

GENDER IMPACT OF ELECTORAL SYSTEMS IN SADC MEMBER STATES



1.1 INTRODUCTION

The *SADC Gender and Development Monitor 2022* unpacks the diversity of provisions to support gender balance in electoral processes including constitutional, legislated or voluntary quota systems to facilitate the representation by women and men in politics and decision-making structures. While the Southern African Development Community (SADC) has made steady progress towards this goal, women are still not well-represented in politics and decisions-making positions in most SADC Member States.

This Policy Brief considers the types of existing electoral systems in SADC Member States and how such electoral systems facilitate gender equality commitments in the SADC Protocol on Gender and Development as amended in 2016, which is aligned with continental and global agreements such as the Sustainable Development Goals (SDGs) and the African Union's Agenda 2063.

Article 12 and Article 13 of the revised SADC Protocol on Gender and Development, on Representation and on Participation respectively, mandate state parties to “ensure equal and effective representation of women in decision-making positions in the political, public and private sectors including through the use of special measures as provided for in Article 5”, Article 5 states that: “State Parties shall put in place **special measures** with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation.”

Article 12 also states that,

“State Parties shall ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision-making positions, democracy, good governance and citizen participation.”

SADC Member States hence committed to place gender equality and women's empowerment on the top agenda. Article 13 states that,

“1. State Parties shall adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in all electoral processes including the administration of elections and voting. 2. State Parties shall ensure the equal participation of women and men in decision-making by putting in place policies, strategies and programmes.”

SADC Member States have these legally binding obligations to domesticate and transform these commitments into legislation and policies, and to facilitate implementation that supports the achievement of the requisite goals.

1.2 ELECTORAL SYSTEMS AND WOMEN'S REPRESENTATION IN SADC

Electoral systems in SADC Member States are guided by provisions in the national constitutions, legislature and other policies. However, provisions in the constitutions and manifestos of political parties operating in the Member States can significantly influence the levels of representation by women. Such provisions can include political party quotas which can increase levels of representation.

The choice of an electoral system for the national assembly and local elections has a major bearing on the level of representation of women in governance and political decision-making.

The electoral systems used in SADC Member States include First Past The Post (FPTP), Proportional Representation (PR) with open or closed lists, and Mixed systems that combine aspects of PR and FPTP. Some Member States have adopted special measures such as constitutional quotas that are enshrined in the national constitution, legislated quota systems that are found in the electoral laws of a country, or voluntary quotas that are included in political party manifestos or constitutions.

In summary, the three types of quota systems used in SADC region are:

- Reserved seats (constitutional and/or legislative),
- Legal candidate quotas (constitutional and/or legislative),
- Political party quotas (voluntary).

FIRST PAST THE POST – FPTP

The FPTP electoral system is the most common in the SADC region, used by half of the Member States (50 percent): Botswana, Comoros, Democratic Republic of Congo, Eswatini, Madagascar, Malawi, Mauritius and Zambia. In the FPTP electoral system, citizens cast their vote for a candidate who represents a geographically defined constituency and the candidate with the highest number of votes wins. This may include special seats for women who are appointed or elected by the National Assembly using the FPTP system.

As shown in Table 1.1, half of the SADC Member States use the FPTP electoral system and have a lower representation by women in the National Assembly. Malawi ranks 8th with 22.9 percent; Mauritius is 10th with 20 percent; Madagascar is 11th with 18.5 percent; Comoros is 12th with 16.7 percent; Zambia has 15 percent and ranks 13th; and DRC is 14th with 12.8 percent.

Eswatini at 12.2 percent and Botswana at 11.1 percent, are shown at the bottom of the SADC countries in 15th and 16th place respectively, reflect-

ing the lowest representation by women in the National Assembly. These two countries are among the lowest rankings in Africa at positions 45 and 47. Both countries use the constituency system of FPTP, and both have a special measure in place to add a few guaranteed seats for women.

All of the Member States using the FPTP electoral system have a representation by women that is below 25 percent, just half of the gender parity target of equal representation.

PROPORTIONAL REPRESENTATION – PR

The other main electoral system used in the SADC region is Proportional Representation (PR), often called the List System. This system is used in 25 percent of the Member States: Angola, Mozambique, Namibia and South Africa. In the PR system, citizens cast their vote for a political party rather than a specific candidate. The political parties receive seats proportional to the number of votes won in the voting processes. In an open PR system the voters decide where a candidate appears on the list; and in a closed PR system, the political party decides. The closed list is more accommodating of women since it can be prescribed that equal numbers of women and men candidates appear on the list. The list thus adopts what is called a “zebra” approach, alternating the candidates between a woman and a man.

