

A POLICY OF PARLIAMENTARY 'SPECIAL SEATS' FOR WOMEN IN TANZANIA: ITS EFFECTIVENESS

Bernadeta Killian

Overview

The question of women's underrepresentation in parliamentary assemblies all over the world is well documented by various scholars. Worldwide, women hold only 10 percent of parliamentary seats. In Africa, the percentage of women members of parliament does not exceed 27 percent in any country, and averages 8 percent.¹ In addition, the number of women who contest and win membership to parliament through competition in the constituencies has been very few indeed. In mainland Tanzania, for example, only one woman was elected to the 1985-90 national parliament, while in the 1990 national elections, two women marginally won their seats through regular competition. Thus, women's representation in parliament is derived more through a quota system, in which special seats are reserved for women, than through regular competition. This system, which is commonly referred to as the policy of women's special seats in Tanzania, basically intends to establish an institutional "helping hand" to compensate for the *de facto* discrimination women suffer in being elected to the parliament through conventional means. Similar to other countries around the world, Tanzania established the special seats arrangement in 1985 in order to boost the representation of women after realizing that it is very difficult for women to be elected into parliament. Through this policy, in Tanzania's national parliament, women secured 21 seats (10.2%), 19 seats (8.4%) and 37 seats (15.5%) in the 1985, 1990 and 1995 elections respectively. Currently, women constitute 16% of the total number of the members of parliament; a majority of which are women's special seats members. Presumably, as the number of women in parliament increases, so does the difference they make in public policy and political processes as a whole.

¹ United Nations Development Programme (UNDP), *Human Development Report*, (New York: Oxford University Press, 1995), pp. 60-62.

This paper attempts to examine the effectiveness of the policy of women's special seats in Tanzania since its inception in 1985, with effectiveness defined as the impact of women's special seats on gender-related issues. In particular, this paper tries to explore the following issues: Is the representation of women through special seats a fair representation of women as a whole? Who constitutes the constituency for women's special seats? Does this policy guarantee equality of outcome in public policy and political processes? In short, how substantial is the representation of women through special seats in Tanzania? As the number of women representatives included in parliament increases through the special seats policy, it is critically important that we understand the consequences for women's issues, and to public policy in general.

The debate over the desirability of quotas for the number of women to be included in parliament is well rehearsed in the literature; therefore, this paper does not intend to address that particular issue. Based upon a discussion of the recruitment procedures for women's special seats in Tanzania, this paper attempts to demonstrate that a policy of women's special seats alone is not a sufficient tool for achieving a policy impact on gender-related issues. Specifically, I argue that recruitment mechanisms for women's special seats in Tanzania limit the extent to which women are able to make a distinctive impact on gender-related public policy. As a result, the recruitment procedures have wider implications for both accountability and the interconnectedness between the state and civil society.

In the feminist literature, the question of whether more women in parliament makes a difference has been a matter of debate for quite some time. Some studies have suggested that a critical mass of women within a parliament can make a difference concerning women's policy issues and concerns. The main crux of this argument is that if enough women were elected to reach the so called "critical mass" in parliament, gender differences would make a major impact on public policy and political processes.² According to the critical mass theory, which is based on the premise that political behavior is shaped by its structural

² See Pippa Norris and Joni Lovenduski, "Women Candidates for Parliament: Transforming the Agenda?" *British Journal of Political Science* 19 (1989). Also see Drupe Dahlerup, "Learning to Live with the State: State, Market and Civil Society," *Women's Studies International Forum* 17 no. 2&3 (1996).

context, if women remain below 10 percent of the legislature, gender differences will fail to have an effect on public policy.³ In her study of Scandinavian parliaments, Dahlerup categorizes different levels in which women's influence can be expected, namely: uniform groups where the group is totally dominated by one sub-group; skewed groups with minorities below 15%; tilted groups with minorities up to 40%.⁴ Following this categorization, a major impact is expected in those countries where the percentage of women in parliament is greater than 15%. Dahlerup argues that a major gender-related impact is expected in those countries with between 20% and 30% women representatives in parliament, e.g. Scandinavian countries. The study further confirms that there have been changes in the political culture and policy agenda concerning women's positions during the time when Scandinavian parliaments shifted from skewed to tilted groups.

