

# WHAT ARE “TEMPORARY SPECIAL MEASURES”?

**T**here are two main types of temporary special measures which have been utilised globally to promote women’s representation: (1) reserved seat quotas; and (2) political party or candidate quotas. Depending on the local context, there are numerous variations of how these two options can be implemented. Below is a summary of the key features of these two types of temporary special measure and some of the key issues that require consideration if they are to be effectively utilised.

## Reserved Seat Quotas

Reserved seat quotas simply mean that within the legislature, a certain number or percentage of seats (called a quota) will be set aside for an under-represented group, such as women. Usually, this means that there will be a guaranteed minimum number of women in the legislature, depending on the number of reserved seats.

Issues for consideration include:

- ✿ How many seats will be reserved? Ideally, the international target of a minimum of 30% women in the legislature should be used as a guide to determine the number of seats to be reserved for women in any particular legislature. The minimum target has been recognised as 30% because this number is said to constitute the “critical mass” required for women to have a significant influence in the legislature.
- ✿ Will the reserved seats be added to the current number of seats in the legislature, or will some existing seats be converted to reserved seats? If reserved seats are added to the legislature, there will be cost implications, because the new members of the legislature will need to be paid a salary and relevant allowances. On the other hand, if a certain number of existing seats in the legislature are converted to reserved seats for women, resistance may be faced from existing male members of the legislature, because fewer seats will be available for men to contest.
- ✿ What will be the boundaries of the reserved seats? Will they be based on districts, regions, provinces or the entire country? In multi-member constituencies, how many seats will be reserved for women?



How will the reserved seats be filled? Reserved seats are usually competitively selected, whether through direct election by the public, by political parties based on their overall share of the national vote, through indirect election or an open appointment process (see below for more detail on these various options).



If women are to be elected into reserved seats, how will the ballot be conducted? Will there be a separate second ballot which lists only the women candidates (called the “double ballot” method) or will the reserved seats be filled by the most successful women candidates who competed in the elections but who did not receive enough votes to win the open seat (called in this Guide the “most voted women” method, but also known as the “best loser” method)? Will both men and women vote or will only women vote for the women candidates in reserved seats, as currently occurs in the PNG Motu Kiota Assembly for the two seats reserved for women?

### ***Direct Election***

Many people believe that in a democracy it is always best for all members of the legislature to be elected. Accordingly, even where seats are reserved for women, the system can be designed so that elections are held for those reserved seats. Country specific models will need to be developed to identify what electorates the reserved seats for women will represent. Where an entirely new Constitution and legislature are being designed, for example, as was the case in the Autonomous Region of Bougainville, this may be easier. In the case of Bougainville, three reserved seats were created for women based on regions and both men and women vote to elect the women (see Box 5). Other countries where women are directly elected into reserved seats include Afghanistan and Jordan (using the “most voted women” method) and Uganda (using the “double ballot” method).

### ***Indirect Election***

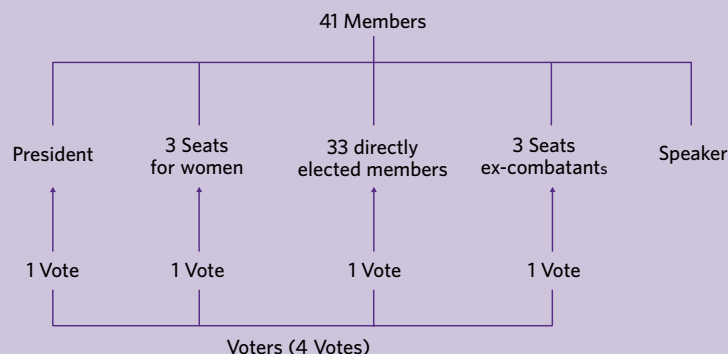
Throughout the world, members of parliament are sometimes indirectly elected and this method can also be used to elect women into reserved seats. In 2008, the IPU estimated that 14.3% of members from the 267 legislatures (upper and lower houses) worldwide were indirectly elected. Indirect election to a national legislature occurs when, for example, the legislature itself, or another elected body, such as a Provincial or State Parliament, elect some or all of the members of the legislature. For example, 24 women are elected to the House of Deputies in Rwanda by representatives from each province and the City of Kigali. In the Pacific, countries which have provincial or state assemblies could give these bodies a role in electing women into reserved seats. In many Pacific countries, local government bodies also exist which could be involved in the indirect election of women to the legislature. The use of indirect election can be an initial strategy for filling reserved seats, followed by direct election at a later time, as occurred in Uganda.

### Box 5: Special measures already boosting numbers in Bougainville

In Bougainville, following the end of the twenty year conflict, a new constitution and electoral system were devised for the newly autonomous region. The Constitution will guide the region for ten years, after which a referendum will be held for the region to decide on its own long-term future. After much consideration, it was decided that three seats in the new legislature would be reserved for women (and three seats would also be reserved for ex-combatants). It was further decided that the seats would be elected directly by the people. Both women and men are allowed to vote for all seats.

Bougainville has 33 constituencies to elect ordinary members. The province is also divided into 3 bigger constituencies – North, Central and South – and these are used for the 3 seats reserved for women and ex-combatants. Each voter casts 3 votes for representatives in the Legislative Assembly – one for their local MP, one for the reserved woman's seat and one for the reserved ex-combatant's seat.<sup>14</sup>

#### **Composition of the House of Representatives after the 2005 Election of the Autonomous Government of Bougainville**



*Diagram by Jon Fraenkel, powerpoint presentation "The Impact of Electoral Systems on Women's Representation in Pacific Parliaments", Pacific Islands Forum Secretariat Workshop on Women's Representation*

### ***Selection by Political Parties***

In some countries, where political parties are well organised and relatively few in number, they play a key role in filling seats reserved for women. For example, in Pakistan (60 reserved seats), Tanzania (75 reserved seats) and Bangladesh (45 reserved seats), the reserved seats in the legislature are allocated to political parties by the electoral management body in proportion to the votes or seats won by each of the parties. The parties are then responsible for selecting the women to fill the seats, according to their own internal rules. Those women selected by the parties are then ratified by the Parliament. In those Pacific Islands Forum member countries where the legislature is small and/or where there are either no political parties or large numbers of less well-organised political parties, this method of filling reserved seats may not be suitable.

