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“A Lot of Headwraps”:  
Innovations in a Second Wave of Electoral Gender  
Quotas in sub-Saharan Africa

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## **Abstract**

Over the last more than two decades, political parties and governments across sub-Saharan Africa have adopted electoral gender quotas for parliament at an astonishing rate – and with remarkable success as many sub-Saharan African countries have catapulted to the top in terms of women’s representation in a single or lower house of parliament. During a first wave in East and Southern Africa, quotas were adopted in the aftermath of conflicts and in the course of political transitions as mobilized national women’s movements, influenced by an international women’s movement and international norms, took advantage of political openings to press for the adoption of quotas through new constitutions or new electoral laws. In some cases a clear diffusion effect was at play between political movements that closely influenced one another. During a second wave mostly, though not only, in West Africa, quotas are again being adopted as women’s movements, in collaboration with regional, continental and international organizations, similarly press for an increased representation of women during constitutional reform processes or through revisions to electoral laws. During this second wave, creative quota designs have emerged as parties and governments have sought to strengthen existing electoral gender quotas or adopt them for the first time. This paper examines some innovations in quota design and quota use in three sub-Saharan African cases that are part of the second wave, including the move to gender parity and the possibility of an only ‘temporary’ special measure.

## **Keywords**

Women in African parliaments, electoral gender quotas, second wave of gender quotas, gender parity, quota innovations, quota design





## Introduction

Across sub-Saharan Africa (SSA) the use of electoral gender quotas has dramatically transformed national legislatures in just under three decades, such that the tiny East African country of Rwanda leads the world in women's representation in a single or lower house of parliament, with 64 percent women in its Chamber of Deputies following the 2013 election<sup>1</sup> - and a dozen other SSA countries top the world list. The first wave<sup>2</sup> of countries to adopt some kind of electoral gender quota in the 1990s and early 2000s were post-transition or more likely post-conflict countries in East and Southern Africa such as Rwanda, South Africa, Mozambique, Angola, Tanzania, Uganda, and Burundi. In these countries a similar set of factors was largely at play including: the political opportunity structure offered by a political transition (often post-conflict<sup>3</sup>), entailing the adoption of new constitutions and electoral laws, mobilized national women's movements with support from an international women's movement, cadres of capable women many of whom had participated in conflicts or benefited from overseas training during exile, diffusion effects from one country/movement to another, and a liberation movement/dominant party with a stated commitment to women's emancipation (Bauer and Britton, 2006). More recently, a second wave of SSA countries is following suit. Zimbabwe, Lesotho, Kenya, Somalia and the Sudans have recently adopted electoral gender quotas and, for the first time, a raft of Francophone/West African countries such as Senegal, Cameroon, Cape Verde and Benin have adopted or are considering the adoption of some kind of electoral gender quota.<sup>4</sup> In these countries too mobilized national women's movements have called for the adoption of new electoral laws and gender quotas, often working in collaboration with regional, continental or international organizations and usually as part of a constitutional review process. Those countries that have not yet adopted meaningful gender quotas (beyond voluntary party quotas that may or may not actually be implemented) are mostly Anglophone countries with plurality majority electoral systems such as Malawi, Sierra Leone, Liberia, Ghana, Zambia, Botswana, and Nigeria, among others.<sup>5</sup>

A few features of the use of electoral gender quotas in sub-Saharan Africa stand out. First, across the continent a range of creative and innovative designs has been used in adopting and implementing electoral gender quotas. Second, electoral gender quotas in sub-Saharan Africa often, though not always, 'work' in ways that they do not in other places. Moreover, by and large there has been no turning back; so that in those countries in which meaningful quotas have been used in successive election cycles the percentage of women has risen steadily. Finally, there is considerable evidence to suggest that women have been politically empowered by the use of electoral gender quotas across SSA (Bauer 2008, 2012).

Over the last two decades, several conventions and protocols have addressed the need for women's greater participation in politics and decision making, some specific to sub-Saharan Africa and others not, with many making recommendations for specific percentages of women in elected office by a certain year. Across the continent, national, regional and international women's organizations

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<sup>1</sup> Rwanda has led the world in women's representation in a single or lower house of parliament since 2003.

<sup>2</sup> In a recent conference paper Dahlerup and Norris (2014) refer to three waves of global quota adoption: the first being in former communist countries and a few others such as Pakistan in the 1950s and Bangladesh in the 1970s, the second being the more recent wave beginning with Argentina and its 30 percent legislative quota in 1990, and a third wave in which many second wave quotas are amended and strengthened. This paper refers to those second and third waves as Africa's first and second waves, with the second wave in Africa entailing a new round of quota adoptions, usually a legislated quota of one kind or another, or the strengthening of an existing quota.

<sup>3</sup> Hughes and Tripp (forthcoming) show just how significant conflict and the end of conflict have been to the adoption of electoral gender quotas and other political gains for women in Africa, 1985-2010.

<sup>4</sup> UN Women, 2011; 28 March 2013; 4 September 2013; 25 October 2013.

<sup>5</sup> See Bauer, 2010; Ibrahim, 2004.

routinely refer to these documents as they seek to influence governments and, in particular, as they seek to put in place specific measures such as electoral gender quotas to meet their goals. These conventions and protocols include: the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Articles 3, 7 & 8); the 1995 Beijing Declaration and Platform for Action (Critical Area of Concern G and Articles 181-195); the 1997 Southern African Development Community (SADC) Declaration on Gender and Development, which set a minimum target of 30 percent representation by women in leadership positions by 2005; the 2000 Millennium Declaration and Development Goals (Goal 3, Promote Gender Equality and Empower Women, sets a target of 50 percent of seats in parliaments held by women by 2015); the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), which set a target of 50 percent representation by women in decision-making bodies by 2020; the 2004 Solemn Declaration on Gender Equality in Africa in which leaders pledged a commitment to gender parity in the African Union and their own governments; and the 2008 SADC Protocol on Gender and Development which set a target of 50 percent representation in decision-making positions by women for all SADC countries by 2015. The Economic Community of West African States (ECOWAS) has also developed a 2010-2020 Gender Strategy.