Some studies, however, have shown that the "numbers factor" alone is far from adequate in explaining whether women make a difference in politics.⁵ They show, rather, that an increase in the number of women in parliament may come about with little impact on gender-related policies and legislation. For example, Bystydzienski shows that during the 1980s, in the former Soviet Union and Poland, women constituted 32% and 23% respectively of representatives in the national governing bodies,⁶ but had hardly any effect as a group on the political content. Conversely, though few in numbers, Japanese women, during the 1980s, were very influential in political processes, which resulted in important changes in local legislation. Similarly, in their study of the Canadian parliament, Gotell and Broadie indicate that the number of women in the Canadian parliament more than doubled between 1980 and 1988 (from about 5% to 13.4%).⁷ Women's influence, however, on social policies and legislation during this period was actually eroded rather than improved.

³ See Norris and Lovenduski, op. cit., p. 115.

⁴ Pippa Norris, "Women Politicians: Transforming Westminster?" *Parliamentary Affairs* 49 no. 1 (1996): 92.

⁵ Jill Bystydzienski, *Women in Electoral Politics: Lessons from Norway* (Westport, CT: Praeger Publishers, 1992)

⁶ Ibid.

⁷ Gotell and Broadie (1991)

While it seems difficult to disentangle effects of the increased number of women from other factors in making a difference in terms of gender-related legislation, it is justifiable to argue that the presence of a large number of women in parliament is not a guarantee of a successful gender-related public policy. According to Bystydzienski:

whether or not women had an effect on politics is less a matter of numbers than of other factors such as the political climate or prevailing ideology, existence or absence of an independent women's movement, and the structure of the political system.⁸

Thus, it may be suggested that while the policy of women's special seats proves to be useful in increasing women's equality of opportunity to be included in political organs, further steps need to be taken to make this policy more effective.

The Special Seats Policy in a Single-Party System

It is important to note that until 1992, Tanzania had been under a one-party system for more than 27 years. During this 27 year period, Tanganyika African National Union (TANU)/ Chama cha Mapinduzi (CCM) was the only legal political party, and competitive elections were held within the context of the party itself. A striking feature of this one-party system is that all organizations were affiliated and controlled by the party. Through this, the regime was able to establish political control over the Tanzanian population, and all associations were transformed into departments of the ruling party. There were five mass organizations, namely: the Youth wing, the Union of Tanzanian Women (UWT), cooperative organizations, workers' organizations, and a parents' organization. The ruling party was supposed to supervise these organizations so as to secure conformity with the party's policies and ideology.

Beginning in 1985, the Tanzanian Constitution provided for parliamentary representation for these mass organizations and for women as a group by creating 15 special seats for women and 15

⁸ Bystydzienski, op. cit., p.69.

special seats for the mass organizations.⁹ As a result, women were able to be included in parliament either through special seats set aside for them as a special category, or through the UWT as one of the mass organizations. In the mass organization category, each organization was supposed to submit 6 recommended aspirants, making a total of 30 nominees, from which 15 were to be elected into the parliament. In the women's special seats category, the fifteen members included five members from Tanzania's mainland, five from Zanzibar and five from both Zanzibar and the Mainland. It is important to note that each category submitted several names to the ruling party decision-making organs, the Central Committee and the National Executive Committee (NEC). These two highest party organs did the listing and the final nominations to be sent to parliament for election. The district-constituency members of the parliament sat as the ruling political party committee, and then transformed themselves into an electoral college which voted for the nominees of the reserved seats.