### ***Appointment***

Direct appointment is another method of filling reserved seats. In 2008, the IPU estimated that 6.7% of members of parliament from the 267 legislatures (upper and lower houses) worldwide are appointed in some way. Appointments are most often made by the Executive, for example, the President, Governor General or Prime Minister, with advice from various sources. In the Pacific, consideration could also be given to bringing councils of traditional leaders into the appointment process and/or National Councils of Women. As with other parliamentary appointments, consideration could be given to establishing a bipartisan committee to develop a list of candidates which is then vetted and/or approved by the Executive and/or legislature. It is important that any appointment process is open, participatory and promotes cross-party support, to minimise the risk that appointed women will be seen as tokens or political puppets. Women appointed into reserved seats should also have, as far as possible, the same rights and responsibilities as other Members of Parliament.

No changes to the electoral system are likely to be needed if this option is chosen, but constitutional amendments and/or new legislation may still be needed to clarify the appointment process. Both Kenya and the Sudan appoint women into reserved seats in their national parliaments. This is the approach which has also been proposed by the PNG Government, which at the time of writing is in the process of appointing three women into nominated seats in the National Parliament (see the PNG Country Report in Part 2 for details).

Although women will not gain experience in election campaigning if they are appointed, nonetheless, they will have an opportunity to develop their skills as political leaders, legislators and policy-makers. The use of appointments to address the gender imbalance in legislatures is sometimes criticised as undemocratic, but in some local contexts it may be that appointments will be the most practical and effective option available in the short-term. In that context, appointing women into reserved seats may sometimes be used as a stepping stone towards election of women into such seats, as is being considered in PNG.

“As custodians of our respective legislatures we must start thinking about how we in our positions can commence a process that can lead to much greater involvement of our women in political leadership. They may take a long time to happen. However, to make them happen, we must believe in a future that is or can be better - a future that we...can contribute to as catalysts and instruments of change.”

Hon Tolofuaivalelei Falemoe Leiatua  
Speaker, Samoa Legislative Assembly, 2008

## Political Party Quotas

In party-based political systems, quotas can be introduced which require parties to field a certain minimum percentage of women candidates. Such quotas can be made mandatory by law, which would require an amendment to the national Constitution or the amendment/enactment of relevant legislation. However, party quotas can also be voluntary. In practice, this means that any political party can change its rules to commit to nominating a certain percentage of women candidates to contest elections.

Political party quotas require strong, stable and disciplined political parties to be most effective and are most easily implemented in proportional representation electoral systems. There are few countries in the Pacific which meet all of those criteria. Political party quotas are more difficult to implement in candidate-focused, majority/plurality electoral systems, which predominate in the Pacific Islands Forum member countries (see Annex 1 for details of electoral systems).

### Issues for consideration include:

- ✿ Is it likely that parties will be advantaged or disadvantaged if they adopt a quota for women candidates as compared to those parties that do not?
- ✿ How can a voluntary political party quota be enforced if the party ignores its own rules?
- ✿ Even if the party is required to nominate a certain number of women for election, how can women be sure of being nominated for winnable seats?
- ✿ How could a mandatory political party quota be enforced? In some countries, a party may be fined, or its list of candidates not accepted by the electoral management body if it does not meet the mandatory quota for women set by legislation.

Even if only one party voluntarily commits to quotas to promote more women, if women do get elected, this could act as an incentive to other parties to introduce similar measures. However, in countries where parties believe that voters consider it inappropriate for women to enter politics and women generally receive few votes, the introduction of voluntary party quotas would almost certainly require agreement between all parties if it is to be implemented in reality, because it is unlikely that one party will be prepared to potentially place itself at a disadvantage. If voluntary party quotas are not effective, then legislation could be introduced to make the use of party quotas mandatory for all parties. The use of party quotas may be more acceptable in multi-member constituencies because voters can still choose to support both men and women.

### **Box 6: Voluntary party quotas in action in Australia**

In Australia, the adoption of a voluntary quota by the Australian Labor Party (ALP) in 1994 was a turning point for the representation of women in parliament and followed an intensive campaign for affirmative action by Labor women.<sup>15</sup> The ALP currently uses a 35% voluntary quota, such that 35% of candidates – in held and winnable seats – must be women. A new rule was adopted in 2002 to require a 40% gender neutral quota by 2012 (40:40:20). This means that 40% of candidates must be women, 40% must be men and 20% may be either men or women.

Use of the 35% quota has been effective with women comprising on average 36.8% of ALP MPs in the Lower Houses and 37.8% of MPs in Upper Houses in all nine Australian Parliaments as of 30 October 2008. (Queensland is unicameral and the ALP has 43.1% women MPs in that chamber.) In contrast, the Liberal and National Parties, which do not use quotas, have an average of 22.0% and 15.4% women MPs respectively in all Australian Parliaments. The Australian experience shows that to be most effective, party quotas need to be more than just targets. Both voluntary and legal quotas need to be able to be enforced by a party rule or national law that attracts party or government sanctions if it is not complied with.

Depending upon the electoral system which is in place in a country (see Annex 1 for details of the electoral systems used in the Pacific), candidate quotas may be implemented differently in practice.

### ***Political party quotas in plurality/majority electoral systems***

With plurality/majority electoral systems (eg. first past the post, limited preferential vote), usually there is just one member per constituency and the “winner takes all”. A number of Pacific countries have majority electoral systems that use multi-member constituencies, but the same principle applies – the candidate or candidates with the most votes at the end of the count wins. In such situations, party quotas



come into play during the nomination process, when the candidates are chosen by their party. In practice, implementing a quota will mean that a party will commit to nominate a certain percentage of women as candidates – the current international target of 30% has most often been adopted.

Issues for consideration include:

- ✿ *Selection of electorates:* It is essential that parties nominate a fair number of women to run in “winnable” seats. Usually, a party will know where it has strong support. A percentage of so-called “safe seats” should be allocated to women. It would not be helpful to simply run woman candidates in marginal or unwinnable seats. But in the Pacific, where there are many parties and personalities play such a big role, it is not always easy for a party to predict which seats are winnable.
- ✿ *Campaign support:* It is still necessary for the party to provide support to women candidates to run their campaigns. Experience has shown that women can strongly benefit from campaign funding, training and mentoring. Political parties should support the implementation of party quotas along with back-up campaign support for candidates.