Many arguments are advanced for increasing women's representation in national legislatures, for example that it is unfair or unjust for men to monopolize political power, that without increasing women's representation women's interests, needs and concerns will not be adequately addressed, and that legislative bodies that are more inclusive and more representative are also more democratic (Phillips, 1998). There is also a 'role model' argument, in that there is a powerful impact on future elections of bringing the first women into elected political office.<sup>6</sup> These ideas resonate across the African continent, in particular the suggestion that women's representation should be increased in order to ensure attention to women's interests.<sup>7</sup> In addition, gender quotas are seen as necessary in order to level the playing field for women candidates. In many African countries women encounter a long list of obstacles in standing for political office including lack of financial resources, less access to education and the same work opportunities as men, negative stereotypes and social attitudes, the burden of domestic responsibilities, violence and lack of access to information (WIPSU, 2011).<sup>8</sup> An ECOWAS concept paper argues that experience shows, that "unless African countries undertake electoral reform and deliver positive measures, such as electoral quotas, using regional and international instruments on gender equality, advocacy and networking," they will not succeed in increasing women's representation (UN Women, 2011: 18). The enthusiasm of women activists and women politicians across the continent for the adoption of electoral gender quotas is understandable. This paper discusses three cases of 'second wave' SSA countries in which innovative designs are being adopted – for gender parity in Senegal and Tanzania and for a temporary special measure in Zimbabwe.

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<sup>6</sup> Fatou Kine Diop, leader of two Senegalese women's organizations (discussed below): "...when a woman sits down to watch TV and sees that at the National Assembly, there are a lot of head wraps, she is going to say to herself that women can be people of power" (Bissonnetee, 2013).

<sup>7</sup> Here it is important to acknowledge that the concept of 'women's interests' is a contested one and that they, like women, are not monolithic; see Tamale (1999:74–75). That said, in an African context in which so many (though not all) socio-economic indicators for women are inferior to those of men, and critical issues such as gender-based violence, family law and women's access to land are to be decided, it is suggested that women legislators may well be motivated to represent the interests, needs and concerns of other women. dd footnote on women's interests.

<sup>8</sup> Ibrahim (2004) adds several more for Ghana and Nigeria: political party actions to subvert women candidates, use of the 'indigeneity ploy,' the suffocating role of an all-powerful national women's association or first lady's foundation.

## **Types of Electoral Gender Quotas Used in SSA**

In sub-Saharan Africa today the three typical types of electoral gender quotas (as identified by the QuotaProject global database) are used, namely, legislated candidate quotas, voluntary political party quotas and reserved seats. Thirty-four of 49 SSA countries claim to have some kind of electoral gender quota while 15 of 49 have none (see Table 1). Of the 15 countries that have no electoral gender quota, 12 are countries that use a plurality majority or first past the post (FPTP) electoral system of one kind or another – considered less ‘woman friendly’ than a proportional representation (PR) electoral system and a more difficult system for using an electoral gender quota (Laserud and Taphorn, 2007: 15). In general, some types of quotas are more commonly used with some types of electoral systems, for example, voluntary party quotas with proportional representation electoral systems, or reserved seats with plurality majority or first past the post electoral systems, and this is true for sub-Saharan Africa as well.<sup>9</sup> Indeed, as Laserud and Taphorn (2007: 27) observe, legislated candidate quotas are particularly effective with PR systems while reserved seats are the only ‘best-fit combination’ with a FPTP electoral system. Reserved seats are more commonly used in sub-Saharan Africa than in any other part of the world.<sup>10</sup> Among the second wave of countries to adopt electoral gender quotas in SSA, the main type of quota to be adopted is a legislated candidate quota or (legislated) reserved seat.

Twenty-three SSA countries use voluntary political party or legislated candidate quotas and 11 use reserved seats. Voluntary political party or legislated candidate quotas are candidate quotas and for neither quota is the outcome guaranteed, in contrast to reserved seats in which the number of seats held by women will be the number of seats reserved for them.<sup>11</sup> As a rule, candidate quotas used with PR electoral systems – adding women’s names to party lists - can be very effective, especially if placement mandates and sanctions for non-compliance are used as well. In SSA, 15 of the 23 countries that use voluntary party or legislated candidate quotas do so with a PR (or mixed) system, namely, Angola, Burkina Faso, Burundi, Cameroon, Cape Verde, DRC, Equatorial Guinea, Guinea, Lesotho, Mozambique, Namibia, Niger, Senegal, South Africa and Togo. Countries like Mozambique, Namibia, and South Africa were among the first in which the leading or dominant political parties – with overwhelming majorities in parliaments - voluntarily adopted significant party quotas (of around 25 or 30 percent in the early 1990s with the percentage increasing over time) and created ‘zebra lists’ in which women’s names were alternated regularly with men’s names on party lists. In 2009 the ruling African National Congress in South Africa adopted a “quota of not less than fifty percent of women in all elected structures” (the country has a legislated candidate quota for local level elections) ([www.quotaproject.org](http://www.quotaproject.org)) and since the 2014 election 41 percent of seats in the National Assembly are held by women. In cases such as these, other political parties have often followed suit (a ‘contagion’ effect), incorporating large numbers of women into their own party lists.

