



## Chapter Eight

# African Union and the Development of a Continental Gender Quota in Africa

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### Introduction

Scholars have debated the long-standing aim of gender quotas across the world, which is to ensure the inclusion of women in political positions at all levels (Olaitan & Isike, 2024; Dahlerup, 2005; Krook, 2006). These debates have often referred to quotas as an important mechanism towards ensuring women's participation in different spheres and achieving gender equality at large. It is interesting to note that the weaponisation of quotas as a mechanism for correcting the gender imbalance that exists within the decision-making sphere is a consequence of the 1995 Beijing Platform for Action Women conference. This conference not only motivated the need for women to be involved in the public decision-making sphere, but it also tied the achievement of gender equality to the active participation of women in the political space (UN, 1995). This monumental event sparked a change in the discourse on gender equality and women's political representation across the globe. Therefore, enjoining countries to embrace the recommendations and discussions that erupted during this conference, particularly the inclusion of women in all decision-making spheres. This has manifested in more than 40 countries adopting one form of gender quota to ensure that women are rightfully included in the political system as active participants. This action has



yielded tremendous progress for the visibility of women in the political space, spurring scholars to argue that gender quotas are a fast-track mechanism to achieving gender representation in politics (Dahlerup, 2006).

While we can argue that the adoption of gender quotas is a global phenomenon, it is overreaching to assert that all African states have one form of gender quotas to actively ensure the inclusion of women (Olaitan, 2024). Out of the 54 countries in Africa, more than 40 have some form of gender quota, either legislative, voluntary, or reserved, which is encouraging. However, this does not translate to a high number of women in politics, as the continental average for women's political representation is still at 26%, which is below the 30% benchmark of women needed to be in the political space across the continent (Olaitan, 2024). Countries like Rwanda, South Africa, Ethiopia, Senegal, Tanzania, and Uganda have implemented gender quotas to facilitate the presence of women using active corrective instruments like quotas; other countries like Nigeria see no need to commit to this task. The above-mentioned countries that have adopted one form of quota have more than 30% of women in politics, which is more than the global benchmark, with Rwanda being the highest in the world, at 63%. This proves that gender quotas are an effective instrument for ensuring the participation of women in the political system; thus, there is a need to encourage other African countries to adopt them. From the highest, which is Rwanda at 63%, to the lowest, which is Nigeria at 4%, there is a disparity surrounding women's political participation in Africa requiring effort towards uniformity.

However, the responsibility of ensuring such uniformity primarily lies with the African Union (AU), which is the highest intergovernmental body for African countries on the continent. The African Union, in a bid to ensure increased women's political representation, adopted several regional instruments, the most notable of which are the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (AU, 2003) and the African Union's Solemn Declaration on Gender Equality in Africa (2004) (AU, 2005). These two

instruments spell out the motivation for empowering women on the continent while suggesting corresponding recommendations to protect the rights of women. Nevertheless, to actively ensure that women across the continent are politically represented via active participation, the AU needs to take more active steps to ensure that all countries have some form of gender quotas. It is not enough for countries to verbally pledge or sign documents to ratify protocols; practical policies need to be put in place to actualise the continental representation of African women in the political space.

Therefore, this chapter engages the possibility of the African Union spearheading the development of a continental gender quota to address the under-representation of women in politics as well as to ensure their increased participation in the political system. To achieve this, the chapter employs a qualitative methodology and a thematic analytical framework as its methodology. Themes were generated from a review of literature that has been written on gender quotas and women's representation in Africa. Based on the themes generated, the chapter makes its analysis on why the AU needs to take a frontline position in advocating for and implementing a continental gender quota. It provides context on the under-representation of women in politics in Africa; it examines the efforts of international and regional bodies to address this problem. It discusses the possibility of gender quotas being the needed instrument to help to ensure the presence of women and lastly thematically argues for the AU to consider a continental quota for women in political positions.