The election outcome is uncertain when party quotas are used in plurality/majority systems, Party quotas cannot guarantee the election of more women, especially if the party runs their women candidates in unwinnable or marginal seats or in areas where leaders and/or voters hold strong views opposing any women in politics. If voters reject women just because they believe they are not suited to politics, then they may still lose the election despite strong party support. The situation is usually better for women in multi-member constituencies, because voters can choose more than one candidate and are often more willing to consider women candidates in addition to a male candidate.

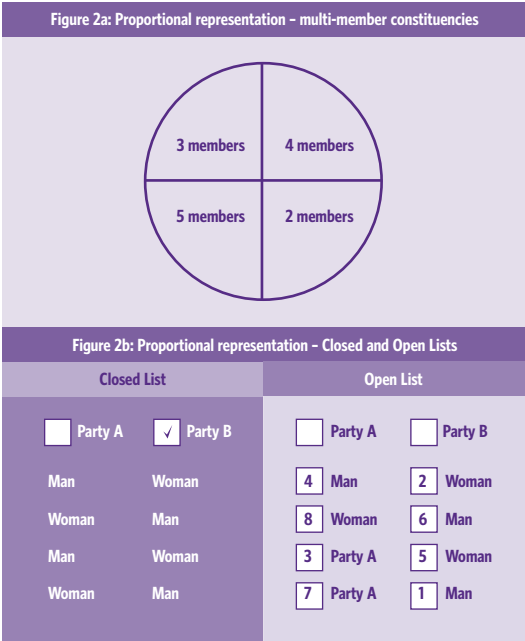
### ***Political party quotas in proportional representation electoral systems***

In a proportional representation system, more than one member is elected from each constituency (see Figure 2a). Political parties develop a list of candidates for each constituency, but voters usually focus on choosing between different parties’ lists rather than individual candidates. This makes it easier for parties to include women on the list, and may in some cases even enhance their vote if they are seen to have a “balanced” list of women and men. Although there are many ways of designing a proportional representation system, the general principle followed in most countries is that when the vote is tallied, parties get a proportion of the seats available based on the proportion of the votes they received. So if a party gains 60% of the vote, it should win 60% of the seats to be won. The seats are then allocated to candidates based on the list put forward by the party.

Party lists can be “open” or “closed” (see Figure 2b). An “open list” means that voters have the choice of voting for a specific candidate, regardless of where they stand on the party’s preferred list. A “closed list” is one where voters can only vote for a party

and then the seats won by the party are allocated to candidates in accordance with the agreed party list presented to voters.<sup>16</sup>

Party quotas can be applied to party lists by specifying the proportion of women on the list and/or the order in which they will be placed. To increase the likelihood of women being elected, their names need to be near or at the top of the list. Lists which alternate male and female candidates (the so-called “zipper list” or “zebra list”) result in the best outcomes for women. Closed lists are better able to promote more women into the legislature, because parties rather than voters determine the final allocation of seats to candidates. In a closed list system, a zipper style party list almost guarantees that 50% of the candidates elected will be women.



Experience has shown that proportional representation systems have been the most successful in electing women, even before the use of quotas. The application of a candidate quota in a proportional representation electoral system is relatively easy because it just requires rules to be applied to party lists specifying the proportion of women candidates and the order in which they will be placed on the list. Countries which use such party quotas also usually have legislation which imposes legal sanctions if parties fail to implement the party quotas. For example, the Electoral Commission will refuse to accept the party list and/or the party will be fined. The effectiveness of quotas in proportional electoral systems is evident by their application in the Pacific French Territories (see Box 7). However, as the case of Wallis and Futuna shows, such quotas work best when there are a relatively small number of robust political parties.



### **Box 7: The effectiveness of list quotas in the Pacific French Territories<sup>17</sup>**

All three of the Pacific French Territories have a proportional representation system. All three territories are also subject to the French Law on Parity 2000, which requires all political parties to include 50% women on their lists of candidates in a so-called "zipper list" (ie. alternating one man and one woman from the top to the bottom of the list). As a result of the Parity Law, New Caledonia has 52.6% women in its legislature and French Polynesia has 42.1% women in its legislature.<sup>18</sup>

Notably however, the proportional representation system combined with the zipper quota has not worked very effectively in the French territory of Wallis and Futuna, because of the large number of political parties. While men and woman are alternated on party lists as is required by the Parity Law, in the 2002 elections there were 32 parties and all of their lists were headed by men. Only one party gained enough votes to put more than one candidate into the legislature, with the result that only one woman was elected. Two other women took their places in the Assembly because one male member resigned and another died. In the 2007 elections, 20 parties won seats but only 3 put women at the head of their party list. As a result, two women were elected. The Wallis and Futuna example illustrates the significance of how a country's national electoral system, political party system and quotas interact.

# WHY SHOULD TEMPORARY SPECIAL MEASURES BE IMPLEMENTED?

International IDEA's and Stockholm University's "Quotaproject"<sup>19</sup> database offers a range of examples of the different types of special measures that have been implemented all over the world. An estimated 68 countries have implemented some type of a quota system. The most powerful argument in favour of quotas is that they work. Countries around the world with quotas have on average many more women in their parliaments than those that do not.

In late 2007, globally the average representation of women in parliament in countries with quotas for women stood at 21.9%, as opposed to just 14% for those countries with no quotas.<sup>20</sup> For those countries that held elections in 2007, countries with quotas elected 19.3% women on average, as opposed to 14.7% for countries with no quotas.<sup>21</sup> In addition, of the 23 top-ranked parliaments where women hold 30 percent or more of the seats in the legislature, only three have never used special measures (reserved seats or party quotas) to bolster the participation of women.<sup>22</sup>

"There continues to be a need for women in leadership roles whether in government, the corporate sector, the church or traditional sphere. One such field that requires affirmative intervention is parliamentary seats. I believe in quotas because that is the only way the imbalance of males and females will be readily addressed. This is required because there is no level playing field. The odds are stacked against women from the beginning and it is nonsense to suggest that candidates are selected on merit"

His Excellency Ratu Joni Madraiwiwi  
Former Vice President of Fiji, 2006

**Table 2: IPU-IDEA analysis of countries with 30% or more women representatives in the legislature at 30 November 2008**