Cameroon is a country in which some political parties early on adopted a voluntary party quota, but it was not until the 2013 election – following the adoption of a new Electoral Code in 2012 and with substantial mobilization and pressure on political parties by women’s organizations in collaboration with continental organizations like the African Union or international organizations like UN Women - that an outcome of more than 30 percent women in parliament was achieved (Touo 2013; UN Women, 25 October 2013). In other SSA countries too, like Angola and Senegal, an electoral law requires that some percentage of women be included on party lists. So, for example, in Angola, since 2005 the charters of political parties must include “rules which encourage the promotion of equal opportunities and equity between men and women, as well as a gender representation of not less than 30 percent in

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<sup>9</sup> As Laserud and Taphorn (2007: 19) note: the electoral system and the quota to be used must be considered together instead of separately.

<sup>10</sup> Matland (2006: 280) asserts that reserved seats are more commonly utilized in less democratic political systems.

<sup>11</sup> Laserud and Taphorn (2007: 8) distinguish between quotas that are applied during the nomination process of candidates and those that are ‘results-based.’

their governing bodies at all levels” ([www.quotaproject.org](http://www.quotaproject.org)) and since the 2012 election 37 percent of women in Angola’s parliament are women. Senegal is the first country in sub-Saharan Africa to adopt a parity law for national legislative elections. The amended electoral law of 2012 mandates parity in all candidate lists for the general elections. Candidate lists must be composed of alternating male and female candidates. So long as a placement mandate is respected or required, this type of quota used with a proportional representation electoral system is highly effective and ‘seamless.’

About eight of 34 sub-Saharan African countries have voluntary party or legislated candidate quotas alongside a FPTP electoral system, making the quotas potentially ‘meaningless.’ In the case of voluntary political party quotas used in a FPTP system, it may be the case, as in Botswana or the Ivory Coast that parties do not even abide by a stated quota during the party primary process (Bauer, 2010; [www.quotaproject.org](http://www.quotaproject.org)). Even with a legislated candidate quota in a FPTP electoral system, while a certain percentage of women candidates may be legislated (for example, 15 percent in the Congo since a 2007 electoral law was passed) there is no guarantee that 15 percent of those elected will be women.

Finally, 11 of 34 sub-Saharan African countries have reserved seats or special seats that are used almost exclusively with plurality majority or first past the post electoral systems (although may be used alongside a PR system). In SSA reserved seats are typically used by adding a certain number of women-only seats – based on women-only contests, usually a specified number per district or county or province. So, for example, in Uganda out of 375 seats in parliament, 112 are reserved for women-only contests, one in each district. A further 25 seats are reserved as follows: 10 representatives of the Uganda People’s Defence Forces, of whom 2 must be women; 5 youth representatives, of whom 1 must be a woman; 5 representatives of persons with disabilities, of whom one must be a woman; and 5 representatives of workers, of whom one must be a woman. Of course women are also free to stand in the directly elected constituency seats. In Rwanda out of 80 deputies in the chamber of deputies, 53 are elected from party lists in a closed list proportional representation election and 24 women are elected from ‘reserved seats’ – two elected from each province and from the city of Kigali by an electoral college with a women-only ballots (in addition two members are elected by the National Youth Council and one member by the Federation of the Associations of the Disabled). In Rwanda a double quota exists in that women are also supposed to comprise 30 percent of party lists with women apparently doing even better than that in order to achieve the end result of 64 percent women in Rwanda’s Chamber of Deputies. Tanzania represents another method of electing women into reserved seats. Out of 357 total members of the Bunge, 102 women are elected by political parties in proportion to their share of the electoral vote in the general election and five members are elected from Zanzibar of whom two must be women; further the president appoints 10 members of whom five must be women. As in the other countries women are also free to stand in directly elected constituency seats. In a FPTP system then, reserved seats typically entail additional women-only seats added to previously existing ‘constituency’ seats. Of course women are allowed to stand and do stand in the constituency seats as well and in such cases will contribute to exceeding a gender quota. Zimbabwe, in its National Assembly, combines the two methods of electing women to reserved seats. For the 60 reserved seats in the National Assembly six women are elected from each of 10 administrative provinces; the seats are allocated to political parties based on the overall share of votes received in the constituency based seats in that province by the party ([www.ipu.org](http://www.ipu.org); [www.quotaproject.org](http://www.quotaproject.org)). All in all, then, about 26 of 49 or more than half of all SSA countries may be considered to use ‘effective’ electoral gender quotas for parliaments.

### **Innovations in Quota Design and Use in SSA**

Among the innovations in electoral gender quota design and use in sub-Saharan Africa is the move toward gender parity in parliament in some countries, rather than simply a gender quota that stipulates that 20 to 30 percent of parliamentary seats be held by women (or even a gender neutral quota). Another innovation in the design and use of quotas is for the quotas to be truly *temporary* special

measures in that a time limit is defined for the quota from the outset. Parity is discussed here as adopted or proposed for Senegal and Tanzania and a temporary quota as adopted in Zimbabwe.

### ***Gender Parity – Senegal***

In the early post-independence years under single-party rule (1963-1975), only a small number of women were nominated and held elective office in Senegal; according to Beck (2003: 147) those few who did were usually the wives and relatives of “well-placed male politicians.” This started to change with the introduction of democratic reforms from the mid-1970s onwards. In addition to the usual challenges - like exclusion from leadership positions in political parties and a lack of resources - women in Senegal were hampered by “gendered patronage networks” that constituted a “hidden public” not addressed by political reforms beginning in the mid-1970s, according to Beck (148). By the mid-2000s, Creevey (2006: 169) contended that election to the National Assembly in Senegal was not ‘the highest priority’ for Senegalese women, all the more so because the National Assembly was little ‘more than an audience for the decrees of government.’<sup>12</sup> At the time Creevey (151) identified three factors contributing to women’s ‘slow infiltration into national electoral politics’: on the one hand, the potentially limiting influence of culture and religion (Islam) on women’s political participation and, on the other hand, the likely benefits of a mixed electoral system and some voluntary party quotas for some party lists and a growing number of women’s organizations with more qualified and trained women members. Over the years, the percentage of women in Senegal’s National Assembly had grown slowly but surely – from 7 percent in 1978 to 12 percent in 1993 to 18 percent in 2007.<sup>13</sup> By the time of the 2012 election, Senegal was the first country in Africa to successfully implement a parity system for elections for parliament, bringing in a chamber that was 43 percent women.<sup>14</sup> What accounts for the transformation? What does a parity system for parliamentary elections in Senegal look like?