### **Women's Political Participation in Africa: Challenges and Issues.**

In recent years, women's participation in politics and decision-making in Africa has received significant attention. However, several factors continue to limit their political participation despite evidence of why it is crucial to have them participate in political decision-making. These factors impede the efforts of African countries to achieve women's equal and effective

participation in political decision-making. Gender stereotypes, religious factors, and patriarchal socio-cultural norms that hinder women's empowerment remain prevalent (Olaitan, 2023a; Olaitan & Isike, 2019). Fundamental to the constraints that women face is an entrenched patriarchal system in which public decision-making powers are often seen to be the preserve of men. Sadie (2005) argues that "traditional beliefs and cultural attitudes, especially as regards women's roles and status in society, remain strong, particularly in rural areas" (cited in Mlambo & Kapingura, 2019:5). Roles and the division of labour in most African societies are still clearly gendered. These social norms make it more difficult for women to leave their traditional domestic roles for public roles outside of the home.

Women's gender identity is still predominantly conceived of as domestic and continues to hinder women's entry into formal politics (Kangas et al., 2015). Such a society, it is argued, is patriarchal because it accords men the dominant role and decision-maker status in the private and the public spheres (Olaitan 2023a; Olaitan 2020), while restricting women to the private space of home-keeping and limiting them to reproductive services in the public sphere (Gender Links, 2005). Going by this, it is not simply the case that women lack the will and attributes to participate in decision-making, but they are systematically discriminated against by entrenched patriarchal norms that limit their capabilities (Mlambo & Kapingura, 2019). When it comes to the political space, politics is often considered a male domain; very few women run for office because they feel that they will not have the support of their family or community. Even when women find the space to be outspoken or become community leaders, they are labelled as "troublemakers" in society because the right to speak or act is for men (Community of Democracies, 2017). The patriarchal constraints that these women face exist side-by-side with the democratic dispensation in most African countries, thereby proving that a society can be democratic while being completely patriarchal.

Another issue is the culture of political parties and the lack of dedicated political will, mainly from male-dominated leadership, in promoting women's political engagement work

(Community of Democracies, 2017). In support of this male political gatekeeping is a hostile media that places women on an unreasonably high standard compared to their male counterparts (International IDEA, 2021). In addition, the lack of adequate funding is a huge obstacle to women's political engagement, particularly in Africa. Female politicians spend less than their male counterparts on election campaigns because of a lack of adequate funding (International IDEA, 2024). In a continent where more than one in four persons remain undernourished and poor, with women being the first victims of this persistent poverty, it becomes natural for them to prioritise economic survival over political engagement. For instance, in Ghana, the two major parties, the NDC and the NPP, had to halve the filing fees for women candidates so that they could afford the forms, in recognition of the fact that women are often poorer (Madsen, 2019). However, the funds for campaigning are often exorbitant, and women are less likely to be able to generate the huge funds needed for campaigning. Madsen (2019) notes that women who have access to such funding tend to finance their campaigns through fundraising in their private and professional networks; private savings; and loans and gifts, which often come with the expectation of favours in return. Other issues that affect women's political participation are the political machinery responsible for promoting and enforcing gender equality in most African countries is weak, often because of low human resource capacity coupled with the absence of a legal framework with strong oversight. There has been limited signing, ratification, implementation, and enforcement of treaties and protocols on gender equality and women's empowerment in some African countries (Community of Democracies, 2017).

The 2005 election of Ellen Johnson-Sirleaf as president of Liberia was an important milestone in women's political participation in Africa (United Nations Economic Commission for Africa 2007, 4). This has led to the election of other women heads of state in recent times; for example, Samia Suluhu Hassan of Tanzania in 2021 and Netumbo Nandi-Ndaitwah of Namibia in 2024. The participation of women on the continent has to some extent enjoyed a boost, with countries like South

Africa, Ethiopia, and Rwanda raising the continental average. While certain countries have increased women's political participation, in other African countries, women hold less than 20% of political positions. For instance, Nigeria, Guinea-Bissau, and the Gambia have less than 10% of women in their lower legislative house. In fact, amongst women ministers, the most common portfolios are family, children, youth, elderly, handicapped, social affairs, women's affairs, gender equality, and education (Olaitan, 2023b; UNECA, 2007:5). This proves that women are given tokenistic positions and are still not accorded a place of prominence in politics and governance, particularly in Africa.

