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Background Paper

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This paper is designed to sketch a general overview of existing knowledge and practice on enhancing women's participation in electoral processes, and to identify the major questions which need to be addressed in the specific post-conflict context. It seeks to range widely in raising issues which may affect the participation and representation of women in post-conflict electoral processes, some of which are well known, others less so. It does not seek to examine most of these issues in detail: that is the task of the country expert and thematic expert presentations which follow it.

Knowledge from stable and developing democracies

While a short summary of the general wisdom that has been gathered will inevitably be oversimplified, there are major themes which are worth restating. The first is that there are a series of barriers to women's participation in the political process, any one of which can act to depress the level of representation. There are psychological barriers in society and there may be physical barriers in society. There are gatekeepers in the political system at the point of wanting to express political ambition by becoming active, at the point of getting selected as a candidate, and at the point of getting elected.

The second is the importance of inequality of resources. There are few societies where access to funding and probably also availability of time are not deterrents to women's participation.

The third is the importance of the development and enforcement of clear rules – the participation of women is supported by effective rule based systems as against patronage based systems.

The fourth is that the electoral and political systems matter. List based proportional representation is considerably more favourable to the election of women than are majoritarian systems, although the effect is less evident in less developed countries. Unsurprisingly, mixed member proportional systems fall between the two. Many forms of quota have been developed, both within electoral provisions themselves and internally within parties: their effectiveness has been generally positive but very varied.

The fifth is that discrimination by proxy can be just as powerful as direct discrimination. It may sound superficially reasonable to impose

educational qualifications on candidature, but they are likely to disqualify many more women than men.

The sixth is that increasing women's representation takes not only commitment but time. The levels of women's representation in the Nordic countries were not achieved overnight, but step by step over 20 or more years.

Finally, there have been many attempts to define 'international standards' of acceptability on a whole range of electoral issues, ranging from legislation to electoral procedures to voter education to criteria for election observation. Such standards would address the issue of women's participation. No attempt has yet resulted in universally accepted agreement. However, this failure masks a great deal of common ground. It is broadly possible to identify whether or not the object in front of us is an elephant without a precise and detailed definition of what an elephant is!

It is tempting to carry this general wisdom over into post-conflict situations wholesale. Given that the time available for detailed thought and analysis on the ground in a post-conflict mission is minimal, this has indeed been the sensible way to proceed in recent years. Most of the knowledge will carry over directly. But there may be exceptions, and there are certainly additional factors that are relevant. This workshop is an opportunity to test some of the general propositions in more depth.

The post-conflict political reality

Post-conflict transitions involving the international community are not quiet corners in which local political actors committed to democracy and external electoral expertise and support can seek solutions together. They are high-profile interventions in which not all the local players may even be committed to ending the conflict at all, and in which there are strong, differing and often controversial external agendas in play. The political reality is that a transitional election represents a major investment of resources by the international community and is extremely unlikely to be rejected as unsuccessful short of complete breakdown or chaos.

Those with limited commitment to democracy therefore have a negotiating card: do it our way – or at least in a way we can live with – or we will restart the conflict. Is there ever an occasion when the international community will say no in the end? Will the wider

unacceptability of some claimed norm of a society ever be a credible threat, especially when it is described in terms of 'traditional cultural values'? It is surely unrealistic to envisage the rejection of an election because the evaluation on even core issues of democracy building turns out to be nearer to the black end of grey than the democracy community would normally accept. (If the consequences of this appear unacceptable, that would be an argument against the intervention as a whole.) When the choice has to be made, the reality is more likely to be that 'peace' may come first. Not only the question of women's representation but much of what is commonly sought in building better democracy and governance is subject to this constraint, and the task is therefore to maximise what can be achieved within it.

What is achievable will vary enormously depending on the situation on the ground. The recent experience of Rwanda may give ground for hope that significant achievement is possible where women are already playing a strong role in post-conflict society. On the contrary, this did not apply to any great extent after the first Palestinian intifada. At the other end of this scale, the starting point of Afghanistan is hardly encouraging. In all cases, however, questions of durability and sovereignty point up the crucial importance of local ownership. Progress can be made, but progress that is widely seen as imposed is likely to be rejected and undone.