Senegal’s parity law, known as the Gender Parity Law, was adopted on 28 May 2010; it aims to secure full equality in all elective and semi-elective bodies – at local, regional and national levels (UN Women, 12 July 2012). In brief, the law “clearly obliges political parties to submit candidate lists that present men and women in an alternate manner,” with the male-female ratio to be as close to 50 percent as possible (UN Women, 2011: 19). Many of the familiar factors behind women’s increased legislative representation across the continent came together in the Senegalese case: a political opportunity structure, significant mobilization by women’s organizations enlisting the support of international organizations (and a range of relevant protocols) and ‘political will.’ Fatou Kine Diop, president of both the *Observatoire national de la parité* (ONP, National Observatory on Gender Parity) and the *Conseil sénégalais des femmes* (COSEF, Senegalese Council of Women), suggests that two “converging factors” contributed to the emergence of the Gender Parity Law: “women’s political activism and political will.” She notes that African women have been “fighting for decades” for greater political representation. Indeed, Sow (2013) states that women in Senegal had requested a 25 percent gender quota in 1977, but ‘never gained it.’

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<sup>12</sup> Faye (2012) observes still in 2012 that the lower house of parliament in Senegal ‘is often considered to be a rubber stamp for the president’s decisions.’

<sup>13</sup> No results available disaggregated by gender for the 1968 and 1973 elections. Otherwise, the percentage of women elected was as follows: 1978 7 percent, 1983 11 percent, 1988 12.5 percent, 1993 12 percent, 1998 12 percent, 2001 19 percent, 2007 18 percent. <http://www.ipu.org/parline-e/reports/2277.htm>

<sup>14</sup> In 2011 Tunisia adopted a gender parity law gender parity law, requiring equal numbers of women and men as candidates in national legislative elections (AWID, 2011). In October 2011 the first parity election – for a national constituent assembly to draft a new constitution – used a closed party-list proportional representation system for all 217 seats with parties required to ensure that at least half of their lists were filled by women, alternating men and women candidates throughout the lists. In the event, with men listed first and in odd positions, and many political parties, only 28 percent of those elected were women. <http://www.ipu.org/parline-e/reports/2392.htm>

According to Kasse (2004: 66), from the early 1990s one could observe a “growing consciousness of women themselves, encouraged by a national and international situation favourable to women’s representation in terms of quality and numbers.” Coordinated action to promote women into formal political office really began, according to Kasse, “in the context of international preparations for the Beijing conference. Until then, initiatives were isolated and weak.” In 1994 COSEF was formed by a group of women involved with political parties, trade unions and women’s organizations “to create a unified structure to promote women’s leadership, especially in politics” (Kasse, 2004: 67). Sow (2013) also notes that the UN conferences on women, in particular the 1995 Beijing conference, were an ‘eye-opener’ for Senegalese women as they were confronted with and wrestled with ideas and discourses from around Africa, the global South and the West. In 1998 COSEF raised the issue of quotas for women’s representation with political parties. In 2000, according to Diop, the political climate became more “favourable,” in that with the election of President Aboulaye Wade a new political party came to power for the first time since independence (Bissonnette, 2013); in 2001 a new constitution was adopted that acknowledged certain rights of women, though did not include an electoral gender quota for increasing women’s representation in politics (Kasse, 2004: 68). Still, it may be argued that these changes presented women’s organizations and their regional and international allies with the ‘political opportunity structure’ (Waylen, 2007), to press forward with a demand for gender parity in elections.

Within just a few years, in 2004, Senegal ratified the ‘Maputo Protocol,’ which commits signatories to gender parity (the legislative and executive bodies of the African Union abide by a strict gender parity) – and added it to its constitution. According to Diop: “From that moment on, we knew that we had good legal and political arguments to revive the debate on parity in government.” In 2005, COSEF launched the “Together, let’s strengthen democracy with gender parity!” campaign. A Parity March in early 2007 brought women of all walks together to ‘forge partnerships’ and to present to the president of Senegal the proposal to entrench gender parity into the Electoral Code (Bissonnette, 2013).<sup>15</sup> Five years of significant mobilization later, the Gender Parity Law was “approved by a large majority in Senegal’s National Assembly” and welcomed by a diverse spectrum of women (Diallo, 2010). To ensure further success, such as that of the initial gender parity election in 2012, the ONP was established in order to monitor the implementation of the Gender Parity Law, but also to continue to promote gender parity in public policy (Bissonnette, 2013). Indeed, women activists recognize that the struggle is far from over. Haoua Dia Thiam, a Senegalese member of parliament (MP) who was active in getting the parity law passed in 2010, acknowledged that parity in the National Assembly alone would not overcome cultural barriers to women’s equality in Senegal. Sophie Ly Sow, of the Open Society Initiative for West Africa, reported that in the rural areas of Senegal parity had become a Wolof word with a negative meaning, translating as “I no longer accept my husband’s authority” (Hirsch, 2012). Safietou Diop, president of the civil society organization Réseau Siggil Jigeen argues that an important future step is for women MPs to ensure gender equality in legislative committees, where much of the work of the legislature takes place (Palus, 2012). For the next parliamentary election in Senegal, women activists are already calling for another innovation – that women’s names be placed in odd rather than even positions on party lists, including of course the first position.