International IDEA (2024) reported that the average percentage of women's political participation in national parliaments increased from 25% in 2021 to 26% in 2024. This average is further disaggregated into women in the lower house at 26% and women in the upper house at 21%, meaning that women constitute about a quarter of the 13,057 parliamentarians in Africa. While local government is often hailed as a training ground for women in politics, women constitute a mere 25% of councillors (International IDEA, 2024:6). Women, particularly young women and women from marginalised groups, report that they have difficulty engaging in or influencing the policy process in their countries. They face a variety of barriers to their participation in politics and decision-making discriminatory political structures, as well as social, economic, and cultural barriers (International IDEA, 2024).

In the face of the various obstacles that bedevil the participation of women in politics, it is important to reiterate the importance of women's political participation to achieving gender equality. The Fourth World Conference on Women in Beijing in 1995 emphasised that:

“Women's equal participation in decision-making is not only a demand for justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the perspective of women

at all levels of decision-making, the goals of equality, development, and peace cannot be achieved.” (UN, 1995:1)

To actualise this, the Platform for Action defined two strategic objectives, which are “ensure women’s equal access to and full participation in all power structures and decision-making; and increase women’s capacity to participate in decision-making and leadership” (Ibid).

### **Previous Efforts Aimed at Increasing Women’s Political Participation in Africa.**

Over the past two decades, significant commitments to women’s participation in decision-making have been made at the international level, notable of which is the 1995 Platform for Action. The Beijing Platform for Action (UN, 1995) called on governments to take measures to ensure women’s equal access to, and full participation in, power structures and decision-making (UN, 1995). There is also the outcome document of the twenty-third special session of the General Assembly in 2000, which reiterated the need to increase the representation of women (UN, 2000). Article 7 of the CEDAW (UN, 1979) specifically addresses the elimination of gender discrimination in political and public life, stating: “States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; To participate in non-governmental organisations and associations concerned with the public and political life of the country” (UN, 1979, 1).

Subsequently, in 1997 the CEDAW Committee issued General Recommendation 23 to elaborate on Article 7, making a stronger case for measures such as gender quotas to achieve equality of participation. The recommendation states that the “formal removal of barriers and the introduction of temporary

special measures to encourage the equal participation of men and women in the public life of their societies are essential prerequisites to true equality in political life” (UN, 1997:1). This recommendation enjoins the active cooperation of states, political parties, and relevant stakeholders in ensuring women’s full and effective participation.

In Africa, several frameworks related to women’s political participation in Africa have been adopted, which are as follows: Article 4 (1) of the Constitutive Act of the African Union, the Dakar Platform for Action (AU, 1994); the African Plan of Action to facilitate the Implementation of the Dakar and Beijing Platforms for Action for the Advancement of Women (UN, 1995); the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (AU, 2003); and the African Union’s Solemn Declaration on Gender Equality in Africa (AU, 2004). Moreover, the AU as an organisation has made progress in terms of women’s representation in its commissions; for example, as of 2007, women occupied 50% of the leadership of the African Union’s Commission (UNECA, 2007). The African Union held a conference in 2007 to discuss popularising and implementing its 2004 Solemn Declaration on Gender Equality in Africa, thereby reiterating its commitment to gender parity. The African Union Women, Gender Development Directorate (WGDD) is responsible for the actualisation of gender equality goals on the continent while holding member states accountable for their gender mainstreaming efforts. Sub-regional institutions, such as the East African Legislative Assembly, have internal regulations that mandate women’s participation (UNECA, 2007:3). The governments of the Southern African Development Community (SADC) committed to ensuring that women occupy at least 30% of the positions in political and decision-making structures. There are also women’s networks associated with a variety of sub-regions that push for women’s political participation.

