

X DEMOCRACY REPORT

SEPTEMBER 2014

Special Briefing Report No. 7

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NAMIBIA AT A CROSSROADS: 50/50 AND THE WAY FORWARD



Courtesy of the Archives of Sister Namibia

"The legacy of oppression weighs heavily on women. As long as women are bound by poverty and as long as they are looked down upon, human rights will lack substance. As long as outmoded ways of thinking prevent women from making a meaningful contribution to society, progress will be slow. As long as the nation refuses to acknowledge the equal role of more than half of itself, it is doomed to failure." – Nelson Mandela, Long Walk to Freedom

Introduction

In 2004, Namibia was both a regional and international leader in the percentage of women holding parliamentary seats. By this measure, Namibia ranked 4th in sub-Saharan Africa and 17th worldwide. Ten years later, Namibia's position has slipped to 16th on the African subcontinent and 51st worldwide (IPU 2014).¹ Electoral gender quotas – which have been used widely throughout the southern African region – have the potential to reverse this trend and bring Namibia back to its position as a leader on this indicator of gender equality.

Women's global level of political representation has increased rapidly alongside the institution of gender quotas. In 1995, women constituted only 10 percent of the world's parliamentar-

ians. By mid 2014, women held 21.4 percent of parliamentary seats worldwide. Although women are still clearly underrepresented politically, this represents an over 100 percent increase in the past nineteen years.² Although there have been variations in the implementation of quota policies, on average, these provisions have led to an immediate and substantial increase in the number of female parliamentarians. On average female representation in single or lower houses of parliament stands at 22 percent among countries with any type of gender quota versus 13 percent in countries without quotas.³

The use of electoral gender quotas has been particularly successful in southern African countries in allowing women access to positions of political decision making. Nine out of the fifteen Southern African Development Community (SADC) member countries have adopted some type of gender quota

¹ These rankings measure the percentage of women in the single or lower house of Parliament. In the Namibian case they also include the six non-voting appointed MPs in the National Assembly, which results in Namibia having a total of 24.4 percent female MPs in this chamber.

² There are however still only 20 female heads of state out of 193 UN member states. This constitutes 10.4 percent.

³ Data from the Quota Project Database and the Inter-Parliamentary Union database online.

at the parliamentary level – either voluntarily through political parties or legally-mandated through constitutional or electoral law.⁴ At the moment, South Africa is the regional leader – as the ruling ANC party has voluntarily adopted a zebra-list quota in all post-apartheid parliamentary elections.

One reason gender quota advocates push for institutional measures to ensure equal political representation is the claim that the presence of women in parliaments will increase the attention female MPs devote to legislation that would benefit their female constituents. This report examines the nuances of this claim in the Namibian context. It provides new quantitative evidence that female parliamentarians in Namibia do articulate different policy priorities from their male colleagues, and that many female MPs have articulated these perspectives during debates surrounding certain pieces of gender-sensitive legislation. However, on average across all National Assembly (NA) debates, female MPs contribute less than male MPs. This trend is in line with cross-national research on women's political representation, which indicates that women's participation will increase once they a sizable percentage of the electoral body, suggesting that a zebra list might decrease this gender gap in participation (Krook 2009).

This report concludes by offering policy recommendations related to the current debate around gender quota legislation and the recent commitment by the ruling Swapo Party to voluntarily achieve greater gender balance on its party lists and internal governing bodies. The policy recommendations listed in the final section of this report have the following aims: to increase women's numerical presence in both the National Assembly and National Council; to ensure fair and transparent selection mechanisms for potential female candidates through formalised rules in internal party constitutions and/or electoral law; and to enable a stronger connection between female MPs and civil society groups, as a way to support the potential for further achievements in legislation that promotes gender equality.

Women in Namibian Electoral Systems

This report does not seek to discuss the domestic, regional, and international lobbying efforts around the 50/50 campaign in Namibia, given that this discussion appeared in a recent IPPR Democracy Report (Shejavali 2013). Rather this report starts by considering how different electoral institutions affect the number of women in leadership positions. A discussion of women's descriptive representation (numerical presence) in the Namibian context must consider the electoral and legislative institutions that form the country's primary governance structure – in particular, the critical role political parties play as gatekeepers to women's electoral success as well as how electoral rules influence the legislative behaviour of parliamentarians.

