

The Quota System in Sudan:

Parties' Perception of Ways to Enhance Female Political Participation

Niemat Kuku

This paper is a short version of the study by Niemate Kuku in which she discusses the quota system in the Sudan. It is important to note that the article was submitted prior to the 2010 presidential and parliamentary elections in Sudan that were held from April 11 to 15, 2010. Originally, the elections were to be held in Sudan from March to April 2009. They were postponed several times. President Omar al-Bashir's party, the National Congress, won the elections and al-Bashir was confirmed as the winner.

Introduction

Elections are considered one of the mechanisms for democratic transformation in any country. With Sudan standing at dangerous crossroads, this mechanism assumes particular importance due to its role in determining the political identity of the country and how it will be ruled in the coming years. The female segment of the population, which constitutes 49 percent of the population, cannot be excluded from political decision-making. In this context, it is important to examine the position of the diverse political parties and find out where they stand on the issue of enhancing women's political participation through the adoption of positive action measures, i.e., the adoption of the women quota.

Political Participation of Sudanese Women: A Historical Background

During the 1940s, the feminist movement in Sudan was linked to the prevalent national and political movements. As Mahasen Abdel Aal (2004), an activist in the Sudanese feminist movement, put it:

Although women's participation in public life during the 1940s was limited, women have proven their natural readiness to play

a role in public life. They were supported by a number of nationalists and scholars who helped raise women awareness and respected their participation in public life. Indeed, prominent women, such as Dr. Khalida Zaher and Mrs. Zarwi Sarkissian, participated in the first students' rally against colonialism and many nurses participated in the first rally organized by the union of workers to defend workers' rights. (pp. 24-25)

With the growing struggle of the Sudanese people for independence represented by the joint and coordinated efforts of the union of male and female workers and students as well as political parties, nurses and teachers took to the streets to defend the union's liberties. Many women organizations were established to raise awareness about women issues and to introduce change in Sudanese society. Not surprisingly, all the activities of the then-existing women organizations were restricted to charity work, combating illiteracy, teaching, sewing, and raising health awareness. Those activities took place mainly in the big cities, such as Omdurman, Khartoum, Damdani, and Al Abiad, and did not spread to the rural areas of the Sudan, which were difficult to reach. Moreover, inherited

traditions, prevalent mainly in rural societies, have hindered the progress of women, especially given the fact that rural women were suffering from discrimination in the field of education. The founding of the Sudanese Women's Union in 1952 is thus considered a turning point in the struggle of the Sudanese feminist movement.

Furthermore, all national forces affiliated with political groups supported the feminist movement. More specifically, all political parties supported the request made by the Women's Union to grant female high school graduates the right to vote in their districts during the 1953 elections. Indeed, 15 graduates voted for their candidates in the five graduates' districts.

The participation of Sudanese women in political life was necessary in order to protect their rights within the context of the right of the Sudanese people to freedom, democracy, and peace. Fatima Al Kaddal, a political activist and university professor, stated that the 1964 October revolution was a historic turning point for Sudanese women who gained their full political rights of voting and running as candidates. This important step led to the election of the first Sudanese female Member of Parliament from the district of graduates, Ms. Fatima Ahmad Ibrahim. The political parties tried to attract women's support during 1964, not out of interest in women's rights issues, but because of the importance the female votes had in the electoral process. Between 1969 and 1985, the army took over once again, and political organizations were abolished, including the Women's Union. In 1970, women became represented in the Committee of the National Pact created by the ruling regime in 1964 to draft a national pact amongst the different political powers. The Sudanese Women's Federation, established in 1971, was affiliated with the Sudanese Socialist Union. It was represented by one member, Ms. Hafissa Ahmad Al Amin, who was also elected Secretary of the Socialist Federation.

The abolition of the Women's Union in 1969 did not stop Sudanese women from fighting for their rights but made them more determined to continue their struggle. While only three associations were

created during the period 1969-1985, the period between 1986 and 1989 witnessed the creation of sixteen associations.

The nineties witnessed an increase in public awareness of women's activities reflected, since 1995, in an unprecedented surge in the quantity and quality of organizations, research centers, and popular groups that deal with women issues. Around one thousand popular associations and women groups had been established by the year 2007. Several international factors, such as funding of civil societies by the international community, have influenced the development of those associations. The organization of international conferences drew the attention of UN organizations operating in the Sudan to the need of holding such conferences in the Sudan. The recommendations of the 1995 Beijing Declaration encouraged women to create associations to tackle international issues related to gender at the local level. Training sessions and conferences were held to discuss many issues of interest to women in addition to local issues, such as the ongoing wars in the country leading to internal displacement to the capital and other cities, as well as emigration to other countries. During that period, women joined forces with civil society organizations to defend their social, economic, and political rights. Indeed, the Sudanese women played an active role at the political level; they participated in rallies, were beaten up, arrested and tracked by the security forces, or were laid off from their jobs. All these factors have contributed to women's recognition of the need to organize themselves. They joined other civil society groups in the national and political battle (secret and public) with special emphasis on the post-peace period. A consolidated women group was founded in 2001 to challenge the governor of Khartoum who had adopted a local law that discriminates against women (an article had been amended in the Labor Law preventing women from working in restaurants, fuel stations, and some public places because it was seen as hurtful to the pride of women). The feminist associations considered that such laws constitute a tough blow to their achievements because the expression "hurts the