Of these efforts, the 2003 Protocol to the African Charter on Human and Peoples’ Rights, often referred to as the Maputo Protocol (AU, 2003), appears to be Africa’s most progressive legal instrument, providing a comprehensive set of human

rights for African women. Owiso and Sefah (2017:2) assert that “Article 9 of the Protocol on the Rights of Women obliges African states to take specific positive action to ensure participation by women in governance and political life.” The article provides that “States parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation, and other measures to ensure that: (a) women participate without any discrimination in all elections; (b) women are represented equally at all levels with men in all electoral processes; (c) women are equal partners with men at all levels of development and implementation of state policies and development programmes. States parties shall ensure increased and effective representation and participation of women at all levels of decision-making.” (AU, 2003, Article 9). The Protocol is the authoritative instrument on women’s right to political participation in Africa, such that Thabane and Buthelezi (2009) call it the most progressive and defiant women’s rights instrument. Also, the African Democracy Charter sought to adapt the broad provisions of the African Women’s Rights Protocol on women’s participation by including amongst its objectives and principles “the promotion of citizen’s participation in public affairs, the promotion of representative government systems, and the promotion of gender equality and balance in governance and development processes” (AU, 2012: Article 8). To achieve the above objectives, the African Democracy Charter mandatorily obligates states to “take concrete steps such as eliminating gender-based discrimination; adopting legislative and administrative measures to guarantee the rights of women (including the right to participation); creating conditions to ensure full and active participation of women in decision-making at all levels; and taking all possible measures to encourage women to participate fully and actively in the electoral process and to ensure gender parity in representation at all levels, particularly in Parliament” (AU, 2012:Article 29).

Despite these legal frameworks, UN Women confirms that “around the world as well as in Africa, women’s leadership

and political participation are restricted. Women are under-represented as voters, as well as in leading positions, whether in elected office, the civil service, the private sector, or academia” (UN Women, 2022:1). They further argue that this under-representation occurs despite their proven abilities as leaders and agents of change and their right to participate equally in democratic governance. And because of these various issues, women remain seriously underrepresented in decision-making positions across the continent. Eliane Hervo-Akendengué, Public Information Officer of the United Nations Operations in Côte d’Ivoire (UNOCI), cautioned that “the election of Madame Ellen Johnson Sirleaf as President of Liberia and the dedication of President Kagame of Rwanda to women’s decision-making can give the impression that mentalities have changed on the continent; however, much remains to be achieved (UNECA, 2007). This confirms the point that having frameworks and policies in place is not in itself enough to facilitate women’s political participation. While the majority of African countries are party to several international treaties and charters on gender equality and promoting women’s rights, these agreements and obligations are often not adopted or ratified, and for those that have, implementation is often slow or absent altogether.

### **Gender Quotas and Women’s Political Participation in Africa**

Gender quotas have been adjudged to be the single most effective policy tool to ensure increased participation of women in politics. Krook (2006) argues that quotas have become popular because of their status as a viable solution to the under-representation of women in electoral politics. This is in the face of numerous countries having reformed their constitutions or passed new electoral laws to ensure that women comprise certain percentages of aspirants, candidates, or legislative seats, while in many other countries, political parties have adopted quotas on their own (Dahlerup, 2006). Krook confirms that “political parties in more than 90 countries today have imposed some form of gender quota for elections to the national parliament, either as a part of their party statutes or in response

to changes in the constitution or the electoral law” (2006:113). Dahlerup and Freidenvall (2005:408) contend that “this rapid adoption and diffusion of gender quotas has been labelled the fast-track to equal representation.” This widespread adoption of quotas “raises both normative and empirical questions, ranging from whether gender quotas are appropriate to why countries adopt them and how effective they have been across the world” (Schwindt-Bayer, 2007:289). Mansbridge (2005:622) asserts that the most practical and effective way to increase women’s political participation is through gender quotas. Pande and Ford (2011:11) note that quotas can foster more equitable women’s political representation when the working of the political system limits the possibility of women occupying political positions because “they can bypass discrimination by directly mandating that certain positions be reserved for women.” Mansbridge (2005) argues that significant representation by gender cannot be achieved in any existing polity without some form of quota. Therefore, quotas play a crucial democratic role in increasing gender equality. To support this, Dahlerup asserts that gender quotas represent a redistribution of power and the recognition of women’s under-representation as a democratic problem (Dahlerup, 2008:323).