### ***Gender Parity - Tanzania***

Since 1985 Tanzania has used ‘special’ or reserved seats for women to increase their presence in the single house of parliament, the Bunge, first by designating a certain number of seats for women (15) and then by designating a certain percentage of seats for women – up to 30 percent, or 75 seats, by the time of the 2005 election. Since the adoption of reserved seats in the mid-1980s, women’s presence in

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<sup>15</sup> According to Diop, during the march, women dressed all in white – “the only colour we felt would transcend all the others, which were already associated with political parties” (Bissonnette, 2013). In Liberia, women activists also dressed in white during marches to end the civil conflict in that country.

the Bunge has grown steadily, reaching 36 percent at the last election in 2010.<sup>16</sup> Women are selected into the special seats by political parties based on the percentage of the vote earned by each party. Over the years, adjustments have been made to the rules governing the special seats, for example, how or how many women are selected into them. More recently, as Tanzania engages in the process of drafting and adopting a new constitution, pressure has emerged to embrace gender parity for parliamentary elections – by simply electing one man and one woman from each constituency. From where does this impetus originate and how will gender parity be achieved in a plurality majority electoral system?

Unlike in many other countries, according to Anne Makinda (2011: 29), an MP in the Bunge, the political will to increase women's representation in parliament has existed for a long time in Tanzania. She suggests that from before independence, when strong and influential women supported Julius Nyerere and his fight for independence, Nyerere 'consistently advocated for greater women's representation within the government and his political party.' Women activists such as Bibi Titi Mohammed brought more women than men into the nationalist movement and first the Tanganyika African National Union (TANU) and then the Chama Cha Mapinduzi (CCM) sought a socialist transformation of Tanzania to which gender inequality was considered to be an impediment (Yoon, 2008: 65). Women's active involvement in the independence struggle and the early post-independence commitment to socialism translated into at least a rhetorical commitment to gender equality and a role for women in formal politics. Thus 'special' seats were created already at independence to ensure representation of a range of groups, including women. But the number of women in constituency-based seats remained miniscule in the 1960s and 1970s and without a system that guaranteed a certain number or percentage of women members, a greater gender balance would remain elusive (Makinda, 2011: 29). The social and economic disadvantages facing women as potential candidates were such that without adopting some kind of electoral gender quota, women's representation could not be guaranteed (Yoon, 2008: 66).

Thus, in 1985 Tanzania moved to a more formal special seat system whereby 15 seats were reserved for women and 15 seats for members of mass organizations affiliated to the CCM (at that time Tanzania was still officially a one party state). After the transition to a multiparty political system in 1992 and for the 1995 election the seats reserved for women were increased to 15 percent of the total of all elected members plus five members from the Zanzibar House of Representatives and the Union Attorney General, and the special seats for mass organizations were eliminated. For the 2000 election the percentage was raised to 20 percent and for the 2005 election to 30 percent (Yoon, 2008: 66-67). The mechanism by which women have been elected into special seats has also changed over time. Since 1995 special seats have been distributed proportionally based on the number of votes garnered by each political party rather than based on the number of seats won by each party (Makinda, 2011: 30) – an important distinction in a first past the post electoral system. According to Yoon (2008: 67) the increase in the quota for women's special seats may be attributed to lobbying on the part of the Union of Tanzania Women (UWT), women politicians, non-governmental organizations advocating for gender equality and the government – in order to bring women's participation in politics in line with international conventions signed and ratified by the government, in particular the 1997 SADC Declaration on Gender and Development which called for women to be in 30 percent of political decision making positions by 2005.

Around 2010 the CCM, only, proposed an internal party rule, that CCM women MPs in special seats be allowed only two terms in a special seat before they would have to stand for a constituency

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<sup>16</sup> Women made up 10 percent and 11 percent of parliament in Tanzania following elections in 1985 and 1990, respectively, under single party rule. Under multiparty rule and with the adoption of a stronger quota (a larger number of special seats) women made up 17 percent, 21 percent and 30 percent of parliament following the 1995, 2000 and 2005 elections, respectively (Yoon, 2008: 78).

seat.<sup>17</sup> This move was in keeping with the idea of special seats as temporary measures and as ‘stepping stones’ to constituency-based seats (Makinda, 2011; Yoon, 2011). A further and more significant innovation emerged around the same time, namely, that Tanzania should move toward gender parity in its national legislature, in keeping with the 2008 SADC Protocol on Gender and Development that demands women’s 50 percent participation in political decision making by 2015. The key mechanism for improving women’s representation in Tanzania has been the constitution (Abdallah, 2012). Increases in the percentage of special seats for women in 1995, 2000, and 2005 for women were achieved through constitutional amendments. The most recent innovation to the representation of women in the country is also part and parcel of an effort to draft a new constitution for the country. A Constitutional Review Commission was appointed in early 2012 and a Constituent Assembly is busy reviewing provisions of a draft constitution, with their efforts to be concluded by August 2014. DemoFinland (2013) argues that despite the increasing percentage of women in Tanzania’s Bunge, women have not been ensured a genuine participation: women MPs have still been “working under a ‘men’s mandate’,” working more to strengthen their respective parties than to promote equality and democracy. The new constitution, by contrast, offers a significant change: “the special seats for women would be abolished and from every electoral district, a man and a woman would be elected. Should this reform be included in the final version of the new constitution, half of the Tanzanian parliamentarians will be women in the future. And most of all, they will be democratically elected women accountable to their voters and their own electoral district.”

Individual women MPs have been at the forefront of the campaign for a 50/50 representation in the Bunge. Anna Abdallah, MP and chair of the Tanzanian Women Parliamentary Group (TWPG), has been lobbying for the change since the beginning of the constitutional review process with the TWPG lobbying its own member political parties (Abdallah, 2012; DemoFinland, 2013). Women activists cite the examples of the African Union and the Millennium Development Goals as they seek to have a 50/50 representation of women and men in parliament incorporated into the draft constitution (Ngomuo, 2014; Rusimbi, 2014). And as the constitutional review continues, many women activists are looking beyond the 50/50 representation already in the draft constitution. Constituent Assembly member and coordinator of the Tanzania Women Cross-Party Platform Ave Maria Semakafu reminds that achieving gender parity will require going beyond parliament to include executive appointments and other decision making positions (Mulemwa, 2014). In mid-2014 the outcome of the constitutional review process was still not clear; the draft constitution is supposed to be put to a referendum by the end of the year.