pride of women ” is a dangerous concept, for it can deprive women of their right to work in many fields. Therefore, in spite of their different political affiliations, women have stood together to fight this law, and they eventually won, for the decision of the governor was frozen by the Constitutional Court.

Sources of Women’s Political Rights in Sudan

The Comprehensive Peace Agreement

The Naivasha Peace Agreement, signed in January 2005, was a milestone in the modern history of Sudan. The Peace Agreement (consisting of 6 peace protocols) has several advantages. It helped end the war that had claimed more than 2 million lives, and during which the Sudanese women suffered greatly. The Sudanese women were rendered homeless, or were forced to emigrate, were exiled, raped, or lost their husband and children. They also became fully responsible for the family. In addition, Sudanese women lived in a state of extreme poverty. The Peace Agreement also gave the population in the South of the Sudan the opportunity to control their own provinces and manage their affairs, and granted them the right to participate in the national government that governed the whole of Sudan. In addition, under the Agreement, the population of the south had the right to self-determination by calling for a referendum at the end of the transition period. New concepts related to power and wealth-sharing were introduced in order to put an end to injustice and marginalization. The Agreement

thus paved the way for democratic change and encouraged freedom, human rights, and the right to hold elections during the transitional period of governance in the Sudan.

The Role of the Sudanese Women in the Power-Sharing Protocol

Power-sharing is the right to exercise power and participate in decision-making. In the power-sharing agreement signed in Naivasha, this right was completely neglected. The Naivasha Agreement focused on the technical procedures that allowed the negotiating parties to guarantee power-sharing among themselves without any consideration for any other social force on the Sudanese scene, namely women. This is clear from the level of female inclusion and participation in the various political institutions, i.e. the National Parliament, the Central government and political parties.

Participation in the National Parliament

Despite the fact that the current transitional Parliament was established after the signing of the Peace Agreement, and despite the participation of the Sudan People’s Liberation Movement (SPLM) of the South and other political parties, such as the opposition parties (the National Gathering), the participation of Sudanese women in political life has remained insignificant. It actually dropped to 18 percent and failed to reach the 25 percent promised by the SPLM.

Participation in the Central Government

After signing the Comprehensive Peace Agreement of January 2005, women participated in the

Table No. 1: The participation of women in the Parliament from 1992 until 2005

Percentage	Number of men	Number of women	Number of seats	Year
10	180	20	200	1992-1996
5	379	21	400	1996-2000
10	325	3	360	2000-2004
18	370	80	450	2005*

* This council is the National Transitional Council appointed after the signing of the Comprehensive Peace Agreement between the Government and the Popular Movement. The female and male members of this Council were nominated.

governments that were created. Table No. 2 shows the details of this participation.

Participation in Political Parties

Since colonial times, women have played an active role at the national level and have become members in many political parties, mainly in the Muslim Brothers Movement and the Sudanese Communist Party, which was the first political party to welcome female membership. There are no accurate surveys of female membership inside political parties, especially powerful ones. However, women are being increasingly encouraged to become members of political parties, mainly in light of the atmosphere of political openness that has prevailed after the signing of the 2005 Peace Agreement and the return of political parties on the Sudanese scene.

Women’s Rights as Stipulated in the 2005 Interim Constitution of the Republic of Sudan

The Interim National Constitution is more detailed and developed regarding the concept of citizen equality than previous constitutions in the Sudan. It reflects an acknowledgement of the close relation between democracy and equal rights of men and women. It guarantees, under the section titled “Rights of Women and Children” the following rights: the equal rights of men and women to enjoy all civil, political, social, cultural, and economic rights, including the right to equal pay for equal work. Moreover, the state shall promote women’s rights through affirmative action (articles 23, 31, 32, and 41). In addition, the state shall combat

harmful customs and traditions that undermine the dignity and the status of women. Last but not least, the state shall provide pregnant women with maternity rights, childcare, and medical care.

As far as the other rights and freedoms stipulated by the interim constitution are concerned, they include the right to life and dignity, personal liberty, prohibition of slavery, equality before the law, equal rights of men and women, fair trial, voting, right to own property, right to education, rights of persons with special needs, restriction on death penalty, privacy, prohibition of torture and of cruel and inhuman and degrading treatment, protection of ethnic and cultural communities and the right to public health-care.