Rank	Country	% women	Quota type*	Electoral system <sup>#</sup>
1	Rwanda	56.3%	Reserved Seats (C)	List PR
2	Sweden	47.0%	Voluntary Party Quotas	List PR
3	Cuba	43.2%	No Quota	Two Rounds
4	Finland	41.5%	No Quota	List PR
5	Argentina	40.0%	Legal Party Quotas (C)	List PR
6	Netherlands	39.3%	Voluntary Party Quotas	List PR
7	Denmark	38.0%	Used Quota previously	List PR
8	Angola	37.3%	Voluntary Party Quotas	List PR
9	Costa Rica	36.8%	Legal Party Quotas (L)	List PR
10	Spain	36.3%	Voluntary Party Quotas	List PR
11	Norway	36.1%	Voluntary Party Quotas	List PR
12	Belgium	35.3%	Legal Party Quotas (L)	List PR
13	Mozambique	34.8%	Voluntary Party Quotas	List PR
14	Iceland	33.3%	Voluntary Party Quotas	List PR
15	Nepal	33.2%	Legal party Quotas	MMP
16	New Zealand	33.1%	Voluntary Party Quotas	MMP
17	South Africa	33.0%	Voluntary Party Quotas	List PR
18	Belarus	31.8%	No Quota	Majority
19	Macedonia	31.7%	Voluntary Party Quota	List PR
20	Germany	31.6%	Voluntary Party Quotas	MMP
21	Uganda	30.7%	Reserved Seats (C)	FPTP
22	Burundi	30.5%	Legal Party Quotas (L)	List PR
23	Tanzania	30.4%	Reserved Seats (C)	FPTP

\* C = in Constitution, L = in Electoral laws

# List PR = List Proportional Representation, MMP = Mixed Member Proportional Representation, FPTP = First Past The Post

There is growing recognition globally that temporary special measures are the most effective way of increasing women's representation in a short period of time. However, in the Pacific, there is still not universal agreement, either amongst policy-makers or amongst the general community, that temporary special measures are an appropriate way of tackling the gender deficit in Pacific legislatures. Below are some common arguments against temporary special measures and possible responses to them:



**Argument:** It is not fair to introduce measures which are discriminatory and temporary special measures would discriminate against men.

**Response:** Statistics and anecdotal evidence show that it is actually Pacific women who already face systemic exclusion from the political arena through longstanding bias and discrimination and it is this existing and prevalent problem which needs to be urgently tackled. Thus, special measures are actually tackling discrimination and promoting equality. Short-term affirmative action measures have long been seen as a measure to tackle other issues such as discrimination on the basis of race, caste or age. The focus should be on equality of outcomes. Over time, when the playing field has been evened out, special measures can be removed. Quotas can also be drafted in a gender neutral way, such that no single sex may hold more than more a certain percentage of seats.



**Argument:** Quotas are undemocratic. People should be able to vote for who they want to, and not be forced to vote for women (in reserved seats).

**Response:** One of the most fundamental principles of democracy is that men and women should have equal rights. Women should have the right to be involved in the political decisions that affect their lives. In the Pacific, currently those decisions are made almost entirely by men. A wider range of different voices will be heard and will inform the law/policy-making process, thereby enriching democracy. In any case, quotas do not take away people's right to vote for candidates. Voters will still cast a ballot for open seats. However, they may also cast an additional ballot for a woman in a reserved seat, or their elected representatives will elect or appoint women on their behalf.



**Argument:** Quotas like appointing women to the legislature are undemocratic. Women should be elected like other MPs.

**Response:** As of December 2008, nearly 3,000 members of parliament worldwide are appointed by various means to their national parliaments, and they are making a valuable contribution to the governance of their countries. In addition key national office-holders such as Attorney's General, Ombudsmen and judges are often appointed to their posts, and yet retain their independence and their credibility. If the appointment process is open, participatory and involves the legislature itself, this should reduce criticism that appointed women will not be effective in the legislature or will be "puppets". Appointing women to the legislature can be an effective first step in improving the gender balance in legislatures, and offers an opportunity for women who may not have the resources or existing skills to successfully contest an election to gain political leadership experience. Over time, when the playing field has been evened out, women can get elected just like men.



**Argument:** Promoting women through temporary special measures will be counter-productive because it will undermine respect for women in the community because people will think they are only "token" representatives or that they are not capable and that is why they needed "special help".

**Response:** Without special measures, in the Pacific today it is a fact that women will continue to struggle to get the opportunity to prove just how capable they are inside the legislature. If women are supported to enter the national political arena, then they will finally have a real chance to demonstrate what a valuable contribution they can make to national legislative and policy development. This will address any argument about “tokenism” or lack of capacity.



**Argument:** Temporary special measures result in people getting elected because of their gender not their qualifications.

**Response:** Women are just as qualified as men to represent the community but women's qualifications are often downgraded or dismissed. In any case, members of parliament are “qualified” in a range of different ways – through their education, their professional history and their life experiences.



**Argument:** Women should be elected to parliament on merit. If women are not required to compete in open elections, then the “best people” will not necessarily be elected. The focus should be on the “best candidates”, not special measures for women candidates.

**Response:** This argument assumes that elections produce the “best people”, which is not necessarily true when one looks at how elections are fought and won. The United Nations CEDAW Committee has pointed out that the very understanding of ‘merit’ may need to be reflected upon. A ‘meritorious’ government is surely one that genuinely represents and reflects the views of all members of society, and which brings the perspectives, skills and experiences of both men and women to the policy-making function. If merit means intelligence, honesty, competence, integrity and industriousness then the number of current MPs who have been proven to be incompetent and/or corrupt raises the question of whether the merit principle is currently being applied to all MPs. Even with appointed reserved seats, if the selection criteria are rigorously applied, then good people will be chosen.



**Argument:** Introducing special measures for women will be divisive by emphasising the differences between women and men, and this can cause harm in the long run.

**Response:** By including more women in national legislatures, men and women will have more opportunity to work together to develop laws and policies which benefit the nation. In fact, this will contribute to greater unity rather than division, as a wider range of different voices will be heard and will inform the law/policy-making process. This has been seen in countries which have implemented some form of special measures.



**Argument:** Women have the same opportunities as men to get elected and should use them just like men do.

**Response:** If women really had the same opportunities as men then there would be equal numbers of men and women in parliament. It is equality of outcomes, not equality of opportunities, that are needed to get a fair result.



**Argument:** If women are given special help, then other groups will also want to be given special preference to join the legislature.

**Response:** It is up to each country to decide what balance of representation they need in the country, to ensure meaningful representative democracy. In the Autonomous Region of Bougainville in PNG for example, three seats were reserved in the Legislative Assembly for ex-combatants, a reflection of the post-conflict sensitivities of the Region. In Tonga, nobles currently have nine reserved seats. In Kiribati, one seat is reserved for an appointed Banaban representative from Rabi island Fiji.

