

Balancing the Power

PROMOTING WOMEN'S POLITICAL
PARTICIPATION IN FIJI THROUGH
TEMPORARY SPECIAL MEASURES



Produced by the Fiji Women's Rights Movement in
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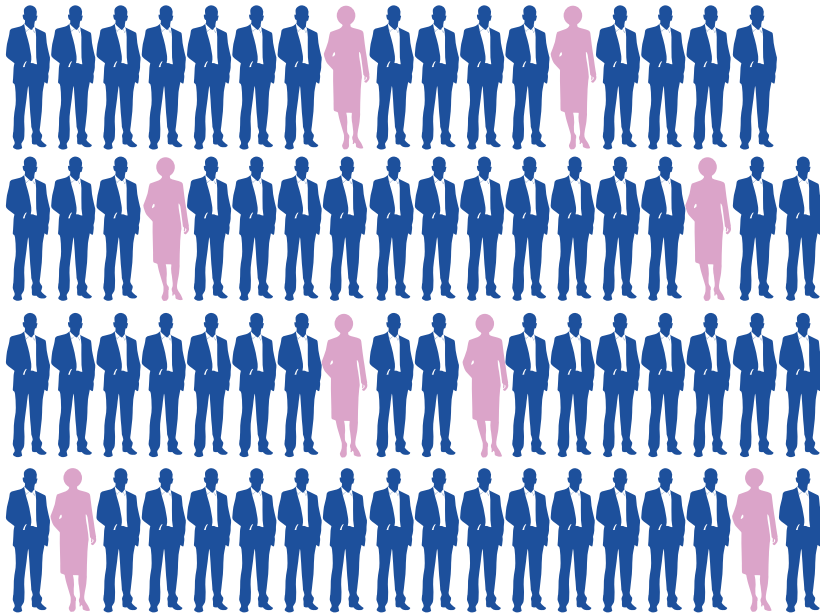
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In 2006 Fiji's Parliament was made up of 71 elected House of Representatives, of this total there were 8 women.

Introduction

Women make up 50% of the world's population; however still continue to face the challenge of being under-represented in the political arena. In 2006 Fiji's Parliament was made up of 71 elected House of Representatives and 32 members appointed by Senate, of this total there were 8 women elected to the House of Representatives and 5 women appointed to Senate. Women made up 18.31% of Fiji's Parliament in 2006¹.

The Fiji Women's Forum (FWF) in its inaugural meeting in April 2012 identified four key priority areas that are of concern for women. One of these key priority areas was *the promotion of women's participation in decision making and democratization processes*. The FWF agreed that the current democratization process needed to integrate the need for representation of women at all levels. In addition, any new or reformed Constitution must integrate temporary special measures to promote 50% women's political participation at national and local government levels². Further the FWF also recognized the need to include women in decision making roles within the communities as well.

1 Clark.L and Rodrigues. C, 2008, "Utilizing Temporary Special Measures to Promote Gender Balance in the Pacific Legislatures: A Guide to Options", *Reserved Seat Quotas*, pg 22.

2 Fiji Consultation on Women's Participation in National Democratic Processes – Women's Forum Outcomes Statement, 10th -12th April, 2012.

This paper will examine temporary special measures and the different options that can be used to ensure women's political participation. In addition it will also highlight best practices in countries that have successfully adopted these different options.

There are two main types of temporary special measures which have been utilized in many countries to promote women's political participation: (1) reserved seat quotas; and (2) political party or candidate quotas³.

What are Temporary Special Measures (TSM)

Article 4 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) that was ratified by Fiji in 1995 specifically recognizes that temporary special measures may need to be implemented in the short-term to advance women's equality. The term "temporary special measures" (TSM) is used to describe affirmative action policies and strategies to promote equality and empower women⁴.

The Pacific Platform for Action for the Advancement of Women & Gender Equality, which was endorsed in 1994, identified as a specific objective the need to "promote and encourage the full participation of women in family, political life and decision making". A target for achievement of this goal was "30% women in decision making levels of government". Ten years later, the Revised Pacific Platform for Action 2005 – 2015 also included a recommendation that Government "create an environment conducive for women to stand for election" and take affirmative action in policies and practices that enhance gender parity in political representation"⁵.

In recent statements made by the State, there appears to be a reluctance to introduce any form of temporary special measures, due to Fiji's past experiences of using reserved seats to promote communal interests. However, throughout the world, temporary special measures have been very effectively used to promote women's political participation. Out of the top 28 countries in the world that have more than 30% women in their national parliament, 24 of them have used some form of TSM. One key issue to note however, is that temporary special measures are indeed supposed to be "temporary". The idea is that women will receive initial support to enter into political life, but once women have gained sufficient experience, recognition and opportunity to engage on an equal footing with men, this temporary support will be removed.

3 Rodrigues. C, "Overview : Temporary Special Measures to Promote Women in Parliament", What are Temporary Special Measures.

4 Rodrigues. C, "Overview : Temporary Special Measures to Promote Women in Parliament", What are Temporary Special Measures.