The process, however, of choosing these representatives left a lot to be desired. First, the mass organizations had less influence on the selection of their own members than the NEC which had final jurisdiction to decide who was to be nominated, and therefore elected. There were various factors which came into play for a member of an organization to be nominated. In most cases, it depended heavily on how close the aspirant was to the inner circle of party officials, and on how much informal linkage or connection the aspirant had established between herself/himself and the district-constituency members. The process was characterized by practices of clientelism, patronage and personalism. In this regard, it was easier for incumbent politicians to be re-nominated and to be re-elected to parliament than the new viable aspirants. This was because one's general popularity or educational attainments were seen as secondary to being "one-of-us-insiders."¹⁰

In addition, aspirants from the mass organizations did not have an equal chance of being elected. Relative to the others, the UWT, in terms of its electability, was the most disadvantaged mass organization. In the 1985 elections, for example, the UWT did not get even a single

⁹ United Republic of Tanzania, *Constitution*, (Article 66.1e), 1977.

¹⁰ Gasper Munishi, "What Election Results Reveal and What They Cannot Expose," in Mukandala, and Othman, eds., *Politics and Liberalization in Tanzania*, (Dar-es-Salaam: Dar-es-Salaam University Press, 1994), p. 203.

seat through this arrangement.¹¹ In 1990, the UWT managed to get two members elected to parliament. The party employed the same mechanisms to the 15 women's special seats as to the other special seats. Party officials had control over the women who were to be nominated, and therefore it was extremely tempting to choose those women who demonstrated loyalty to the party top officials. It would have been possible for party officials in the NEC and the Central Committee to have chosen women who were likely to have a gender-related impact on public policy. The nature of the political system, however, did not provide such an opportunity for women members of parliament to make a distinctive impact on women's policies and legislation. It also significantly limited the development of independent forums that would have been able to address women's issues, including defining common interests and the formation of gender-related issues by both women MPs and women involved in civil society

In addition to the UWT's lack of influence in terms of nominating aspirants to the special seats, they had very few mechanisms for holding their representatives, once in parliament, accountable. Given the fact that the party's top organs and the electoral college had total authority over the recruitment process, the members, once they had attained a seat in parliament, had an incentive to be more accountable to the NEC and the Central Committee than to the UWT, and women as a whole.

Principal-agent theory, in which the principal arranges for an agent to take action that is beneficial to the principal,¹² would seem to clearly show the nature of the relationship between the top bosses and the women members of parliament (MPs) who held special seats set aside for both women and mass organizations. In this case, the party officials were the principals and the women MPs were the agents. The agents had to take into account the interests of the CCM, and not necessarily those of the UWT or the majority of women; therefore, the UWT and the majority of women had less influence on the recruitment of these members than the party. Furthermore, in order to prevent agency losses, in which the agent seeks to maximize her/his interests at

¹¹ Ruth Meena et al, *Women in Politics and Leadership in Tanzania*, (Dar-es-Salaam: Dar-es-Salaam University Press, 1988)

¹² Roderick Kiewiet and Mathew McCubbins, *The Logic of Delegation*, (Chicago: University of Chicago Press, 1991)

the expense of the principal's interests, the principal seeks to structure the relationship with the agent so that the outcome produced is in the principal's interests. One solution to the principal-agent problem is for the principal to engage in costly efforts of supervising and monitoring the agency's performance. It was through this mechanism that party discipline was greatly emphasized. After all, there was less incentive for the agent to undermine the principal's interests in order to meet re-election demands of her/his constituency because the constituency played hardly any role in an aspirant's/ MP's ability to be elected or re-elected. During their campaigns, the aspirants plead loyalty to the powerful party organs and the electoral college and not to the constituency. Munishi argues that:

they [candidates for special seats] were to address the district-constituency members of parliament [as the party committee and then the electoral college] in the first parliamentary session, mostly vowing and pledging support for what they (the MPs) stood for. It occurred that most of them just stood up and referred the electoral college to the relevant page in a prepared booklet showing the curriculum vitae of the contestants. These aspirants did not discuss any policy issues. Most of them promised to cooperate with the elected parliamentarians and the CCM if elected. On average, each spent 2 to 5 minutes to give a speech.¹³

Despite the fact that the government agreed to set aside special seats for the representation of women, the intended benefits for women, in terms of increasing the impact of women on gender-related policies, was jeopardized by the party itself.