Given that women's participation is a long term process, the scope of what can be achieved will also be limited by the 'one-off' and essentially short-term way in which a post-conflict intervention is seen by the international community. The desire is for the initial major commitment of resources to be perceived to 'deal with the problem' with disengagement to follow. Longer term democracy assistance may enable subsequent improvement, but it will inevitably be at a much lower level.

Financial constraints

The practicalities of operating a post-conflict mission may cause real financial constraints in spending on support of women's participation. There is the ideal mission, and there is the reality that funding and deployment of international resources may arrive late or be insufficient. The challenge is how to ensure that women's participation is seen as a core activity of the post-conflict mission, and not merely as a desirable soft option to be cut when 'hard choices' have to be made.

Security issues

Where the role of the military and police is high profile, where there is no shortage either of recent combatants or of weapons and where there may still be groups committed to violent means, the security climate is likely to impede the participation of women. This can take the form both of direct security implications and psychological barriers particular to post-conflict situations.

The constitutional/political/electoral framework

In practice, the political framework of a post-conflict transition will be the result of a negotiation. Who should the negotiators and drafters be? How do constitutional and legislative negotiators emerge in a post-conflict society and are there ways to ensure that women are included?

Once the negotiations start, the international community may seek to make progress towards 'international norms of democracy and governance' – in addition to women's participation and to 'free and fair' electoral processes, other examples may include action on transparency or against corruption. It may suggest that it will be unable to accept or support the positions of significant local players. The question is how long and how credibly this position can be maintained against firm if sometimes covert opposition. International pressure for progress and results, and the continuation of donor support for what will progressively become 'yesterday's story', will almost certainly mean that time will be on the side of the conservatives. As post-conflict societies change, a race against time may develop: those trying to change and democratise society need time to promote and gain acceptance for new ideas in society and to pressurise their own leaders, but this may not fit alongside the timeframe of the international community. How much can be achieved will depend on the pressure (international and frequently also domestic) for the international community to get the job done and ticked off, and go home.

In the development of women's participation, there is perhaps a further trade-off. The more time that is spent on negotiation of the new institutions, the more time there is for an increased role for women in the electoral process to be socialised and accepted. However, once agreement on a framework is reached, the pressure will be for elections and new institutions to be in place as fast as

possible. Women may have to be exceptionally aware and well organised to take advantage of what is agreed.

At the same time, the establishment of a full set of new laws may provide a rare opportunity of a clean sheet in which radical changes can be incorporated, which may include provisions relating to women's participation and representation – or enable initiatives like the parallel women-only elections of Rwanda. There is increasing realisation that the electoral framework is not self-standing, but intimately connected with the constitutional settlement and the political laws. This is not just in the sense of 'shall we guarantee electoral quotas in the constitution?': it relates to the wider way in which the institutions of the state will exercise power and relate to each other. There are many areas which are not yet researched, but it is clear that women's participation and representation issues are not only questions for electoral engineers and election specialists, but for the negotiators and drafters of the wider framework of instruments.

As agreement is reached, the drafters of the constitutional provisions may face an interesting dilemma. Is it sensible to entrench initial provisions encouraging participation even if they are suboptimal in an attempt to discourage their future reverse, or is such entrenchment a potential hurdle which will prove difficult to remove in the future to allow further progress?

The importance of local government

Experience in some recent post-conflict transitions has led to debate on the sequencing of elections in post-conflict transitions. Is it better to have local elections first? It is frequently an easier step for women to seek to get into local government and to be successful in doing so. But debate and provisions on women's representation issues all too often relate entirely to the national level – look for example at the new Afghanistan constitution. In seeking long term change, drafters may need to make a specific effort to put the role of women at the local level on the agenda.

Party leaders, party groups in elected bodies, and elected members

The overall political framework will inevitably create a dynamic for the functioning of elected party groups, either by provision or omission. The relationship of the party leadership, the leadership of the elected party group in the legislature, and the ordinary members of the

elected party is critical. The requirement for group coherence is evident in parliamentary systems, although maybe less obvious in presidential systems where the government does not depend on legislative confidence. It is evident that when there is little or no control of group members, atomisation of the legislature may follow, which can lead to a problem for stability in general. But the quest for stability may lead towards excessively tight control of the group by the party, often reinforcing tendencies by central party leaderships to retain and strengthen their power and control. If for example strong recall provisions are included in the legislation, elected women will find it difficult to be effective, being expected to shut up and follow the leadership's instructions. This is not only inimical to ensuring that women are heard: it is suggested that at least in presidential systems, excessively tight control by parties over their elected members may also threaten system stability.