### *Time Limitations – Zimbabwe*

In Zimbabwe a constitutional review process eventually led to the adoption of an electoral gender quota for elections for parliament, though only for two elections, in 2013 and 2018. In Zimbabwe women had participated in the decades-long armed struggle that was necessary to attain black majority rule in 1980 - as combatants but also in more supportive roles as cooks and porters (Chadya, 2003). Some have suggested that this participation in the liberation struggle accounts for some of the initial gains women experienced at independence, for example the adoption of the Legal Age of Majority Act in 1982 that, for the first time, granted women majority status at the age of 18, “paving their way for their further political and economic empowerment” (Essof, 2009). Within a few short years, however, Essof (2009) asserts, “patriarchy reassert[ed] itself” and much of the political will to address gender inequality lapsed.

Indeed, Jessie Majome, a woman MP and deputy minister of women affairs, gender and community development, described Zimbabwe before the recent constitutional reform process as

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<sup>17</sup> Author observation, Dar es Salaam, Tanzania, 20 July 2010; presentation by MP Janet Mbene to American Political Science Association workshop. Also confirmed by Mi Yung Yoon, personal email correspondence 1 June 2014.



“having one of the worst constitutions in the world in terms of women’s rights” (Mervis and Nyemba, 2013: 205). Zimbabwe’s 1980 constitution and electoral laws had made no provisions for advancing women’s participation in elected office. Thus since black majority rule in 1980 women had fared poorly in electoral politics. Until the new constitution was adopted in 2013, women had never gained more than about 15 percent of the seats in its National Assembly: 9 percent for the independence election in 1980 and 9 percent again in 1985, 15 percent in 1990 and 1995, down to 9 percent at the 2000 election, and back up to 17 percent for the 2005 election and again 15 percent for the 2008 election.<sup>18</sup> Over the years some, though not all, political parties had made public statements announcing the adoption of internal party quotas but, with no strict regulations promoting the inclusion of women candidates and/or a practice of nominating women candidates to opposition strongholds rather than their own ‘safe seats,’ such efforts by political parties seemed halfhearted at best and produced few increases in women’s representation (Mervis and Nyemba, 2013: 206). Indeed, even in the 2013 election the three political parties were still fielding women candidates in constituencies where they were weakest and least likely to win seats (ERC, 2013: 11) (in strong contrast to the policy of political parties elsewhere of standing women candidates in their ‘safe seats’ so as to gain more women members).

During the late 1990s an attempt to draft and adopt a new constitution had taken place and failed, in many respects a victim of escalating political violence and socioeconomic strife in the country (Ranchold Nilsson, 2008; Essof, 2009). Women’s organizations had been involved in that effort, organized eventually under the umbrella of a Women’s Coalition, a coalition of women’s organizations, and had ultimately decided to vote against the reform process, because of the many shortcomings of the draft constitution, including not guaranteeing women’s rights to equal social and economic standing (including health care and education), not upholding a right not to experience violence, and not offering equal political representation or protection from discriminatory cultural practices (Essof, 2009). By the 2010s it was evident to many women activists that the ‘only solution’ for increasing women’s representation was a ‘constitutional quota’ (Mervis and Nyemba, 2013: 210): “in line with evidence from around the globe, it would appear prudent to create and enforce a quota system in Zimbabwe at the national constitutional level that guarantees women a level of representation” (Dube, 2013: 207). Indeed, at the 2013 election, the first with reserved seats and under the new constitution, women doubled their membership in the National Assembly winning 31.5 percent of seats.

Many organizations in Zimbabwe mobilized around the second constitutional reform process and the idea of adding electoral gender quotas to bring more women in to politics. In late 2006 the Women in Politics Support Unit (WIPSU) launched a 50/50 campaign which, however, had little impact on the 2008 election. By early 2011 when the second constitutional reform process was underway WIPSU called for ‘some urgent fundamental shifts and changes’ if the situation of women in politics was to improve. Without specifying a particular mechanism, WIPSU called for a legislated or constitutional quota that would bring in a 50/50 parliament, whether through party quotas or reserved seats. Both Tanzania and Rwanda were cited as examples of effective quotas (IRIN, 2007; WIPSU, 2011). By the time of the referendum on the constitution, four years in the making, in March 2013, the Women’s Coalition was urging women to vote for the draft constitution. Sylvia Chirawu, a national coordinator for Women and Law in Southern Africa, and a member of the Women’s Coalition, argued that: “Definitely life for women will never be the same again under this new constitution, if it’s adopted.” In addition to providing quotas for parliament and other political offices, the constitution addresses such issues as levirate marriage, age of marriage for girls, inheritance and maintenance, among others (Mudimu, 2013).

The new constitution of May 2013 and an amended Electoral Act of 2013 provide for 60 reserved seats for women in the National Assembly, with six selected from each of 10 provinces, in addition to

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<sup>18</sup> <http://www.ipu.org/parline-e/reports/2361.htm>; Mervis and Nyemba (2013: 205).