SADC Member States using the PR electoral system combined with quotas have a higher representation of women in the National Assembly, as shown in Table 1.1. South Africa is leading the SADC rankings at 46.7 percent, followed by Namibia with 44.2 percent and Mozambique at 42.4 percent. In the PR system combined with quotas, political parties are mandated to include women on their party lists, usually in a “zebra” style alternating with men.

In South Africa, Namibia and Mozambique, some political parties have adopted a voluntary quota to increase the number of women candidates. Angola, which uses the PR system without quotas ranks slightly lower, at 6th position among SADC Member States, with 29.6 percent representation by women, although this increased in the national elections held in August 2022.

Depicted data suggest that a combination of the PR system with quotas is a more beneficial approach to achieve gender equality and women's representation in decision-making positions. It can therefore be argued that the PR electoral system generally guarantees higher representation by women in parliament as seen by the results of SADC Member States, followed by Mixed systems using special measures. The FPTP system produces the least desirable results.

MIXED SYSTEM

The mixed electoral system combines aspects of the FPTP and PR electoral systems. In the SADC region, four Member States (25 percent) have adopted this system: Lesotho, Seychelles, Tanzania and Zimbabwe. A combination of the FPTP and PR electoral systems has the capacity to significantly increase the representation of women in positions of power and decision-making. However, these combinations should be crafted in such a manner so as to ensure progressive gains for women's representation in politics and decision-making to reach parity.

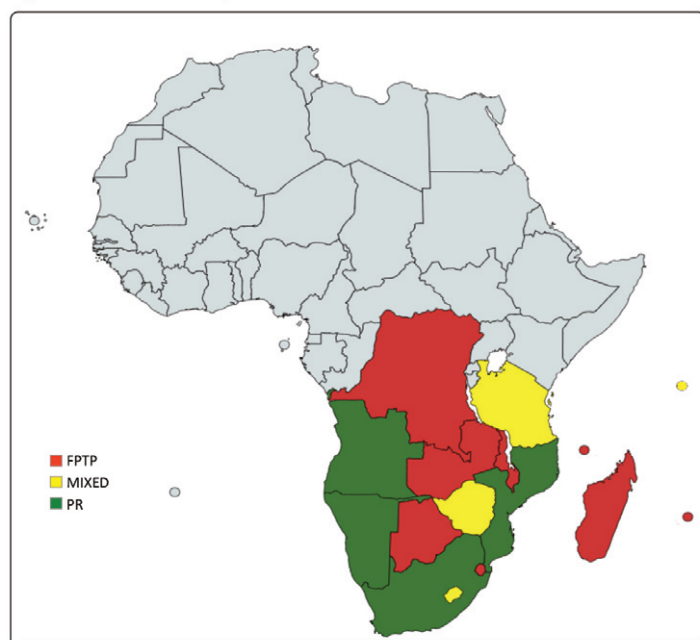
Further, the data show that Member States using the Mixed electoral system achieve results that are lower than the PR system with quotas, but higher than FPTP. Tanzania has 36.9 percent representation by women in the National Assembly and is ranked 4th in the SADC region, followed by Zimbabwe with 30.6 percent and ranked 5th in the SADC region. The other two Member States using a Mixed system are Lesotho with 24.4 percent, ranked 7th in SADC, and Seychelles which ranks 9th with 22.86 percent. Therefore, the seven member states that top the SADC Table with the highest proportion of women in the National Assembly use either a Proportional Representation electoral system or a Mixed system that combines PR and FPTP (Table 1.1).

TEMPORARY SPECIAL MEASURES

State Parties in the SADC region have also adopted Temporary Special Measures in conjunction with the electoral systems to increase and ensure the representation by women in politics and decision-making. These measures are intended to rectify historical imbalances inherited from pre-independence electoral systems, but have become more or less permanent methods of increasing the representation by women. For example, Tanzania and Zimbabwe have constitutional quotas for women. Mozambique, Namibia and South Africa have voluntary party quotas to support the PR system in its delivery of representation by women. Lesotho has a mixed member proportional system in which voters cast a ballot for the party and for a candidate of their choice. Eswatini has a special system whereby the House of Assembly becomes an electoral college and elects four women into the Assembly at its first sitting.