Nevertheless, this interim constitution has been criticized on the grounds that no attention was been given to the constitutional text pertaining to women’s rights; it only mentioned “affirmative action”, whereas the 1998 constitution included the quota system. However, at the time, only a limited number of women affiliated to the Islamic Front benefited from the quota system included in the 1998 constitution. The quota system was a huge advantage for the Sudanese women and should have been included when drafting the current constitution.

Political Parties and the Quota System

A number of forums and discussion groups were held at the behest of certain political parties. These forums expanded to include sixteen meetings with

Table No. 2: The general participation of women at different levels of government following the signing of the Comprehensive Peace Agreement (CPA) of January 2005

Gender	Federal Ministers	Ministers of State	Pro-government Ministers
Male	27	54	147
Female	2	6	20
Total	29	60	167
Percentage	7%	10%	12%

Source: Gender Centre for Research and Training, Sudan Gender Profile, 2005
 Table 2 reflects the general participation of women at different levels of government following the signing of the Comprehensive Peace Agreement (CPA) of January 2005.

the additional parties, and members of the Tribune of Women Politicians, under the auspices of the United Nations Development Program (UNDP).

The outcome of these forums was positive, especially with regard to the concept of quotas and each party adopting a specific percentage. These forums also reflected a commitment to include the political participation of women in the upcoming elections.

At these meetings, political parties tackled different aspects of women's issues and agreed on the importance of women's participation in the political field, which started in 1953 when women were granted the right to vote and participate in the public sector. These parties also agreed that democratic transformation and bringing peace to the country were important issues. According to them it was time for women to be elected to parliament and to be given roles comparable to those of men in society by adopting affirmative action measures. Members of the political parties further agreed that the quota system should be highlighted as a mechanism to enhance women's participation in the upcoming elections and develop a parliamentary practice in all executive and legislative bodies. According to them the quota system does not restrict women's rights, but is an attempt to strengthen their role and deal more equitably with the social conditions that negatively affect the electoral process. When genuine equality is achieved, the quota system can be then reconsidered.

Political Commitment: Proposals for the Adoption of the Quota System in the Various Sudanese Parties

All parties confirmed their commitment to the political quota system as a mechanism to strengthen women's participation in the upcoming elections and give them the right to make decisions.

The different political parties have come up with the following proposals:

1. An open quota of 30 percent shall be determined by a constitutional body. It shall be based on all conventions signed by the Sudan, such as the Human Rights Charter and the Beijing International Conference 1990.

2. Political parties unanimously agreed that the constitutional justification for the quota system is found in the 2005 Transitional Constitution, i.e., positive discrimination.

3. Therefore, the quota system may be included in the electoral law, in compliance with the Transitional Constitution, which guarantees women all political rights on an equal basis with men by virtue of articles 5, 32, and 41. Invoking the unconstitutionality of

All above-mentioned parties committed to the 30 percent percentage except the following parties:

- The Democratic Unionist Party, which stressed its commitment to the principle of quotas but did not mention a specific percentage.
- The Sudanese People's Liberation Movement, The Sudan Liberation Movement/Army (Darfur) and the National Congress which confirmed their commitment to the principle of quotas by 25 percent.
- The Unified Democratic Unionist Party which confirmed its commitment to the principle of quotas by 33 percent.

Proposed Quota in the 2008 Elections Law

The electoral system of the National Council (450 seats) is divided as follows:

- Two hundred and seventy members, i.e., 60 percent to be elected by simple majority, to represent geographical districts in each state.
- One hundred and twelve female members, i.e., 25 percent of women elected from women's lists at the state level.
- Sixty-eight members elected from party lists, i.e., 15 percent on the basis of proportional representation.

The adopted method for electing members of the legislative councils to represent women's lists shall be as follows:

- The voter shall cast one vote for one of the women's lists inscribed on the state women's lists ballot, including lists of candidates supported by political parties and independent candidates.
- The women's list with the highest number of valid votes in the state shall be declared the winner.

All candidates of this list become members of the Legislative Council of that state. The party-list shall also be elected at the state level, and its members shall represent the party. Votes shall be counted based on proportional representation.

- The women's list is blocked; one cannot choose amongst women whose name is on the list. This proposal is not based on proportional representation or geographical departments. It is considered a very dangerous suggestion since it allows only one list to win all the seats, which weakens the attempt to change the electoral system in order to adopt the mixed electoral system and reduces the chances of party and ethnic representation.

Proposals, including the following, were afterwards submitted to the Constitutional Commission:

- Nominating women through the party list according to proportional representation to allocate 180 seats for women: 112 seats for independent candidates and 68 seats for the party list. Women shall be placed at the top of the list. When the 68 seats are filled, the list will be composed only of women, and the voter shall be granted two votes to cancel the separate women's list.