210 constituency based seats elected on a FPTP electoral system. The reserved seats are allocated to political parties according to the percentage of the vote cast for each party in the directly elected constituency seats in a given province (ERC, 2013: 12, UN Women, 4 September 2013). Zimbabwe's Senate also has an electoral gender quota that employs a proportional representation system for 60 elected seats out of 80; not only are all party lists supposed to alternate men's and women's names in zebra or zipper fashion, but women are required to top every list. Of the remaining 20 seats in the Senate, 18 are for traditional chiefs and two for persons with disabilities (ERC, 2013; Majome, 2013). In July 2013, elections were held in Zimbabwe to end a four year political transition that had been overseen by a government of national unity following the signing of a power sharing agreement by three political parties in 2008. Following the 2013 election, 31.5 percent of members of the National Assembly are women and 47.5 percent of members of the Senate are women (<http://www.ipu.org/parline-e/reports/2383.htm>). As has happened in some other African countries, however, there are reports that during the 2013 election women activists and candidates were told that for the National Assembly "they were already catered for through the reserved seats and should not concern themselves too much with the constituency seats" (ERC, 2013: 12). In the event, fewer women stood for the constituency based seats in 2013 than in 2008 and only 9.3 percent of those directly elected in the 2013 election were women as opposed to 15.2 percent in the 2008 election (ERC, 2013: 13).

The potentially more damaging innovation in the Zimbabwe case is in putting a time limit on the electoral gender quotas – in that they are in place only for two elections, in 2013 and 2018. 'Sunset clauses' or explicit limits on the adoption of electoral gender quotas are unusual though not unheard of. Such a temporary quota exists in Uruguay for the 2014 election and one has been proposed for Chile for the next few elections. At the same time observers note that in Uruguay women activists are already mobilizing to make the quota permanent and in more than one instance such initially 'temporary' quotas have simply been adopted later or the sunset clauses expired and not been renewed.<sup>19</sup> The time limit in Zimbabwe is understood to be a compromise in order to adopt the quota at all and it is not at all clear at this time what will happen after 2018.

## Conclusion

For decades now sub-Saharan Africa has led the world in women's national legislative representation, at least in the sense of Rwanda topping the list since its 2003 election and having more women than men in its Chamber of Deputies since 2008. In addition, SSA has seen some of the most rapid transformations in the composition of legislatures in the world over the past couple of decades – and all because of the adoption of one kind of electoral gender quota or another. This article has discussed some of the more recent innovations in quota design and use in SSA, focusing on the adoption of a gender parity law in Senegal, the discussion of gender parity in Tanzania and the adoption of a temporary special measure in Zimbabwe – electoral gender quotas for two elections only.

Like many of the other recently adopted electoral gender quotas in Africa - part of a 'second wave' - these have been or will be adopted as legislated or constitutional quotas, and not voluntary in any way, making them much stronger. In addition, gender parity is clearly a stronger commitment than a 20 or 30 percent quota and reserved seats, with their guaranteed outcome, are stronger than any other type of electoral gender quota. In another way this second wave is different from the first wave in that these quotas have not been adopted or strengthened during a post-conflict or otherwise fully-fledged political transition, although there has certainly been a political opportunity or political opening, typically a constitutional reform or review process. Just as in the first wave, mobilized national women's movements have played a significant role, typically working in collaboration with regional, continental and international organizations. Regional organizations like SADC and ECOWAS are

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<sup>19</sup> Jennifer Piscopo, personal facebook communication, 29 May 2014.

playing important roles, as is the African Union, a thoroughly 50/50 institution, as women’s organizations seek to hold governments accountable for their commitments to the organizations and their declarations and protocols. ‘Political will’ – likely reflecting political pressure from women’s movements and the accountability demanded by international declarations and protocols - has figured prominently in all three cases as well. It remains to be seen whether the last dozen or so sub-Saharan African countries will be swept up in the second wave.

**Table 1 Sub-Saharan Africa Women’s Representation and Electoral Gender Quotas in single or lower houses of parliament,\* 2014**

Country	Total Seats/Total Women	Percent Women/Last Election	Electoral System	Year Quota Adopted	Quota Type
<b>Angola</b>	220/81	<b>36.8/2012</b>	List PR	2005 electoral law, 30%	Legislated Candidate
<b>Botswana</b>	63/6	<b>9.5/2009</b>	FPTP	1999, 30%	Voluntary Pol. Party
Benin	83/7	<b>8.4/2011</b>	List PR	N/A, 20% quota adopted and nullified	NONE
<b>Burkina Faso</b>	127/24	<b>18.9/2012</b>	List PR	electoral law, 30%; less public funding	Legislated Candidate
<b>Burundi</b>	105/32	<b>30.5/2010</b>	List PR	2005 constitution and 2009 electoral law, 30%	Legislated Candidate/Co-optation
<b>Cameroon</b>	180/56	<b>31.1/2013</b>	PBV/List PR, FPTP	2012 electoral code	Legislated Candidate
<b>Cape Verde</b>	72/15	<b>20.8/2011</b>	List PR	2010 electoral law	Legislated Candidate
CAR	104/13	<b>13.0/2011</b>	TRS	N/A	NONE
Chad	188/28	<b>14.9/2011</b>	PBV/List PR, FPTP	N/A	NONE
Comoros	33/1	<b>3.0/2009</b>	TRS	N/A	NONE
<b>Congo</b>	136/10	<b>7.4/2012</b>	TRS	2002 constitution, 2007 electoral law, 15%	Legislated Candidate
<b>Congo Democratic Republic</b>	492/44	<b>8.9/2011</b>	Parallel	2011 constitution and electoral law (parity)	Legislated Candidate
<b>Cote d'Ivoire</b>	254/24	<b>9.4/2011</b>	FPTP/PBV	2001, 30%	Voluntary Pol. Party
<b>Djibouti</b>	55/7	<b>12.7/2013</b>	MMP	2002 electoral law, 10%	Reserved Seats
<b>Equatorial Guinea</b>	100/24	<b>24.0/2013</b>	List PR		Voluntary Pol. Party
<b>Eritrea</b>	150/33	<b>22.0/1994</b>	Transition	1994 electoral law, 30%	Reserved Seats
<b>Ethiopia</b>	547/152	<b>27.8/2010</b>	FPTP	30%	Voluntary Pol. Party
<b>Gabon</b>	120/18	<b>15.0/2011</b>	FPTP		Legislated Candidate
Gambia	53/5	<b>9.4/2012</b>	FPTP	N/A	NONE
Ghana	275/30	<b>10.9/2012</b>	FPTP	N/A though had 10% quota in 1960 and 1965	NONE
<b>Guinea</b>	114/25	<b>21.9/2013</b>	Parallel	1993 electoral law, 30%	Legislated Candidate
Guinea-Bissau	100/11	<b>11.0/2008</b>	List PR	N/A	NONE