5 Clark.L and Rodrigues. C, 2008, "Utilizing Temporary Special Measures to Promote Gender Balance in the Pacific Legislatures: A Guide to Options", Box 1 : Pacific Regional Commitments To Temporary Special Measures, pg 14.

Bougainville experience with reserved seats for women

In Bougainville, following the end of the twenty year conflict, a new constitution and electoral system was devised for the newly autonomous region. After much consideration it was decided that three seats in the new legislature would be reserved for women (with three also 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. Notably, out of the three women, it is also required that at least one be chosen as a member of Cabinet.

Bougainville's Constitution was endorsed in 2004 and will last until 2014. At that time, the region will pass a referendum to decide on their own independence, and will accordingly, also review their constitution more broadly. At this point, the people will also have an opportunity to determine whether they want to continue to have reserved seats for women in their Parliament.

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

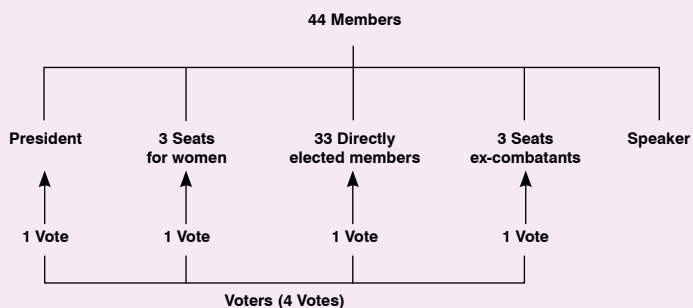


Diagram by Jon Fraenkel, powerpoint presentation "The Impact of Electoral Systems on Women's Representation in Pacific Parliaments". Pacific Islands Forum Secretariat Workshop on Women's Representation

Source: Clark, L. and Rodrigues, C., "Utilising Temporary Special Measures to Promote Gender Balance in Pacific Legislatures: A Guide to Options", Box 5 Special Measures Already Boosting Numbers in Bougainville, pg 24.

VOTE



Options for Fiji to Promote Women's Political Participation

Fiji has many strong, articulate and politically active women. However, even up to 2006, women's representation had been lagging, with only 8 women elected in a House of Representatives of 71 MPs. It is clear from our history that cultural, social, economic and political factors have often stood in the way of women's political empowerment. Democracy is founded on the principles of equality, including equality between men and women, and of representation of the people by the people. Since men and women each represent approximately 50% of the population, it follows that a functioning representative democracy would more or less reflect these proportions⁶. With this in mind, women in Fiji are calling for the introduction of temporary special measures to promote women's participation in future Parliaments of Fiji.

Current discussions underway in the country have focused on two possible forms of electoral system for Fiji. Depending on which electoral system is used, the options for promoting women's political participation will be different. As such, alternate recommendations are set out on the next page for consideration.

⁶ Clark L. and Rodrigues, C., "Utilizing Temporary Special Measures to Promote Gender Balance in the Pacific Legislatures: A Guide to Options", Options for filling reserved seats, pg 15.

Alternative Vote (preferential voting system)

Fiji has long operated under a single-member constituency system. Initially, the electoral system was first-past-the-post, but more recently an Alternative Vote system was introduced. In both cases however, one member was elected per constituency. Such members could either represent political parties or be independents. In the event that Fiji retains the Alternative Vote system, there are two main options under this system that may assist in ensuring women's political participation:

- (a) Reserved seats for women – This approach would require a certain number or percentage of seats within the legislature to be set aside for women. (Note: consideration could also be given to reserving seats for young people and people with disabilities.)
 - Separate constituencies could be delineated which would be used to elect a certain number of women MPs. For example, in PNG consideration was recently given to reserving 22 seats for women – 1 per province plus 1 for the capital city. Using such a system, voters would get two ballots – one to vote for an open seat and one to vote for women candidates in a reserved seat. This is also the method used to elect the 3 women and ex-combatants in reserved seats in Bougainville.⁷
 - Alternatively, a system can be introduced whereby women and men still run in the same seats, but a percentage of seats are reserved for women. If not enough women are elected into open seats, the women with the highest percentage of votes would then be elected, until the minimum percentage threshold is reached.⁸ Samoa

Article 4 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) that was ratified by Fiji in 1995 specifically recognizes that temporary special measures may need to be implemented in the short-term to advance women's equality

⁷ <http://www.pacwip.org/resources/wip-legislation/>

⁸ Clark.L and Rodrigues. C, "Utilizing Temporary Special Measures to Promote Gender Balance in the Pacific Legislatures: A Guide to Options", Options for filling reserved seats, pg 75

⁹ <http://www.pacwip.org/resources/wip-legislation/>



currently has a Bill tabled in Parliament using this method to reserve 10% of seats in their Parliament for women.⁹

Notably, even where a specific number of seats are reserved for women, a long-term strategy would ensure that continuous civic education was undertaken with voters, to promote their awareness of the value of women's political participation. Female candidates should also be supported to run as candidates in both open and reserved seats, to ensure that in the long-term, women are eventually elected in relatively equal numbers into reserved seats.