### **Box 8: Bougainville women MPs making the most of their opportunity**

In 2005, the Autonomous Region of Bougainville held its first elections under a new Constitution, which reserved three seats for women in the 41 seat Legislative Assembly (see Box 5 for details). Twenty-five women contested in the 2005 elections, but all of the women ran only for the three reserved seats. As a result, only three women were elected – Hon Francesca Semoso, Hon Magdalene Toroansi and Hon Laura Ampa. Nonetheless, the three women members of the Bougainville Legislative Assembly have been active in using the opportunity they have been given to make an impact on Bougainville's political landscape.

The Bougainville Constitution requires that at least one women be appointed to Cabinet. From 2005 to mid-2008, Hon Toroansi was Minister for Women, NGO's and Churches, and since mid-2008, Hon Ampa has taken on this role. It is understood that Hon Toroansi was sacked from her Ministerial position after she used her position to oppose a mining contract which would have taken 70% of profits offshore and which had apparently been agreed without consultation by women landowners or even the legislature. Hon Toroansi encouraged greater consultation with the public, to minimise the risk of conflict as a result of the restart of mining operations and to ensure the deal was good for the province.<sup>23</sup>

Hon Semoso is the Deputy Speaker of the Bougainville Assembly, and with the resignation of the Speaker to contest the Presidency in November 2008, she became the Acting Speaker (the only female Speaker in the region). She is also the Chair of the Parliamentary Select Committee on HIV/AIDS and in that role has been an active campaigner on this issue. At the 2008, Pacific Parliamentary Assembly on Population and Development she was recognised as a Pacific Champion on HIV/AIDS advocacy work in the region and internationally. It is encouraging that Hon Semoso has stated publicly that in 2010 she intends to run for an open seat in the Assembly, because she sees her reserved seat as a "springboard" which she has used to gain experience which she will now use to contest a open seat. She is committed to vacating her reserved seat to ensure that spaces continue to open up for other women to enter politics.




### **Box 9: Rwanda women MPs mobilise to tackle gender based violence** <sup>24</sup>

Following the conflict in Rwanda in the 1990s, the new post-war Constitution introduced a 30% quota for women in the national legislature. In a very short space of time, women's representation leapt up, and by December 2008, women comprise 56.3% of the seats in Rwanda's parliament, pushing it to the top of the world rankings in terms of women in national legislatures. Female MPs have taken their opportunity to participate in the development of the nation and have run with it.

A cross-party political caucus, the Forum of Rwandan Women Parliamentarians (FFRP), was established by women MPs and since the 2003 election, the FFRP has worked to revise existing discriminatory laws, and pushed for the inclusion of a gender perspective in new laws as they are introduced. In 2005, the FFRP Strategic Plan 2005-2009 was adopted, which outlined a five-year strategic plan to guide its activities and achieve its goal of developing "policies, laws, programs, and practices [that ensure] equality between men and women and gender equity".

The most prominent example of women parliamentarians' legislative leadership is the development of a Bill to combat gender-based violence (GBV), introduced in Parliament in August 2006. The GBV Bill is a landmark piece of legislation: it defines rape in Rwandan law for the first time, and it is the only piece of legislation introduced by parliamentarians rather than the Executive since the 2003 election. The process employed by the FFRP to draft and introduce the Bill was highly participatory. It involved extensive public consultation and collaboration with civil society over nearly two years.

Importantly, the FFRP also sought to collaborate with men in the development, and especially the introduction, of the GBV Bill. The primary method the FFRP used to enlist men's support was inviting the involvement of male colleagues at every stage of the policy-making process, and asking key male allies to play leadership roles. When the Bill was introduced in August 2006, it had four female and four male co-sponsors. The Bill passed the lower house in 2007 and finally became law in 2008.



Importantly, the principle underpinning the use of temporary special measures is that, once women are given the chance to prove themselves, the electorate will appreciate the contribution that women MPs can make and start voting for them in openly contested seats too. With comparatively few models of female leadership to consider, it is possible that voters simply “go with what they know” or vote as their chiefs, village or family dictate and thereby elect male politicians. The power of ‘incumbency’ is also well documented. Pacific women know that they are just as qualified as men, but feel that women’s qualifications are often downgraded or under-estimated in a male-dominated political system and culture.

In the Pacific, many people have argued that temporary special measures are needed to kickstart the election of women, and create some momentum around the issue. For many women in the region, the opportunity presented by special measures such as reserved seats for women-only candidates would be particularly welcome because they will be able to campaign in a less stressful environment. Women have reported that they are sometimes harassed and can also be simply ignored – but with reserved seats, they may be able to evolve their own form of less aggressive political campaigning and without the need for enormous financial resources.

As the numbers of women legislators grow, nationally and regionally, it is hoped that support for women candidates will also grow. With more women in Pacific legislatures, the lone voices of current female legislators will be supplemented and amplified. As women gain more experience in working within legislatures, voters will also have more opportunity to see that women have the skills to represent them. This is what happened in Rwanda for example, where the 30% quota for women actually resulted in 56% women being elected to the national legislature in 2008 because men and women now vote for women in openly contested seats too.

## HOW CAN TEMPORARY SPECIAL MEASURES BE IMPLEMENTED?

It is acknowledged that, even once there is a commitment to use temporary special measures to promote women in the legislature, it may take some years for a country to achieve the proposed minimum target of 30% women in the legislature, depending on the nature of the special measure adopted, the timing of the electoral cycle and the progress that is made in encouraging voters to choose women in open seats. The date set for achieving minimum women's representation targets should be realistic and achievable.

It is vital to adopt an implementation strategy that is focused on achieving the target by the date specified. The implementation strategy should include regular reviews to assess progress and make changes if required. In the Pacific, given its peak political mandate of the Pacific Islands Forum, consideration could be given to requiring countries to report progress in meeting such targets to the annual Forum Leaders' meeting (through the Pacific Plan Action Committee).

Key stakeholders who must be targeted in any implementation plan are members of parliament and political parties or groupings (if applicable), particularly those that make up the government of the day, because changes will likely be required to the national constitution and/or laws of the country or to the rules of political parties. Strategies need to be formulated to generate the political will on the part of these stakeholders to implement some kind of temporary special measures. Once political leaders are convinced that the goal of gender equality in the legislature is one worth striving for, then the task of selecting the most appropriate option may be achieved quite quickly. The role of public servants who provide advice to government and those civil society organisations with the power to influence government will be critical.