- The list must be a pro-government one so that a large number of women – no matter their political affiliations – will be able to participate in the Parliament.

It is worth mentioning that the forum of women members of political parties had submitted an analysis of the constitutional draft and then created a committee and submitted a memorandum which was presented to the constitutional commission in which it had stressed the importance of women's participation through the party list according to the proportional representation.

Elections Management

Political parties mentioned that the upcoming elections, expected to take place in 2009, are crucial in achieving a democratic transition. Therefore, there is definitely a need for the full participation of both men and women so that the upcoming elections would consist of fair member selection.

Elections should be based on:

- having a democratic election law,

- protecting public freedoms,

- creating the necessary climate in some areas, such as Darfur and Southern Sudan, for elections nationwide,

- establishing an Elections Commission with the consent of all parties, which would manage the election process (registration and voting), and

- appointing impartial judges who would oversee the election process in addition to international monitoring.

Concluding Comments and Challenges Ahead

The main question to be raised is how the Sudanese women can play an active role on the political scene, specifically in the upcoming electoral process. Although important, the legal texts do not alone guarantee the required participation. Indeed, there are challenges that must be faced, for they are among the factors that have weakened the political participation of women and have hindered, despite the existence of constitutional texts, the full participation of women in the political process and in decision-making. The following obstacles can be highlighted:

1. The Traditional Perception of Women

The traditional attitude towards women, mainly in the conservative rural communities, impedes the political participation of women. Indeed, the Sudanese woman is perceived as a mother, having to raise children and undertake household work whereas men are the only ones entitled to work in the political realm. Even if women dare to nominate themselves for the elections, the chances of winning remain weak no matter what their capacities are, mainly in the geographical districts.

2. Economic Underdevelopment

It is known that the armed conflicts and foreign blockades have affected the economy and the standard of living of a large segment of the population. This has led to emigration from the rural areas, the spread of unemployment because of the deteriorating security situation, and the rise in the cost of living standards. In such conditions, the will to participate in politics – for men and women – decreases.

3. Lack of Awareness

The percentage of awareness in public affairs – except in cultural centers and cities – and the importance of participation in the political field and decision-making have decreased in general in addition to the spread of illiteracy mainly among the female population in cities and in rural areas. Indeed, women were not using the right to vote during the election process, and these matters were not considered matters of priority.

4. Weak Performance of Women Members of Parliament

To be elected member of parliament does not necessarily mean that there is an effective political participation of women if the latter do not play an active role in the decision-making process. Although there were influential women members of Parliament at different stages of our political experiments, men played a more active role than women in the legislative councils in general. Studies have shown that women members of Parliament have avoided confrontation when the council objected to important issues. Moreover, the political and party affiliations were a priority in the overall parliamentary activities of the Sudanese women.

The Sudanese women have been affected by the social changes which have hit the Sudanese society and which led to many changes in the social situation of women, such as the phenomenon of emigration of Sudanese women from rural areas due to wars, and the increase in the number of poor women that hit the cities and its surroundings, in addition to job layoffs under the pretext of public interest. Furthermore, the deterioration of the situation in the rural areas and poverty have led to the deterioration of the traditional sector which forced women to work in the marginalized or informal sector (selling food and tea). The implementation of the policies of free economy has hindered the chances to have access to the main services, such as education, health, drinking water and safe havens and led also to a clear decline in the services of primary health care, especially maternity and childhood.

Niemat Kuku is a researcher at the Gender Center for Research and Training in Khartoum, Sudan.
Email: kniemat@gmail.com
Translated from Arabic by Lynn Tabet

REFERENCES

- Abdel'al, M.** (2004). *Dawr al-mar'a al-Sudaniyya fi al-nidal al-watani wo al-musharaka al-siyasiyya*.
- Al-Bathani, A.** (2006). *Al-mafahim al-'asasiyya lil dimuqratiyya wa al-musharaka al-siyasiyya*. Paper presented at Muntada al-Mar'a, markaz al-jandar lil buhuth wal tadrif, Sudan.
- Al-Qaddal, F.** (2002). *Al-Haraka al-nisa'iyya al-sudaniyya: Al-Madi wa tahadiyyat al-hadir*. Paper presented at the workshop Al-Ma'a wa al-musharaka al-siyasiyya. Khartoum University, Sudan.
- Kuku, N.** (2007). *Limaza al-kota?: 'Itar mafahimmi*. Matbu'at markaz al-jandar lil buhuth wal tadrif.
- Kuku, N.** (2005). *Al-Mar'a fi itifaqat al-salam* (Naivasha). Paper presented at Muntada al-Salam fi al-Sudan.