africa  
Senior Lecturer, Department of Political Science,  
University of the Witwatersrand  
SOUTH AFRICA  
E-mail: meintjess@social.wits.ac.za

### **Doris Mpoumou**

Gender and Governance Associate  
Women's Environment and Development Organization  
(WEDO)  
USA  
E-mail: doris@wedo.org

### **Mavivi Myakayaka Manzini**

Head of International Affairs  
President's Office of the African National Congress  
SOUTH AFRICA  
Tel/Fax: +27 11 376 1000/+27 11 376 1242

### **Roshnee Narrandes**

Programme Officer  
Open Society Initiative  
Johannesburg  
SOUTH AFRICA  
E-mail: roshnee@osi.org.za

### **Rumbidzai Nhundu**

Gender Officer  
Southern African Development Community  
Parliamentary Forum  
NAMIBIA  
E-mail: rnhundu@sadcpf.org

### **Penny Parenzee**

Researcher, Budget Information Service  
Institute for Democracy in South Africa (IDASA)  
SOUTH AFRICA  
E-mail: penny@idasact.org.za

### **Phumeza Qeqe**

Women and Governance Project  
Gender Advocacy Project (GAP)  
Cape Town  
SOUTH AFRICA  
E-mail: genap@sn.apc.org

### **Rachida Tahri**

President  
Democratic Association of Women in Morocco  
MOROCCO  
E-mail: adfm@casanet.net.ma

### **Sylvia Tamale**

Senior lecturer  
Makerere University  
UGANDA  
E-mail: stamale@muklaw.ac.ug

### **Ilona Tripp**

Director, Conflict Management, Democracy and  
Electoral Education Unit  
Electoral Institute of Southern Africa (EISA)  
SOUTH AFRICA  
E-mail: Ilona@eisa.org.za

### **Aili Mari Tripp**

Associate Dean of International Studies, Director of the  
Women's Studies Research Center and Associate  
Professor of Political Science and Women's Studies  
University of Wisconsin-Madison  
USA  
E-mail: tripp@polisci.wisc.edu

### **Lydia Wanyoto**

Member of Parliament, Government of Uganda  
UGANDA  
Parliamentarian, East African Legislative Assembly  
(EALA)  
KENYA  
Address: EALA, P.O. Box 1096, Arusha, Kenya

### **Tzeghereda Woldeghiorghis Tedla**

Gender Trainer  
National Union of Eritrean Women,  
P.O. Box 239, Asmara  
ERITREA

### **Lulama Xingwana**

Member of Parliament, South African National  
Assembly  
Chairperson of the SADC PF's Regional Women's  
Parliamentary Caucus  
SOUTH AFRICA

### **Yee Yin Yap**

Programme Assistant  
Political Participation Programme  
International IDEA  
SWEDEN  
E-mail: y.yap@idea.int