### Box 10: Global experience implementing gender quotas <sup>25</sup>

Case studies undertaken by International IDEA on the implementation of gender quotas in specific countries suggest that the following conditions are needed for successful implementation of temporary special measures:

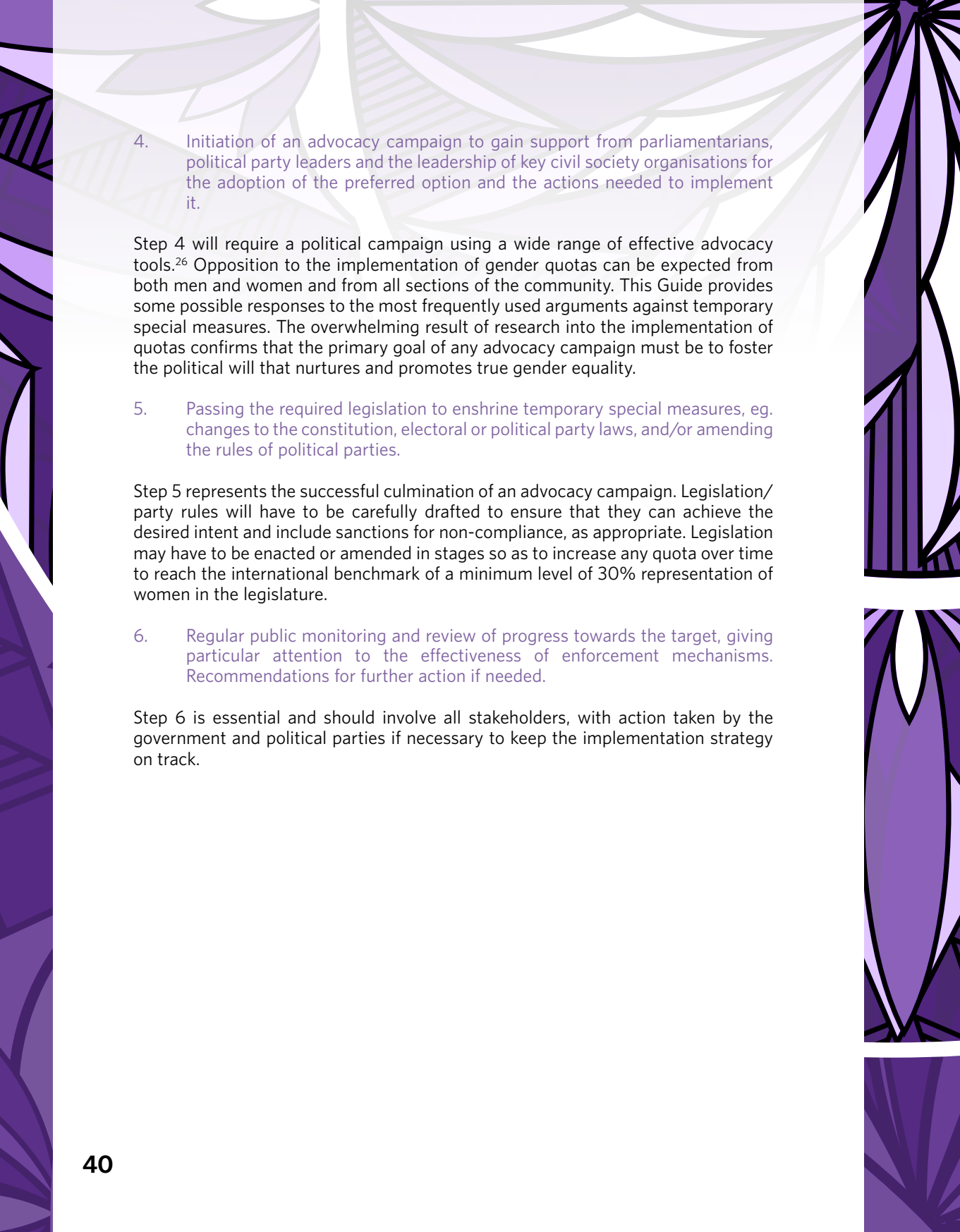
- ✿ A strong united women's movement to drive the advocacy campaign. Men will rarely readily make space for women and surrender the power and privilege that comes with public office;
- ✿ Political will on the part of governments to act to increase gender balance in the legislature;
- ✿ Male champions who can be active in lobbying for the support of male MP's and party leaders;
- ✿ Women from all political parties working together to achieve the goals of the campaign and co-ordinating their efforts with those of women in civil society;
- ✿ A public education/consultation program to help gain wider public support and contribute to advocacy campaigns;
- ✿ Support from international donors. While external support can be valuable though, it must be provided with great sensitivity, so as to avoid accusations of interference in the internal governance of the country.

Experience from around the world confirms that the implementation of temporary special measures to increase parliamentary representation can be difficult, particularly in those countries with established systems of government as compared to those emerging from conflict when new systems of government can be designed. The specific electoral, political and cultural context of a country will play a key role in determining the best means of implementing special measures.

#### Steps in the implementation of temporary special measures include:

1. Identification of the possible options for the implementation of temporary special measures.
2. Selection of the option(s) most appropriate for the country.
3. Determination of the best means for practical implementation of the preferred option (eg. amendments to the constitution, legislation and/or relevant party rules).

This Guide is designed specifically to assist stakeholders undertake Steps 1-3.

- 
4. Initiation of an advocacy campaign to gain support from parliamentarians, political party leaders and the leadership of key civil society organisations for the adoption of the preferred option and the actions needed to implement it.

Step 4 will require a political campaign using a wide range of effective advocacy tools.<sup>26</sup> Opposition to the implementation of gender quotas can be expected from both men and women and from all sections of the community. This Guide provides some possible responses to the most frequently used arguments against temporary special measures. The overwhelming result of research into the implementation of quotas confirms that the primary goal of any advocacy campaign must be to foster the political will that nurtures and promotes true gender equality.

5. Passing the required legislation to enshrine temporary special measures, eg. changes to the constitution, electoral or political party laws, and/or amending the rules of political parties.

