

# East Timor and the Debate on Quotas

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## Introduction

The debate on the introduction of special quotas for women in East Timor took place largely while the country was being administered by the United Nations Transition Administration in East Timor (UNTAET), between October 1999 and April 2001. The perception that the United Nations (UN) itself is a great advocate and upholder of human rights and equity principles had a mixed influence on the debate and its outcome. In some instances, UNTAET readily adopted affirmative action policies, while in others it had to be dragged kicking and screaming. In some cases, members of its staff even actively interfered in and hindered the debate on the use of quotas. This is not to say that all Timorese were in favour of the use of quotas. However, for advocates of quotas, the UN mission provided to be a double-edged sword.

In June 2000, over 400 Timorese women from all of East Timor's 13 districts met together for the 1st Congress of Women and adopted their own Platform for Action for the Advancement of Timorese Women. Throughout almost one week of meetings, the Congress analysed the position of women in Timorese society and concluded that, although women constituted more than 50 per cent of the population, they did not partake in decision-making, nor did they enjoy the same rights as men. The Congress discussed affirmative action as a strategy

to increase women's participation and recommended a series of measures, including a minimum 30 per cent target for women in decision-making bodies, together with special training and support for women to achieve this goal.

Next, in August 2000, a delegation of women lobbied the National Council of East Timorese Resistance (CNRT) Congress, where a resolution pertaining to women's rights was adopted. This resolution was passed unanimously and tasked the CNRT with pressuring UNTAET to adopt a policy of 30 per cent female representation in decision-making fora. The Platform for Action and the CNRT resolution were two important documents used by women to lobby for equal rights.

Prior to this, UNTAET had already adopted quotas. Following pressure from Timorese women, it included a one-man, one-woman policy when it issued a regulation for development council elections on the establishment of the Community Empowerment Project (CEP).<sup>1</sup> The CEP set up village and sub-district development councils whose main goal was to promote bottom-up and participatory decision-making in regard to development. It was conceived as a possible basis for local government.

The CEP also sought to support the contribution and participation of women, once elected, through

training and peer-support strategies. Although symbolic in some districts, where the councils were controlled by traditional (mainly male) power structures, the inclusion of women in the councils created the expectation that they should participate and had a place in decision-making.

UNTAET also continued its attempt to promote female participation through informal measures, such as during the setting up of the National Council (NC), a quasi legislature nominated by the Special Representative of the Secretary-General (SRSG) and the UN Administrator. Due to criticism of women being under-represented in the National Consultative Council (NCC),<sup>2</sup> which preceded the NC, the UN Administrator issued a directive requiring that at least two of the four nominees to be proposed for selection from each of the 13 districts and civil society organizations be women. This resulted in 13 of the NC's 33 members being women.

During UNTAET, the SRSG also adopted a minimum 30 per cent quota for women in public administration. This resulted in just over 18 per cent of women being recruited. Special measures were also taken in regard to the establishment of the Timorese police force, resulting in women making up 40 per cent of the first wave of new recruits.

The progressive use of quotas was severely tested, however, when quotas were proposed for the Constituent Assembly elections. The National Council was to adopt an electoral regulation for elections to the Constituent Assembly, which would draw up the constitution for an independent East Timor. These elections were to be run completely by the UN.

The debate was led by REDE, a network of 16 women's organizations. In keeping with the Platform for Action, REDE proposed that a mandatory quota be contained in the electoral regulation. At least 30 per cent of women candidates were to be proposed in the political party lists and placed in winnable positions, with every third candidate from the top of the list being a woman.

REDE argued that this was a temporary measure to even the playing field and to open the door to women's participation in the constitution-making process and to hasten women's participation in the political arena. As well as being a rights issue, REDE averred that the constitution-making process could only be representative and truly legitimate if more

than one-half of the population was represented. Like the CEP, the election of women to the Constituent Assembly would also create a further expectation that women should participate and had a role to play in all aspects of Timorese society.

REDE recognized and advocated that quotas alone were not enough. To ensure active participation, training and support should be part of a package for women candidates and later members of the Constituent Assembly.

Opponents of the use of quotas argued that such a measure was degrading for women and that their participation should be based on merit. Others contended that it was symbolic and that it would contribute nothing to women's rights. Members of some political parties asserted that it would contravene the rights of political parties, as they would be forced to choose and put forward a particular type of candidate. Some political parties were more direct in their opposition, stating that they did not have qualified women who could be put forward.

The Constituent Assembly elections were based on a mixed system. Seventy-five national seats were contested through a proportional system allowing for candidates to be put forward via political party lists or on an independent, individual basis. Thirteen district seats were contested on a first-past-the-post basis; candidates could be put forward by political parties or run as independent individuals. The quota proposed by the women's network targeted the political parties contesting the 75 national seats.

The debate on quotas divided opinion in East Timor, among both the Timorese and internationals. The international non-governmental organization (NGO) community was, for the most part, behind the women's network and provided practical support through research and information-sharing.

Opinion was also divided within the donor community with representatives in Dili. For the most part, donors were supportive of the inclusion of quotas, provided that this was what the Timorese wanted. Reportedly, at least two foreign missions, having funded the 1st Congress of Timorese Women, expressed the opinion that gender equity was a luxury and inappropriate for East Timor at that stage. At least one of these missions also argued that the use of quotas was being driven by Timorese women from the Diaspora.