Elections, electoral systems and political party systems

Although many elements of the climate may be difficult, there is one way in which a first transitional election can present a particular opportunity. The amount of space for change and the level of flux in society will be linked to how political movements emerge from the conflict, how they transform into political parties, and how other parties form. But even the established leaders of the movements from the conflict will not be ensconced as sitting elected members within the institutions. The problems of replacing elected incumbents will not be present.

It is known that the electoral system matters. Will elections be based on voting for parties or on voting for candidates? Will independents be allowed in a fundamentally party based system?

List PR has been shown to encourage gender representation, although this may be less true in less developed nations because there are less women around who can seize the opportunities for 'balanced tickets'. Legislation or regulations are likely to be more effective if not only the balance of the list, but the balance of position on the list is included, with zipping or zebra systems as the strongest option. The choice of open or closed list is interesting. With open list, voters may promote or demote women candidates – and may in traditional societies may be more inclined to do the latter. With closed list, the decision lies with the parties, whose actions can be regulated with more certainty. Other arguments are of course also relevant, ranging from the greater simplicity of party-based closed list to the voter choice and what may

at least be perceived as the greater accountability inherent in open list.

Even when the basic form of the electoral system is chosen, experience, most recently in Indonesia, shows that options with a wide range of likely outcomes remain. The key issue is the interaction between the district magnitude and the party system – as illustrated by the question: if you get elected, how many party colleagues will you have from your electoral district? If the district magnitude is too small, the likely answer for all but the strongest parties is none, and the 'balanced ticket' principle will have little effect. Only a provision that requires balancing of 'top of list' positions across electoral districts is likely to be effective.

If however the district magnitude is too big, there is the possibility of many small parties winning one seat each – unless an overt threshold for representation exists in addition - and thus a limitation on gender balance of lists translating into women actually elected. Unless women have emerged as party leaders, this may not bode well for the level of women's representation. Alternatively, the legal criterion for the establishment of a political party may demand a high level of organisation, and the number of parties thus restricted. There are often however many groups who want to form parties in the early stages of transitions, and there is a strong argument for a low qualification for party registration in order to be inclusive.

Quotas may be adopted within the electoral system, using the nomination requirements, or within political parties themselves. Indonesia's recent variant encouraging a voluntary quota in nominations is now being tested in practice: will the debate over levels of compliance lead to a contagion effect or to higher acceptance of women candidates in the future because of the volume of discussion? Reserved seats are another approach, which may guarantee numbers but may not be very effective in giving status to the reserved seat members.

Political Parties as institutions

The drafters and negotiators of the political framework will determine, by provision or by omission, the degree to which political parties will be regulated. Much attention focuses on the importance of nominations and (s)election procedures for candidates. In contrast, little is said about nomination and (s)election procedures for internal party leaderships and committees. These procedures play a major role

in the development of the internal ethos of parties: their results can play a major role in developing the political skills and influence of women. Where the ethos of the party is intimidating and uncomfortable, the prospects of developing women's participation are diminished. In the longer term, it may be possible to look to the contagion effect by which some parties adopt and develop a positive internal ethos, and others respond to the political pressure to follow. In the short term of a post-conflict transition, the opportunity may be present to set a positive direction – perhaps requiring internal quotas in party legislation and regulations.

Candidate recruitment, training and funding

The processes adopted for candidate recruitment within parties will affect the party's success in choosing women candidates (and may also reflect the party's desire to do so). Especially when parties argue that they do not possess enough qualified women, there is a role for initiative from outside the parties: civil society organisations, for example, can identify and promote women who are interested in becoming elected representatives. In what may be an intimidating environment, women candidates and potential candidates may create networks of mutual support and training through the development of cross-party caucuses, which may take the further step of undertaking women-only training on a cross-party basis.

A post-conflict mission may also consider the extent to which external actors can be directly involved in encouraging the recruitment and training of women candidates. Internal party procedures and training may be emerging in a hierarchical rather than empowering form. Can a mission undertake alternative activities itself? Can it support other organisations in developing such alternatives?

The international community will almost inevitably contribute a high proportion of the funding to the electoral process. Should funding for political parties be used to encourage, or even enforce, forms of women's participation within parties? Another possibility: should funding be available to support the campaigns of women candidates?