Step 5 represents the successful culmination of an advocacy campaign. Legislation/ party rules will have to be carefully drafted to ensure that they can achieve the desired intent and include sanctions for non-compliance, as appropriate. Legislation may have to be enacted or amended in stages so as to increase any quota over time to reach the international benchmark of a minimum level of 30% representation of women in the legislature.

6. Regular public monitoring and review of progress towards the target, giving particular attention to the effectiveness of enforcement mechanisms. Recommendations for further action if needed.

Step 6 is essential and should involve all stakeholders, with action taken by the government and political parties if necessary to keep the implementation strategy on track.

# WHAT KIND OF TEMPORARY SPECIAL MEASURES COULD BE USED IN THE PACIFIC?

**T**hroughout the Pacific, it is necessary for countries to engage in national dialogue about what approach is most appropriate for promoting more gender balance in their legislature. If governments, parliamentarians and the public decide to support some form of temporary special measure, it will still be necessary to decide on exactly what type of measure will work, taking into account local variables. Experience has shown that there are two key considerations that must be taken into account when designing an effective temporary special measure such as gender quotas:

✿ **The type of electoral system:** The Pacific region has a wide range of electoral systems reflecting in part its diverse American, British and French colonial history. Annex 1 discusses the electoral systems that are present in the Pacific in detail. Electoral systems that reduce the one-on-one contest between male and female candidates are likely to improve the chances of women getting elected. For this reason, all proportional electoral systems and the majority/plurality system of Block Voting with multi-member constituencies are generally more favourable for women. The First-Past-the-Post and Alternative Vote systems which are used most commonly in the Pacific are generally least favourable to women. It is essential to match up the right quota system with the right electoral system or the use of quotas will not deliver more women into the legislature.

✿ **The nature of the political party system:** The characteristics of political parties, particularly their strength and stability, have a major impact on the effectiveness of certain temporary special measures such as voluntary party quotas. Political parties do not feature in the electoral landscape of all Pacific countries. Where they do exist, they do not always function in the same way as established political parties in other democratic countries, such as those in Australia, New Zealand and the United States. Political parties in several Pacific countries are organised around personalities rather than ideological differences and most have only a small number of women members. In some countries, members frequently change parties and/or governing coalitions are very fluid, creating unpredictable outcomes in parliament and government.



Table 3: Women in Forum Islands Country Legislatures as of December 2008				
Country	Electoral System	Size of legislature	Number of women	% women
Niue	First Past the Post & Block vote	20	4	20.0
Fiji	Alternative vote	103*	13	12.6
Cook Islands	First Past the Post	24	3	12.5
Palau	First Past the Post	29#	2	6.9
Samoa	First Past the Post & Block vote	49	3	6.1
Kiribati	Two Round System	42	2	4.8
Vanuatu	Single Non Transferable Vote	52	2	3.8
Marshall Islands	First Past the Post & Block vote	33	1	3.0
Tonga	First Past the Post & Block vote	35	1&	2.9
PNG	Alternative vote	109	1	0.9
Solomon Islands	First Past the Post	50	0	0.0
Nauru	Modified Borda Count	18	0	0.0
Tuvalu	First Past the Post & Block vote	15	0	0.0
Federated States of Micronesia	First Past the Post	14	0	0.0
<b>Average</b>		<b>766</b>	<b>32</b>	<b>4.2%</b>

\* This number refers to both Houses of Parliament (71 elected member House of Representatives and 32 appointed member Senate), prior to the suspension of Parliament following the December 2006 coup.


& The one woman in the Tongan legislature was appointed by the King.

# These numbers refer to both elected Chambers (16 member House of Delegates and 13 member Senate)

Part 2 of this Guide identifies some specific options for temporary special measures which could be considered by each Pacific Forum Islands member country. It is important to note that none of the options listed are being advocated by the authors of this Guide. The options discussed are those which are technically feasible and are considered most able to increase the number of women in the legislature, taking into account the electoral system in use or proposed for each country.

Most of the options described in Part 2 involve the creation of some form of reserved seats for women because reserved seats can be accommodated by all electoral systems in the Pacific and do not depend on political parties. Variations on reserved seat quotas which are discussed in Part 2 include the following basic options:

- ✿ Adding a set number of new women-only reserved seats;
- ✿ Converting a set number of existing seats to women-only seats;
- ✿ Creating new multi-member constituencies incorporating reserved seats for women.



For those Pacific Islands Forum member countries with a history of active political parties, the option of party quotas is also included for consideration. In the case of Fiji, the introduction of a proportional representation electoral system with party list quotas is also discussed. In practice, more than one option can be adopted or variations devised to suit local circumstances.

The options proposed for consideration by each country are, wherever possible, designed to result in a minimum of 30% women in national legislatures. This level is generally accepted as the “critical mass” of women needed to make a difference and enhance democracy. In some cases it may require the adoption of more than one kind of special measure to reach this figure and it is likely to take a number of years to reach that target.

If additional seats are reserved for women, it is important that women do not confine themselves to contesting just those seats or it will limit the proportion of seats they can win and make the removal of temporary special measures more difficult in the future. Additionally, if it is recognised that reserved seats are a temporary measure designed to give women a “springboard” into parliamentary life, then it is also important that women who are elected to reserved seats develop strategies for moving from a reserved seat to an open seat over time.

Whilst this Guide is intended to inform the debate about temporary special measures, the decision regarding the selection and implementation of any particular measure is of course the prerogative of each country.



# Cook Islands

## General information

- **Population:** 16,500
- **Total number of legislators:** 24
- **Number of women:** 3
- **Percentage of women:** 12.5%
- **Term Length:** 4 years
- **Electoral System:** First-Past-The-Post
- **Date of Next National Election:** 2010
- **Number of Constituencies:** 24
- **Number of Seats per Constituency:** 1
- **Number of political parties that contested the last election:** 3
- **Special Provisions:** None

**T**he electoral system is a simple first-past-the-post ballot with single member constituencies. While there are officially four political parties in Cook Islands, the dominance of the Democratic Party and Cook Islands Party suggests that the country is developing a two-party system. The temporary special measures that could be adopted in the Cook Islands include the creation of seats reserved for women and use of political party quotas.

Although there is not currently a Government agenda for major political or electoral reform in Cook Islands, 2008 marked the ten-year anniversary of the production of the Commission of Political Review Report which proposed a reduction in the number of seats in the Parliament to 17 seats and the establishment of a nationwide constituency to elect the Prime Minister, among other ideas.<sup>27</sup> Although these reforms were never implemented, they may offer a platform on which to ground reforms to promote more women in the legislature.

