



“The Quota System within the African Union”

Dr. Mary Maboreke

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The Implementation of Quotas: African Experiences

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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, that is, less than 14 months ago. The first set of Commissioners was elected in Maputo, Mozambique, in July 2003 – four months to the day. And the Commissioners took office on 17 September 2003 – some six weeks ago. Therefore, 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, 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 Solidarite 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.¹ There is absolutely no debate about this legal position.

The quota system also applies to all senior, professional and technical appointments.² 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.