In 1990, the UN Economic and Social Council set a 30% benchmark for women’s representation in the decision-making sphere in response to an active civil society movement and increasing awareness of women’s rights (Pande & Ford, 2011:6). By 1995, the Beijing Conference on Women took it further by motivating quota policies by calling for governments to “ensure equal representation of women at all decision-making levels in national and international institutions” (UN, 1995:1). Specifically, the 2021 Commission on the Status of Women (CSW) 65 agreed conclusions focus on strengthening normative, legal, and regulatory frameworks for achieving gender parity. Baldez (2006:104) states that “gender quotas come with the approval of the international community, the imprimatur of other modern democracies, such as Sweden, France, and Argentina, and the expertise of a vast network of advocates and practitioners worldwide.” She further confirms that quotas

work, and they work quickly under the right conditions. Given this global environment, political quotas began to emerge as a viable and popular policy option in countries worldwide (Baldez, 2006). Also, Dahlerup (2008) notes that the diffusion of quota laws and parties' adoption of gender quotas have pointed to the importance of pressure from above combined with pressure from below. Undoubtedly, the "international community, and especially the UN World Women's Conference in 1995, provided legitimacy for quota claims put forward by national women's organisations and groups" (ibid.:323). An examination of the top 20 countries with high women's political participation shows that most of them have some form of gender quota in place (Olaitan, 2024).

Several studies have been conducted on the effectiveness of gender quotas in enhancing increased women's political representation in Global South countries (Olaitan, 2023b). Dahlerup asserts that countries such as South Africa, Costa Rica, and Argentina challenged the previous statistics held by Scandinavian countries, with Rwanda currently having the highest share of women in parliament in the entire world (ibid.:2005:9; International IDEA, 2024). Africa has witnessed the adoption of a wide variety of quota schemes over the past decades. In South Africa, the African National Congress introduced voluntary quotas in the first post-apartheid democratic elections in 1994 and is considered the pioneer for voluntary party quotas on the continent (Dahlerup, 2005; Olaitan, 2024). Uganda took the lead in introducing reserved seats in 1986, and this experiment has since been replicated in other East African countries (Kethusegile-Juru, 2004). Interestingly, reserved quotas have been the most successful in guaranteeing an increase in women's political representation to a particular target level. However, "many countries set the target for reserved seats below the UN recommended quota level of 30%, which results in lower levels of female representation than in countries with higher targets" (Pande & Ford, 2011:13). For example, Djibouti and Niger have 10% reserved seats for women, which is below the UN-recommended 30% benchmark. Other countries such as Burundi, Uganda, and Eritrea have

set higher levels of 30% and above, “which contributed to a dramatic increase of women leaders associated with legislation of reserved seats at either the national or sub-national level.” While higher levels of representation in these countries cannot solely be attributed to gender quotas, it is, however, normal to posit that countries open to women’s political participation are likely to implement quotas (ibid:14).

One common feature of quotas in Africa is that they have been introduced in post-conflict contexts and under the influence of international donors. In these situations, quotas are used to address gender imbalances and achieve social justice and equality. They represent a critical first step in allowing women access to a platform that they had often historically been marginalised from. And as we can see, this has resulted in a steady increase in women’s political representation in Africa over the last two decades. It is interesting to note that even pseudo-democratic states have adopted some form of gender quota to accelerate women’s political participation. Notwithstanding, the increased participation of women in non-traditional roles, such as in post-genocide Rwanda, is a major factor for the introduction of gender quotas in the political system (Ballington, 2004). Although the introduction of quotas in Africa has been successful in terms of increasing women’s representation, most researchers and feminist movements have been critical in their evaluation. This is because “all too often actual political strategies are collapsed into a single demand for gender quotas” without countries putting in place practical instruments to actualise women’s political participation (Dahlerup, 2008:327).