## RESERVED SEAT QUOTAS



### Add a set number of new women-only reserved seats

Consideration could be given to creating a set number of additional seats in Parliament reserved for women. These seats would be in addition to the existing 24 seats in Parliament as shown below

Number of additional seats	Size of parliament	Minimum % women in parliament
2	26	7.7
4	28	14.3
6	30	20.0
8	32	25.0

Specific electorates would need to be drawn up for the new reserved seats. Constituencies could be based on specific geographic areas, such as the northern and southern island groups, or could represent the whole of the Cook Islands “at large”. For example, if 8 additional seats were to be created, then 4 women could be elected from northern island group and 4 from the southern island group and this would provide for a minimum of 25% women in Parliament.

#### *Advantages*



Relatively quick and easy to implement following amendment to electoral legislation or the Constitution.



Guarantees a minimum number of women in Parliament, once the number of seats is agreed upon.



Does not require existing MPs to give up their seats as the same number of open seats will be retained.

#### *Disadvantages*



Financial cost of additional MPs could be high, depending on the number of additional seats created, as funding would be needed to cover the cost of the elections for the new seats, as well as ongoing salaries and allowances for the new women MPs.



An increase in the number of seats in the Parliament may lead to the view that the Cook Islands would be over-governed, with 24 MPs already currently representing a population of 16,500 people (1 MP per 688 people).



## Convert a set number of existing seats to women-only reserved seats

If it is not acceptable to increase the existing number of seats in Parliament, consideration could be given to creating a set number of women-only seats and reducing the current number of open seats accordingly. This option would require electoral boundary changes. For example, if 6 seats were reserved for women, providing a minimum of 25% of women in Parliament, then boundaries would need to be redrawn to create 18 single-member constituencies for the remaining 18 open seats. Constituencies for the reserved seats for women would also need to be drawn up. As discussed above, they could be based on specific geographic areas, such as the northern and southern island groups, or could represent the whole of the Cook Islands “at large”.

Number of seats reserved for women	Size of parliament	Minimum % women in parliament
2	24	8.3
4	24	16.7
6	24	25.0
8	24	33.3

### Advantages



Guarantees a minimum number of women in Parliament, once the number of seats is agreed.



No additional financial cost as the number of MP's remains the same.

### Disadvantages



Redrawing electoral boundaries could be time-consuming and complicated.



Existing constituencies would need to be enlarged, which would have implications in terms of the close representative relationship between MPs and the communities / villages / islands that currently elect them.



There would be fewer seats available for men to contest





## Create new multi-member constituencies incorporating reserved seats for women

At present, the Cook Islands has 24 single-member constituencies. However, consideration could be given to creating larger multi-member constituencies, and then reserving a set number of seats for women, as shown below:

Options for reserved seats in multi-member constituencies		
Number of seats in the constituency	Number of seats reserved for women	Percentage of women elected
2	1	50%
3	1	30%
4	1 or 2	25% or 50%
5	2	40%
6	2 or 3	30% or 50%

Multi-member constituencies would need to be drawn up taking into account existing local views regarding how various islands and villages should be represented in Parliament. A standard constituency size could be adopted (e.g. all constituencies could have 2 members) or different sized constituencies could be drawn up with a different number of members (e.g. a big island could have 4 members while a group of a few small islands might have 2 members).

### Advantages



No additional costs of adding new MPs to Parliament as the number of MPs remain the same.



Guarantees a minimum number of women in the Parliament, once the number of seats is agreed upon.



All voters would be represented by both men and women.

### Disadvantages



The change from single member to multi-member electorates represents a significant change to current electoral laws and would take some time to implement.



Larger constituencies could reduce the existing close relationship between MPs and the communities / villages / islands that currently elect them.



There would be fewer seats available for men to contest.

### Options for filling reserved seats

There are a number of options for filling seats reserved for women that could be considered including the following:

- ✿ Direct election through a process of “double balloting”. Voters would have one ballot for electing open seats and one women-only ballot for reserved seats.
- ✿ Direct election using the “most voted” method. This method involves distribution of the reserved seats to women candidates based on the overall number or percentage of votes they received in their constituency, even if they did not win. For example, women would contest the election under existing arrangements and votes would be counted for each candidate. Then, the women with the highest number of votes – even if they did not have enough votes to win an open seat outright – would be elected to the reserved seats. If Cook Islands moved to multi-member constituencies, then under the “most voted” method, the “most voted” women would replace the “least voted” elected men to fill the reserved seats.
- ✿ Distribution to political parties in proportion to their overall share of the national vote or the number of seats won.
- ✿ Indirect election by the Parliament, House of Ariki or an elected body at the local level.
- ✿ Direct appointment by the Queen’s Representative, the Prime Minister or Parliament itself, following an open and participatory selection process.

## POLITICAL PARTY QUOTAS

The Cook Islands has two major parties, which together won over 95% of the popular vote in the 2006 elections. In those elections, the two major parties both fielded candidates in 23 of the 24 electorates.<sup>28</sup> Consideration could be given to introducing a voluntary or mandatory party quota, requiring parties to nominate a minimum percentage of women candidates for election. To successfully implement a quota of this kind, the major parties would have to nominate and support an agreed percentage of women candidates in winnable seats. In addition, there would need to be an enforcement mechanism to ensure that the political parties complied with the quota.

Until there is a demonstrated advantage to nominating women for election it is likely that mandatory party quotas will be more effective because parties may be reluctant to adopt a quota voluntarily if they feel it may negatively impact on their electoral chances. However, it does still remain practically possible for Cook Islands' political parties to voluntarily agree between themselves that they would all implement a gender quota so as to retain a level playing field.

#### *Advantages*

- ✿ If voluntary, a party quota does not require a lengthy process of legislative change.
- ✿ No additional seats would need to be created, so no additional costs would be incurred.
- ✿ No changes to electoral boundaries or the electoral system are required.

#### *Disadvantages*

- ✿ There is no guarantee that the women nominated by parties will get elected if the community is reluctant to vote for women, if winnable seats for women cannot be readily identified or if political parties do not provide adequate campaign resources for women candidates.
- ✿ Parties need to be well organised, stable and disciplined to implement party quotas successfully.
- ✿ It can take a number of electoral cycles to implement the quota if male MPs or candidates are not willing to create opportunities for women to be nominated.