Although the Beijing Platform of Action of

the UN World Conference on Women makes direct reference to the inclusion of statutory quotas to address inequality in the electoral sphere, warning was given that the UN would be forced to pull out if quotas were included in the Constituent Assembly elections. UN staff members openly supportive of quotas were told that they should be defending 'the party line' and that their jobs were under threat if they continued to support the 'opposition'.

Article 7 of the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) states that:

State Parties shall take appropriate measures to eliminate discrimination against women in the political and public life of a country and in particular shall ensure women on equal terms with men the right:

- a) *To vote in all elections and public referenda and to be eligible for election to all publicly held bodies;*
- b) *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.*

In fact, UNTAET's first regulation, which sets out the principles and framework for the mission, makes direct reference to its obligations to the principles enshrined in the CEDAW.

The debate on the electoral regulation was extended because the National Council and UNTAET could not reach a compromise. Although the NC had adopted the electoral regulation including quotas in principle, final approval was put off in order to try and convince the Electoral Assistance Division in New York to agree to their use.

Divisions also emerged within the UN in New York. The United Nations Development Fund for Women (UNIFEM) stated that:

*citizenship is inextricably linked to the political rights to vote and to stand for public office. On account of socially constructed gender roles, women face a greater number of obstacles in participating in political decision activity than men. These obstacles need to be acknowledged by policymakers, lawmakers and electoral authorities when they determine the conditions of free and fair elections. Overlooking them will result in the conclusion that women and men are equally placed to participate in political life. This conclusion can lead*

*to unfair discrimination on the grounds of gender ... and an oversight of the unfair and deeply entrenched, systemic attitudes and stereotypes that assign women to the private, and men to the public domain.*<sup>3</sup>

The UN High Commissioner for Human Rights was also reported to have contacted the SRSG in East Timor to express support for the use of quotas. The UN Division for the Advancement of Women in New York was also reported to be in favour of their use. However, the Electoral Assistance Division under the Under-Secretary-General for Political Affairs was of a different opinion, and the issue thus remains unresolved in the UN.

The municipal elections in Kosovo, also held under a UN peacekeeping mandate, included the use of quotas for women and became an important focus for the women's network. However, although the regulation for the Kosovo municipal elections was promulgated by the SRSG, the elections were run by the Organization for Security and Co-operation in Europe (OSCE), because it appears that a similar dispute arose.

In response to an enquiry made by the Electoral Affairs Division of UNTAET on mandatory quotas for women it stated:

*UNTAET has exclusive responsibility for holding free and fair elections in East Timor...(and)...while some countries do have quotas for women (and for other groups), other democratic countries vehemently oppose the practise. This would include some members of the Security Council...Electoral quotas for women (or any other group) do not constitute international best practise for elections.*<sup>4</sup>

While Timorese women's attention was focused on exerting pressure internationally, specific UN staff members in Dili were actively lobbying National Council members. In the end, the majority of NC members contravened their original decision and rejected the inclusion of mandatory quotas in the electoral regulation. Ironically, the majority of women in the National Council who acquired their seats through affirmative action by the SRSG and had been active participants of the Women's Congress voted against the inclusion of quotas. REDE had miscalculated its own level of internal support.

Protests were held by the women's network, forcing UNTAET to make available funds to train close to 200 potential female candidates for the elections. Incentive mechanisms were informally introduced, whereby political parties that included at least 30 per cent women candidates on their party lists earned extra campaign airtime on UNTAET-run radio and television. However the issue of mandatory quotas in elections remains an unresolved issue in the UN in New York.

REDE also backed three women candidates for the national constituency, although none was elected. Of the Constituent Assembly's 88 members, 23 of those elected were women.<sup>5</sup> Criticism of members of the National Council who voted against the quotas and belonged to political parties made some parties adopt informal internal quotas for their list of candidates.

The Democratic Party, the second-largest party in the Constituent Assembly and now the national parliament, has no female members. A woman headed the list of the Socialist Party, but having won only one seat it substituted her with the next person on the list, who was a man.

Recent experience and the split in opinion over the introduction of mandatory quotas probably mean that it will be more difficult to introduce quotas for future elections in East Timor. Some Timorese are of the view that the election result shows that a mandatory quota was not needed, as we now have one of the largest rates of participation of women in parliament in the entire region.

The constitution is another important instrument for women. Although it does not include mandatory quotas, it tasks the state with ensuring equality of opportunity between men and women. The constitution also enshrines the principle that equal participation is a necessary component of democracy. East Timor will most likely become a signatory to CEDAW and other human rights conventions when it becomes a member of the UN, which will further formalize the state's responsibility.

The second Congress of Timorese Women is under discussion. It will be a good opportunity for women once again to analyse their place in society and to pick up the pieces of the many missed opportunities that could have been afforded by UNTAET, had there been a standard policy within the UN itself. There is no assurance that future elections will

deliver the same or better results in terms of the participation of women. In fact, quotas and other affirmative action strategies may need to be revisited to level the playing field.

#### Notes and References

1. Cultural incompatibility was initially used by the Governance and Public Administration pillar of UNTAET as an argument against the 50 per cent quota for women in the CEP regulation.
2. The NCC had two Timorese women members out of a total of 11 members.
3. Communication from UNIFEM in New York, "Request from Milena Pires, Deputy Speaker of the East Timor National Council, for UNIFEM assistance on the following issue raised by UNTAET: The introductions of quotas will detract from the free and fair principle of the election in East Timor, as it will force political parties to chose certain types of candidates", March 2000.
4. Communication from the Political Affairs Division at UN headquarters in New York to the Political Affairs Division of the UNATET Department of Political Affairs in Dili, March 2001.
5. This is equal to approximately 27 per cent.