Special Seats Policy in the Context of a Multi-Party System

With the introduction of multi-party politics, the special seats system had to accommodate the newly established political parties. More importantly, the government decided to increase the number of

¹³ Munishi, *op. cit.*, p. 201.

women's special seats in the parliament. The Constitution stipulates explicitly that women members, through special seats, should not be less than 15% of the constituency members of the National Assembly. The women members have to be nominated by political parties and declared by the National Electoral Commission.¹⁴ Each contesting political party is supposed to receive a specific number of women representatives relative to their vote-share in the parliament. In addition, the special seats for the mass organizations were constitutionally abolished, as CCM no longer had the monopoly over political participation.

It is important to note that, while the percentage of women's special seats have increased from 6% to 15%, the recruitment mechanisms have not substantially changed. The only procedural change under the new law is that women nominees are no longer elected by the electoral college; rather, it is the National Electoral Commission that finally declares the members' names according to the political parties' vote-share in parliament.

Surprisingly, women are overwhelmingly more concerned with the question of increasing the number of their representatives through the special seats policy than in changing the recruitment process, which is, at best, vague and unfair. One of the cited reasons for increasing the percentage of women's special seats is that women constitute over 52% of the Tanzanian population; thus, there is a need to allocate more special seats to women, as the number of seats is negligible compared to the total population of women.¹⁵ In a women's leadership conference held during the 1995 electoral campaigns, women urged the government to increase the percentage of women's special seats from 15% to 40% of the parliament.¹⁶

The existing procedures give political parties full jurisdiction in nominating and ranking candidates for women's special seats. What is striking here is the process involved in choosing such representatives within the respective political parties. As in the old system, it is the top

¹⁴ Tanzania, *Constitution*, (Article 66 as amended by the 8th Constitutional Amendment)

¹⁵ See Fatma Maghimb, "Women Participation in National Affairs: The Case of Tanzania," in Eastern African Universities Research Project (ESAURP), *Tanzania's Tomorrow* (1996) Also see Marjorie Mbilinyi, "The Role of NGOs in Promoting Gender and Human Rights Issues," in *Tanzania's Tomorrow*.

¹⁶ *Daily News* (Dar-es-Salaam), 28 August 1995.

party organs that nominate and then rank the potential candidates to be forwarded to the National Electoral Commission. For CCM, (the ruling party) the nomination and the ranking process is still done by the National Executive Committee. However, instead of submitting the names to the electoral college for voting, the ranked list is now sent to the Electoral Commission for declaration.

The process is still prone to favoritism and personalism in choosing the candidates. Clearly, the majority of women in their respective political parties still exercise little influence in the selection process. The problem is more pronounced among new political parties that have yet to develop extensive networking. Many of these political parties lack a well-established formal structure for decision-making. This, in turn, leaves a lot of room for the influence of individuals, especially the chairpersons and the party secretaries. In most cases, the candidates for women's special seats are picked by a few top bosses (who are predominantly men) in the party, and not by the majority of party members. Indeed, according to the existing rules, neither the party's majority nor the Electoral Commission have properly established legal mechanisms for checking the abuse of power in recruitment procedures. Although it would be tempting to conclude that Tanzania is becoming more democratic at the aggregate level, the fact is that recruitment mechanisms for women's special seats to parliament remain practically undemocratic.

One can pinpoint two important implications of the above-discussed pattern. First, it is not clear as to who constitutes the women's special seats constituency. It is easier to identify the specific constituency for the district-constituency MPs. In addition, these MPs have an incentive to be responsive to their constituencies, so as to maximize their chances of being re-elected. Conversely, women MPs who hold a special seat for women do not have an institutional linkage with the majority of women who they are supposed to represent. According to the existing rules, these women MPs are not even included in the periodic meetings of local, city and municipal councils that other district-constituency MPs attend.