Table 1.1 shows the representation of women in the National Assemblies of SADC Member States relative to the electoral system used.

Figure 1.1 Electoral systems used in SADC Member States



Source: Data provided by SADC Member States as shown in Table 1.1

Electoral Systems and Women Representation in National Assemblies of SADC Member States in 2021

Table 1.1

Member State	Electoral System for National Assembly	Representation of Women in National Assembly %	Ranking in SADC	Ranking in Africa
South Africa	Proportional Representation	46.7	1	2
Namibia	Proportional Representation	44.2	2	3
Mozambique	Proportional Representation	42.4	3	5
Tanzania	Mixed	36.9	4	9
Zimbabwe	Mixed	30.6	5	14
Angola	Proportional Representation	29.6	6	15
Lesotho	Mixed	24.4	7	22
Malawi	First Past the Post	22.9	8	26
Seychelles	Mixed	22.86	9	27
Mauritius	First Past the Post	20.0	10	31
Madagascar	First Past the Post	18.5	11	34
Comoros	First Past the Post	16.7	12	35
Zambia	First Past the Post	15	13	38
DRC	First Past the Post	12.8	14	43
Eswatini	First Past the Post	12.2	15	45
Botswana	First Past the Post	11.1	16	47

Source: SADC Member States National Progress Reports on implementation of the SADC Gender and Development Protocol; with Africa rankings from the Inter Parliamentary Union (IPU) which also uses official data submitted by Parliaments, March 2022. The Union of Comoros data from IPU.

RE IMPLEMENTATION OF THE SADC PROTOCOL ON GENDER AND DEVELOPMENT

SADC Member States are urged to adopt special measures and to accelerate the implementation of commitments in Article 5, 12, 13 of the SADC Protocol on Gender and Development which they are parties to, as follows.

Constitutional Rights**Article 5 SPECIAL MEASURES**

SADC Member States are party to the SADC Protocol on Gender and Development, and should adhere to obligations contained therein by putting in place "special measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation."

Governance**Article 12 REPRESENTATION**

1. State Parties shall "ensure equal and effective representation of women in decision-making positions -- in the political, public and private sectors -- including the use of special measures as provided for in Article 5."
2. "State Parties shall ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision-making positions, democracy, good governance and citizen participation."

Article 13 PARTICIPATION

State Parties shall:

1. "adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in all electoral processes including the administration of elections and voting."
2. put in place policies, strategies and programmes to ensure the equal participation of women and men in decision making by,
 - o Building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
 - o Providing support structures for women in decision-making positions;
 - o The establishment and strengthening of structures to enhance gender mainstreaming; and
 - o Changing discriminatory attitudes and norms of decision-making structures and procedures.
3. ensure the inclusion of men in all gender-related activities, including gender training and community mobilisation.

In the context of the above Articles of the SADC Protocol on Gender and Development, the Recommendations of the *SADC Gender and Development Monitor 2022* as approved by SADC Ministers responsible for Gender and Women Affairs, urge SADC Member States to:

1. Accelerate the Implementation of existing legal commitments at national and regional levels to achieve gender equality and women's empowerment, and ensure that regional and national protocols, policies and agreements in this regard are advanced from laws or stated intentions to actual application.
2. Review the Electoral Systems used by SADC Member States to consider whether the electoral system used at national level is achieving the results required by the SADC Protocol on Gender and Development and determine what special measures are needed to achieve the required results; as the national progress reports submitted by Member States show that the Proportional Representation (PR) system with legal quotas or using the "zebra" party lists of alternating men and women candidates is more effective in this regard than the single-constituency system of First Past The Post (FPTP), and that a Mixed system that combines PR and FPTP in various ways is also effective, although the weaknesses of the FPTP system remain in the Mixed system.
3. Engage the SADC Electoral Advisory Council (SEAC) which provides an advisory role on issues pertaining to elections and governance in the SADC region, and the Electoral Commissions Forum of SADC Countries (ECF-SADC) to help to ensure that electoral systems and governance reflect the specific concerns, values, experiences and needs of women and youth as well as men; and draft indicators in this regard for use by the SADC Electoral Observation Missions (SEOM) in their work.

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