<b>Kenya</b>	350/67	<b>19.1/2013</b>	FPTP	2010 constitution, <15%	<b>Reserved Seats (47)</b> By county
<b>Lesotho</b>	120/32	<b>26.7/2012</b>	MMP	2011 electoral law	Legislated Candidate
Liberia	73/8	<b>11.0/2011</b>	FPTP	N/A	NONE
Madagascar	147/34	<b>23.1/2013</b>	Parallel	N/A	NONE
<b>Malawi</b>	193/43	<b>22.3/2009</b>	FPTP	2004, 25%-33%	Voluntary Pol. Party
<b>Mali</b>	147/14	<b>9.5/2013</b>	TRS	30% proposed in 2005 but not adopted	Voluntary Pol. Party
<b>Mauritania</b>	147/37	<b>25.2/2013</b>	Mixed	2010 electoral law	Legislated Candidate
Mauritius	69/13	<b>18.8/2010</b>	PBV	N/A	NONE
<b>Mozambique</b>	250/98	<b>39.2/2009</b>	List PR	1994, 40%, Frelimo	Voluntary Pol. Party
<b>Namibia</b>	78/19	<b>24.4/2009</b>	List PR	2012, 50%, SWAPO	Voluntary Pol. Party
<b>Niger</b>	113/15	<b>13.3/2011</b>	List PR	2001 electoral law, 10%	Legislated Candidate
Nigeria	360/24	<b>6.7/2011</b>	FPTP	N/A	NONE
<b>Rwanda</b>	80/51	<b>64/2013</b>	List PR	2003 constitution, 2010 electoral law, 30%	<b>Reserved Seats (24)</b> By province
Sao Tome PR	55/10	<b>18.2/2010</b>	List PR	N/A	NONE
<b>Senegal</b>	150/64	<b>42.7/2012</b>	Parallel	2010 electoral law, 50%, disqualification	Legislated Candidate
Seychelles	32/14	<b>43.8/2011</b>	Parallel	N/A	NONE
Sierra Leone	121/15	<b>12.4/2012</b>	FPTP	N/A	NONE
<b>Somalia</b>	275/38	<b>13.8/2012</b>	Appointed	2011 constitution, 30%	<b>Reserved Seats</b>
<b>South Africa</b>	400/163	<b>40.8/2014</b>	List PR	1994	Voluntary Pol. Party
<b>South Sudan</b>	332/88	<b>26.5/2011</b>	Appointed	2011 constitution, 25%	<b>Reserved Seats</b>
<b>Sudan</b>	354/86	<b>24.3/2010</b>	Parallel	2008 constitution, 25%	<b>Reserved Seats (88)</b>
<b>Swaziland</b>	65/4	<b>6.2/2013</b>	TRS	2005 constitution, 30%	<b>Reserved Seats</b>
<b>Tanzania</b>	350/126	<b>36.0/2010</b>	FPTP	2005 constitution and electoral law, 30%	<b>Reserved Seats</b> Based on % party
<b>Togo</b>	91/14	<b>15.4/2013</b>	List PR	2012 electoral law, 30% for next election	Legislated Candidate
<b>Uganda</b>	386/135	<b>35.0/2011</b>	FPTP	2001 constitution and electoral law, 25%	<b>Reserved Seats</b> By district
Zambia	158/17	<b>10.8/2011</b>	FPTP	N/A	NONE
<b>Zimbabwe</b>	270/85	<b>31.5/2013</b>	FPTP	2013 constitution, 20% for 2013 and 2018 elections	<b>Reserved Seats (60)</b> Based on % vote

Data compiled from Inter-Parliamentary Union Women in National Parliaments: [www.ipu.org/](http://www.ipu.org/) and from Global Database of Quotas for Women: [www.quotaproject.org/](http://www.quotaproject.org/) and from country researches.

**List PR:** each party presents a list of candidates; voters vote for a party and the parties receive seats in proportion to their overall share of the vote. **FPTP:** winning candidate is the one who gains more votes than any other even if not a majority; uses single member constituencies and voters vote for candidates, not parties. **TRS** (two-round system): plurality/majority voting system used to elect a single winner, whereby only two candidates from the first round continue to the second round. **Block Vote:** plurality/majority system used in multi-member districts, in which electors have as many votes

as there are candidates to be elected, and the candidates with the highest vote totals win the seats. **Parallel System:** mixed system in which the choices expressed by the voters are used to elect representatives through two different systems – one List PR and one plurality/majority – but where no account is taken of the seats allocated under the first system in calculating the results in the second system. **MMP:** mixed system in which the choices of voters are used to elect through two different systems and in which PR seats are awarded to compensate for any disproportionality in the results from the plurality majority system.

\*Most parliaments in SSA are unicameral.

15/49 countries have no quotas

12/15 countries with no quota are FPTP or some combination of plurality majority

**34/49 countries have quotas**, though 8/34 may be considered 'meaningless'

11/34 countries have reserved seats

15/34 countries have voluntary party or legislated candidate quotas with PR system

8/34 countries have voluntary party or legislated candidate quotas with FPTP so potentially 'meaningless'

26/49 or half of SSA countries have 'effective' quotas

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