Election administration and regulation

The importance of gender as a factor in election administration recruitment, from commissioners to polling station officials, is increasingly recognised. At the simplest level, a polling station

commission with gender balance can inspire trust and confidence in women voters.

Electoral registration may easily become a source of inequality. Literacy requirements for registration and lack of attention to registration procedures promoting registration by the illiterate both have the potential to disadvantage women. The registration of displaced people, both refugees and internally displaced persons, will almost always be critical in post-conflict situations. There may be questions of evidence of identity, evidence of residence or evidence of qualification to vote, any of which may discriminate if women are less likely to possess the necessary documentation.

Access to polling will be an issue, ranging from the maximum distance an elector needs to travel to vote (a potential source of discrimination where there is unequal access to transport) to special arrangements for pregnant women to polling arrangements for refugees and IDPs. Literacy issues arise again in polling procedures. There may be issues of ballot secrecy in practice, and questions of violence and intimidation in the electoral process. In traditional societies, the questions of family voting and of husbands, elders or chiefs telling women how to vote often arise.

Throughout the electoral process, voter education is critical. There is now considerable experience in targeting voter education to encourage women's participation. It is important to ensure both that voter education is developed to match local conditions and that 'best practice' is available as a resource.

Complaints and appeals procedures

Little attention has yet been given to gender aspects of electoral dispute resolution. The procedure may involve, for example, an administrative body, a regular judicial court, a special tribunal or a conciliation mechanism. Especially if these bodies are being established anew, how are appointments to be made? Is there any consideration of how both the procedures of lodging a claim and the procedures of a hearing once a claim is lodged may be more onerous or threatening to women or may be perceived as such?

Election Observation

The role of election observation is perhaps more limited in post-conflict electoral processes than in other emerging democracies – the role of

the international community in organising and supporting the election itself easily leads to a conflict of interest through international observers 'observing themselves'. Nonetheless, international observation missions may be an important part of the electoral process and there are a number of issues to consider.

Recent discussion of possible agreed international observation guidelines showed that while there is general agreement that gender balance is important in an observation team, not all organisations are required to ensure an equitable balance. There are indeed occasions when it is claimed that requiring balance may effectively make impossible the creation of an experienced, qualified team with the necessary regional knowledge, or that security reasons should preclude the participation of women in some observation missions. There is clearly work still to be done. In addition, domestic observer organisations may seek gender balance – and in a traditional society a women-only domestic observer organisation may provide support and confidence for participation.

The evaluation of gender issues is not yet consistently seen as a mainstream observation task. On the positive side, for example, a gender checklist for free and fair elections has been developed by EISA in South Africa. In a less positive light, observation reporting is distinctly patchy. The EU is a leading source of major observation missions and can be used as an example. On the one hand, the final report of the 2003 Cambodia mission covers a number of gender issues, including candidates and election administration members in depth. In contrast, the preliminary report on the 2003 Mozambique local elections is completely silent on gender questions, as is the preliminary report on the 2003 Rwanda elections – despite the 48% of women elected!

Elections and the media

The limited access of women to election media, both in terms of access and of confinement to 'soft' issues, has been identified as an issue but has as yet been the subject of little work. A media monitoring exercise needs to be conducted where election media monitoring is already taking place, adding the dimension of gender considerations looking at political participation, coverage of women candidates and coverage of women's issues. This would seek to build long term understanding of gender issues in election media and to explore causalities linking media coverage of women candidates and women's participation in the electoral process.

The job to be done…

This overview suggests that action is needed on two fronts. There are many areas in which not enough is yet known and more thought and research is needed – which will be identified in more depth by the case studies and the thematic analyses. But a considerable volume of wisdom already exists, and the task in many areas is understanding, dissemination and implementation!

This means in practice the review and updating of our source manuals and materials – including party development and candidate training programmes, training for election administrators, voter education, and others. Also, how do we train, brief and extend awareness not only among local actors in post-conflict transitions, but even throughout our own post-conflict mission teams on the ground?

A final reflection

Thinking back over the preparations for the first post-conflict elections in Bosnia and Herzegovina as recently as 1996, few of the issues outlined in this paper were even on the radar screen for debate. A great deal has therefore been achieved in the intervening period. This should be considered as a source of momentum for defending hard won gains and making further progress and absolutely not as a cause for complacency!