### **Countries That Have Gender Quotas in Africa**

As of 2003, 19 African countries had adopted some form of legislative quotas for women. Countries like Angola had plans to adopt quotas, while the likes of Gambia, Kenya, and Nigeria have only engaged in debates on quotas (Ballington, 2004). Prior to the Beijing Conference of 1995, which led to widespread diffusion of gender quotas, only three African countries had adopted them. In those African countries with quotas, 17% of

legislative seats were held by women, compared with 9% of seats in countries without quotas (Kethusegile-Juru, 2004). African countries with reserved seats of over 20% or where the ruling party quotas of over 20% were able to increase women's political participation to 23%. During 2003, a number of countries with quotas had just emerged from civil wars (Eritrea, Mozambique, Rwanda, Somalia, and Uganda) or wars of liberation (Namibia and South Africa), which enabled them to draw up new constitutions and re-establish their parliaments from scratch (ibid).

Data from International IDEA (2024) shows that 41 African countries have adopted mandatory, voluntary, or reserved seat quotas to increase the presence of women in politics. Different forms of quotas were adopted. For example, some African countries have constitutionally mandated quotas (Rwanda, Tanzania), others have voluntary political party quotas (South Africa, Mozambique), and Uganda notably uses a reserved seats quota system. This shows that the use of quotas, particularly at the national level, is expanding in Africa. Many of the countries with quotas have the most active women's movements in Africa (Rwanda, Mali, Mozambique, Namibia, South Africa, Tanzania, and Uganda), while approximately one-third of the countries have relatively weak women's movements (Burkina Faso, Cameroon, Côte d'Ivoire, and Djibouti) or very low women's political participation in countries that do not have them (Nigeria). Indeed, quotas have been instrumental in mainstreaming women into politics in Africa even though the situation is not the same across the continent, as some countries do not have a quota system in place (International IDEA, 2022; Olaitan, 2024). This uneven adoption of quotas puts the continental average for women's political representation below 30%, even though countries like Rwanda and South Africa have more than 40% of women participating, hence the need for a continental gender quota.

## **Why the AU needs to spearhead the development of continental gender quotas**

To motivate the necessity for the AU to intervene in the development of the continental gender quota, this section examines factors that make it imperative for there to be practical instruments that enjoin states to provide quotas for women to be represented in political positions.

### **Variation in Electoral Systems**

A major reason for the AU to implement a continental gender quota is the variation in the electoral systems of its member states. Olaitan (2023b) notes that the success of any quota system is largely dependent on the type of electoral system that is in place. Also, the type of electoral system in many parts of the world is said to influence women's ability to gain legislative representation. Olaitan and Isike (2024) argue that it is easier for quotas to work in a proportional representation system than in a simple majority system. Electoral systems and affirmative action for women's political participation, often referred to as temporary special measures, play an important role in fostering increased women's political representation. International IDEA (2024:15) explains that women are better represented in countries with the Proportional Representation (PR) than the First Past the Post (FPTP) system or a mixture of the two systems.

It is easier for gender quotas to work in a proportional representation than in a simple majority electoral system because of the power that parties have over the composition of the electoral list. There is typically a higher proportion of women in the PR seats than in the FPTP. Quotas "are more usually used in conjunction with the PR than with the FPTP system. The PR system, sometimes referred to as the list system, is seen as strong on inclusion but weak on accountability" (Kethusegile-Juru, 2004:23). Internationally, there is overwhelming evidence to suggest that women stand a better chance of becoming elected under the PR as opposed to the constituency electoral system. The reason for this is that in the latter case, candidates

focus on the party and its policies rather than on a particular individual. This works in favour of women – at least in placing their foot in the door because of the in-built prejudices against women in politics. The chance of women becoming elected is even higher when the PR system works in concert with a quota (International IDEA, 2024). This brings to the fore a major reason why most countries practising the FPTP system have relatively fewer women in politics, caused by the difficulty of women being voted in by the electorate as solo candidates.