Second, political recruitment mechanisms tend to widen the gap between the state and civil society. Conventionally, women have been portrayed as outsiders in political parties, and the scholarship on women and politics also sees them, in most cases, as peripheral.

Political parties have not been adequately studied as an important independent variable, but rather as a contextual variable. According to Baer, "the misperceptions about parties are prevalent in almost all scholarship on women and politics."¹⁷

It is, however, the nature of political processes that mainly contributes to this trend. On the one hand, structural and social conditions minimize women's role in political parties, which leads to the negligible role of political parties as an important variable. On the other hand, however, women, especially intellectuals, have largely withdrawn from political parties, preferring to autonomously manage what is left of their own affairs.¹⁸ This is evident as many women in Africa have retreated from formal politics into what is loosely defined as civil society through participation in non-governmental organizations (NGOs). This trend is taking place in Tanzania, where plural politics, as well as a market economy have created a conducive environment for a number of NGOs, including women's NGOs to emerge,¹⁹ and these women's organizations have tended to disengage themselves from political parties.

In particular, there is a lack of interconnectedness between independent women's organizations and women in political parties, especially, women MPs. Previously, there had been a persistent misunderstanding between the UWT and educated women. As Tripp argues, "...such overt party control of the UWT leadership made the educated women [shun] away from the activities of the union."²⁰ Given this fact, current recruitment mechanisms for women's special seats continue to perpetuate the divide that has existed between the state and "civic" women. This raises questions about the role of independent women's organizations in influencing the policy formulation process in

¹⁷ Denise Baer, "Political Parties: Missing Variable in Women and Politics Research," *Political Research Quarterly* 46 no. 1 (1993): 566.

¹⁸ Kathleen Staudt, "Women's Politics, the State and Capitalist Transformation in Africa," in Irving Leonard Markovitz, ed., *Studies in Power and Class in Africa*, (New York: Oxford University Press, 1987).

¹⁹ See Tripp's study on the emergence of informal economy in Tanzania. Aili Mari Tripp, *Changing the Rules: The Politics of Liberalization and the Urban Informal Economy in Tanzania*, (Berkeley: University of California Press, 1997).

²⁰ Aili Mari Tripp, "Rethinking Civil Society: Gender Implications in Contemporary Tanzania," in John Harbeson, Donald Rothchild, and Naomi Chazan, eds., *Civil Society and the State in Africa*, (Boulder: L. Rienner Publishers, 1994), p. 154.

Tanzania. Although the evidence is sparse, there is some indication that women MPs, especially those who hold women's special seats, are not supported by the independent women's organizations in issue and interest formation. Certainly, without a closer working network between women's organizations and women MPs, a gender-related impact on public policy can hardly be achieved, no matter the number of women in parliament. Indeed, a link with independent women's organizations has been cited as one of most important factors in enabling women MPs to make a distinctive impact on gender-related issues and policies.²¹

Conclusion

Clearly, the current policy regarding recruitment mechanisms for women's special seats in Tanzania needs to be reformed. Evidence suggests that the key issue is not merely representation, but, rather how best to independently and effectively represent women in parliament. Women need to address the fundamental problems which are inherently situated in the constitution, and need to establish clear mechanisms of selection and accountability. Furthermore, independent women's organizations would be well-advised to work together with their women representatives in parliament in order to identify new institutional mechanisms for representation. This would enable these organizations to have an entry point to parliament and could provide them with the ability to influence policies and legislation that are important for women. Rather than shunning the state, women's NGOs would thereby be in a position to engage and challenge the state.²² As Dahlerup argues, "women have better chances of influencing the state than the market..., the free market stimulates production but also creates inequalities. It is crucial for women to gain influence in political institutions."²³ Thus, efforts by both women MPs and women's NGOs should target the nature and character of women's representation in parliament in order to make it fair and effective. Increases in the number of women in parliament should be accompanied by increases in substantive representation.

²¹ See Bystydzienski, *op. cit.*

²² See Dahlerup, *op. cit.*

²³ *Ibid.*, p. 121.