- (b) Compulsory party quota – This approach would mean that no seats would be set aside for women only, but that political parties would be required by law (through the constitution or through ordinary legislation) to nominate a minimum percentage of female candidates (eg. 50% as advocated by the Fiji Women's Forum). This would mean that voters would still have complete freedom at the polls to choose a man or a woman, but political parties would be required to tangibly uphold CEDAW and the non-discrimination clauses of the Constitution by nominating equal numbers of women and men.

⁹ <http://www.pacwip.org/resources/wip-legislation/>

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Voluntary Party Quotas in Action in Australia

Unusually, in Australia, a quota has been adopted voluntarily by the Australian Labour Party (ALP) – rather than compulsorily through legislation. Although other parties did not support a quota, the ALP went ahead and implemented equality measures on its own. 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.

The quota, adopted in 1994, was a turning point for the representation of women in parliament and followed an intensive campaign for affirmative action by Labour women. In the national and all State parliaments, the ALP now has more than 30% women MPs. Rule Ten of the ALP National Constitution sets out the current Affirmative Action policy and rules of the party. All State and territory branches of the ALP have amended their own rules to comply with the current affirmative action rule in the National Constitution. This is a voluntary quota, but in Fiji consideration could be given to introducing such a quota for ALL parties through legislation.

Source : Rodrigues, C., "Overview : Temporary Special Measures to Promote Women in Parliament", Voluntary party quotas in action in Australia; Dr Clark, L., 2012, Temporary Special Measures : A proven Tool for Increasing Political Participation for Women, PacificPlus Consulting, Presentation at the Fiji Women's Forum, Suva, Fiji.

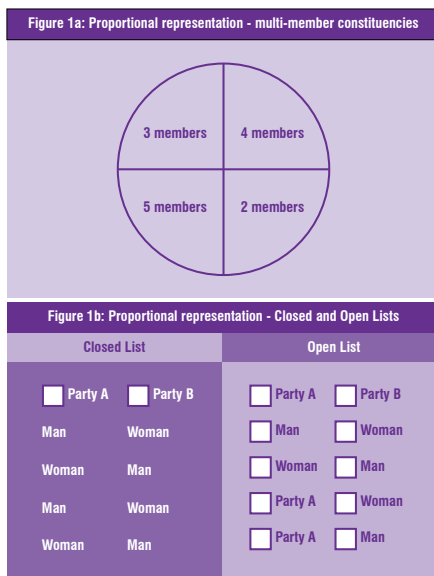


Proportional Representation

It has been suggested that a new electoral system using proportional representation may be used in future. Notably, proportional representation systems are usually used in countries which have strong political parties. They are seen to be useful in protecting/promoting minority rights and views because they do not favour a “winner-takes-all” approach, but rather, reward groups which get a sizeable but not a majority share of votes. In this context, proportional representation systems are generally considered to be more favourable to women. Nonetheless, at least in the short-term, if such a system is introduced into Fiji, consideration should be given to introducing temporary special measures to promote women’s election.

In a proportional representation system, more than one member is elected from each constituency (see Figure 1a). 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.



Source: Clark, L. and Rodrigues, C., “Utilising Temporary Special Measures to Promote Gender Balance in Pacific Legislatures: A Guide to Options”, Figure 2a : Proportional representation – multi-member constituencies, pg 29.

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. Notably, party lists can be “open” or “closed” (see Figure 1b), and this can make a difference to how successful the party quota is in getting women elected:

- a) Closed List – political parties develop a party list of candidates for each constituency, but voters only choose between parties. Candidates are then elected in the order that they appeared on the party list. 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.
- b) Open List – voters can choose individual candidates from the list provided by each party. Individual candidates are elected according to the popular vote. This approach does not guarantee that the women candidates from the political parties will necessarily be chosen because voters still have the option of listing women candidates last.



It is clear from our history that cultural, social, economic and political factors have often stood in the way of women's political empowerment

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. However, as the case of Wallis and Futuna shows, such quotas work best when there are a relatively small number of robust political parties. This would make them quite applicable in the Fijian context.

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

Use of French Parity Law in Pacific French Territories

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, in 2009 women held 30 out of 57 seats in French Polynesia (53%) and 23 out of 54 seats in New Caledonia (43%).

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.

Source : Clark.L and Rodrigues. C, 2008, "Utilizing Temporary Special Measures to Promote Gender Balance in the Pacific Legislatures: A Guide to Options", Reserved Seat Quotas, pg 30; Secretariat of the Pacific Community, Human Development Programme, 2010, Beijing +15 : Review of progress in implementing the Beijing Platform for Action in Pacific Island countries and territories.

ANNEX: ARGUMENTS FOR AND AGAINST TEMPORARY SPECIAL MEASURES FOR WOMEN

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.

Source: Clark, L. and Rodrigues, C., “Utilising Temporary Special Measures to Promote Gender Balance in Pacific Legislatures: A Guide to Options”, Why Should Temporary Special Measures be Implemented, pg 33-35