This is in comparison to the PR system, where the party is voted for; hence, women can benefit from such a broader process. For instance, parties in South Africa find it easy to have voluntary quotas whereby they agree on the percentage of women to be included in their nomination list. Whereas parties in Nigeria will find it difficult to achieve this because of the complexity of the FPTP system whereby the focus is more on the individuals rather than the parties. Making quotas work in the FPTP system is fraught with many challenges. This is because in the winner-takes-all system, no matter what the stipulated number of women candidates, there is no guarantee that they will win unless they are fielded in constituencies where they are likely to win, which could be misconstrued as interference with the democratic process. Similarly, if constituencies are reserved for women only, this can be deemed as unfair. In such situations, it would seem like a legislated or constitutional quota is the best way to ensure the implementation of any sort of affirmative action for women to be included in the political system (Olaitan, 2024). This difference in the electoral system makes it imperative for there to exist some form of uniformity regarding gender quotas in Africa. Not necessarily that all countries adopt, say, voluntary quotas, but that it is recommended for all countries to have one form of quota, be it constitutional or voluntary.

## **Lack of Proper Implementation of Regional Instruments on Gender**

The AU and the UN have passed numerous international and regional instruments to ensure that women are properly represented either in politics or in the peace and security sphere. However, the problem lies in the implementation of these instruments, whereby there is an imbalance in how the spirit of the instrument is actualised. For instance, the Maputo Protocol duly provides that women should be protected and treated with dignity in African society; however, restrictive cultural norms and traditions often serve as hindrances to this. A largely patriarchal society is likely not to abide by the provisions made under the Maputo Protocol that women should be seen as equal beings and not be accorded secondary status. This permeates into how the states work towards implementing these instruments.

The responsibility to implement some of these regional instruments is often marred with inconsistencies, as some states might exert more effort and resources than others, creating uneven progress regarding how the instrument is working across the continent. Considering that the protocol needs to be incorporated into domestic law to be implemented at a national level, not all African countries have domesticated all aspects of the Maputo Protocol, meaning “that this continental instrument which meets the international standards of locating women’s rights within the ambit of fundamental human rights is in danger of becoming a paper tiger, irrelevant to the lived reality of women” (Muhammed, 2014, cited in Sigsworth & Kumalo, 2016:4). The Maputo Protocol is not implemented in any systematic or uniform manner across the continent; this is “because the protocol is non-binding and relies on the political will of individual member states for its implementation” (Sigsworth & Kumalo, 2016:4). Hence, the AU cannot bank on such inconsistency by its member states to adopt gender quotas at their own pace.

## **Development of a Continental Gender Quota**

The African Union is well-placed to develop gender quotas that will be embraced by all its 54 member states to ensure the inclusion of women in the political space. The AU should make sure that the quota is tailored to address the differences in the electoral system being practised across the continent. Holistically, the AU should recommend that countries have legislative or constitutional gender quotas that provide for more than 30% of women to be elected or nominated to political positions. This can either be through party nomination lists or reservation, whereby women are afforded reserved seats in the parliament or cabinet of the countries. Legislative quotas are quite effective, as they use the authority of the Constitution to achieve affirmative action for women in politics. States with proportional representation can use the constitutional quota to mandate all parties to have a certain percentage reserved for women on their party nomination list. For states with FPTP, the legislative quotas provide that a certain percentage of women must be reflected in the parliament or executive cabinet.

Quotas aim to ensure that women are represented in political offices rather than in the electoral process because the latter does not guarantee that these women will be elected to political positions, hence the need for the former. A party in an FPTP can have lots of women across different constituencies, yet these women may not be voted into power because of the inherent patriarchal norms that hinder the participation of women in public spheres, rearing their heads through the voting system. Also, using a voluntary quota in an FPTP is risky because women's representation may decline if the popularity of the party declines. The UN and Beijing Platform for Action benchmark of 30% can be adopted as a starting point to enjoin compliance by states, though it is justified if 50% is put as the benchmark, as women constitute 51% of the African population and parity is necessary. Building on the back of the provisions of Article 9 of the Maputo Protocol, the AU can make gender quotas important regional instruments to be employed to address the low participation and representation in politics. States will be

required to sign and ratify this instrument just like the Maputo Protocol to motivate majority compliance with the provision.

