



“IMPLEMENTATION OF QUOTAS: EXPERIENCES OF THE SADC PARLIAMENTARY FORUM”

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The Implementation of Quotas: African Experiences

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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 important 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-WIDSAA), 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.