### **Delimit a Time Frame for the Implementation of the Quota**

To further ensure that states comply with the provision, a time frame should be set within which member states are to sign, ratify, and implement the 30% gender quotas in their respective constitutions. The essence of this time frame is to motivate states to prioritise the implementation of the quotas without having to drag out the process of signing, ratification, and implementation. The existence of a time frame symbolises importance and in a way spurs commitment towards the actualisation of the goal. The commitment of states is important to the success of the gender quotas, as the AU is only a body that is limited in its authority over its member states. Hence, the AU needs to work closely with states to ensure that they understand the need for a gender quota to show commitment towards the protection of women's interests and gender equality, rather than the stale lip service that has been practised over the years. A period of four to five years can be given to ensure that states adopt the 30% gender quotas into their constitution; this period gives room for a long and rigorous constitutional amendment process.

### **Establish a Review and Monitoring Mechanism to Enforce Compliance.**

Efforts at developing a continental gender quota will not be complete if there is no framework to measure the compliance of states and the effectiveness of the instrument. Just like the AU peer review system, there should be a monitoring mechanism that supervises the effort of individual member states to implement the gender quota via constitutional amendment. Compliance is more likely if states understand that there will be a review process to oversee their efforts at entrenching the quota in their constitution. The review process should include periodic monitoring and evaluation performed by the office of the WGDD, as well as a reporting system whereby member states submit reports on the progress made. This allows for a

two-way review method where states inform the AU of their progress thus far while the AU ascertains the authenticity of the efforts that states have put into ensuring the actualisation of the gender quota. The review process ensures that states are accountable and committed to the process wherein, in the event that a state is lagging, feedback as to how other states have fared might motivate them to put in the needed efforts to implement the quota. As the main office in charge of gender issues, the women and gender development directorate should be actively involved in this process.

### **Conclusion**

In a bid to contribute to the discourse on increasing women's political participation in Africa, this chapter argued for the development of a continental gender quota championed by the African Union. It started out by extensively discussing the low representation of women in the African political space, with countries like Nigeria and Ghana still having below 20% of women in the political system. This under-representation is attributable to a number of reasons ranging from the patriarchal norms and traditions inherent in most African states, the financial difficulty that women face when venturing into politics compared to their male counterparts, as well as the structural barriers that impede their participation in decision-making spheres. All these factors work together to keep women from participating in politics, although some countries in Africa have found a way to address this problem via gender quotas. Gender quotas have been proven to be a fast track to women's political participation in politics, with several countries adopting one form of quota or the other. It is in this vein that this chapter explored how the African Union can adopt gender quotas to foster increased participation of women in African politics.

It argues that it is not enough for countries to pledge that they will ensure increased participation of women in politics, the AU should take the frontline in implementing practical instruments towards this goal. The chapter made its findings using a thematic analysis framework; it explained that factors such as variations in the electoral system and lack of proper

implementation of previous regional instruments that advance gender parity make it important for there to be a specific instrument to push for increased participation of women in politics. The adoption of a continental gender quota allows for uniformity in an effort to ensure women's participation in politics while also enjoining states to embrace the need for more active and practical steps. It notes that the AU must achieve more than just developing the gender quotas; it needs to set a time frame within which states must adopt it as well as a review system where states' efforts will be evaluated. It recognises that certain challenges still bedevil the AU as an institution, such as a lack of cohesive authoritative power to compel member states. However, in this case, rather than compel, the AU should sensitise states on the need to ensure that the continent has increased women's political representation. This sensitisation, along with the conscious adoption of a gender quota, will yield positive results for women's political participation. If properly implemented, African states will be accurately placed in the discourse on achieving increased presence of women in politics as well as the broader goal of achieving gender equality.

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