Namibian Women in Government

In July 2013, after an intense and protracted civil society lobby-

ing effort and international, regional and domestic legal mandates, Swapo formally agreed to include a gender quota within its own party structures – a move that, if enacted, would move the country dramatically toward gender parity in parliamentary representation.

This recent development was largely in response to women's continued underrepresentation in official political structures and parliamentary representation, which has stagnated over the last decade. Table 1 shows the number of women in the 72 elected seats in the National Assembly and the six appointed seats in the five electoral periods since independence.

Table 1: The Number of Women in the Namibian National Assembly since Independence

National Assembly	% Women Elected	Final % at end of term	# of non-voting members
1990 – 1995 (1st)	8.3% (6/72)	8.3% (6/72)	1/6
1995 – 2000 (2nd)	12.5% (9/72)	15.3% (11/72)	2/6
2000 – 2005 (3rd)	25.0% (18/72)	29.2% (21/72)	0/6
2005 – 2010 (4th)	23.6% (17/72)	23.6% (17/72)	3/6
2010 – 2015 (5th)	22.2% (16/72)	23.6% (17/72)*	3/6

*Total as of June 2014. Data from Bauer 2004; 1997 National Gender Plan; 2010 National Gender Plan; www.parliament.gov.na

In the National Council (NC) the situation also initially improved markedly, but has stagnated in recent years. Table 2 displays these changes over time in the NC.

Table 2: The Number of Women in the Namibian National Council since Independence

National Council	% Women Elected
1992 – 1998 (1st)	3.8% (1/26)
1998 – 2004 (2nd)	7.7% (2/26)
2004 – 2010 (3rd)	26.9% (7/26)
2010 – 2016 (4th)	26.9% (7/26)

* Current total as of June 2014

These numbers are in stark contrast to women's representation at the local level of Namibian government. Here, women have held approximately 45 percent of all local councillor seats for the last several electoral cycles. This is primarily a result of legally-binding affirmative action measures in the Local Authorities Act of 1992, which require that women fill a certain number of slots on candidate lists. In addition, Swapo has generally adopted a zebra-list in all local elections, and this has contributed in large part to the near parity in political leadership at this level of government (Bauer 2004).

The number of women in the different elected institutions at each level of government bodies in Namibia is related in part to the type of electoral system through which candidates are selected. In general, women fare better in proportional representation (PR) systems because citizens vote for the party and not for the individual. A review of 53 national legislatures in 1999 found that national assemblies in PR systems were composed of nearly 20 percent women on average, compared to

⁴ In addition to Namibia, to the other non-adopter countries are: Botswana, Zambia, Madagascar, Seychelles, and Mauritius.

nearly 11 percent in majoritarian systems, in which only one candidate is elected to represent his/her constituency (this type of electoral system is also called first-past-the-post, FPTP, or winner-take-all) (Goetz and Hassim 2003). PR systems with closed lists combined with well-institutionalised party systems that have formal, centralised rules of candidate selection (such as in the Scandinavian countries and South Africa) have the highest level of female representation. This is because they are the most likely to adopt gender quotas as well as to field female candidates without formal requirements (Lovenduski and Norris 1993; Waylen 2000).

The variation in Namibia's electoral systems at different levels of government supports the general literature on how these electoral frameworks affect women's descriptive representation. As noted, the Local Authorities Act of 1992 requires a minimum number of women candidates on party lists in local elections; no electoral gender quotas are in place at all in the FPTP system at the regional level; and political parties are not formally required to field a certain number of female candidates in the National Assembly. The effects of the combination of electoral system and gender quotas at these various levels are more-or-less directly observable by the number of women holding political office at each level of government: women currently constitute 45 percent of elected positions at the local level; only 16 percent of regional seats (up from 3 percent in 2004); and 24 percent of voting members of the National Assembly. This observation strengthens the call for institutional reform to increase the number of women in political decision-making at the regional and national levels.

Internal Structures of Political Parties

One hurdle for women's equal representation in Namibia is the internal structures of political parties. A lack of clearly defined and codified rules pertaining to gender equality within political parties means that women do not have clear and structured opportunities to advance within their respective political parties. This is particularly damning in PR systems where political parties act as the gatekeepers to electoral success (Matland 1998). This is most true in closed-list PR systems, in which placement on the party list is the largest determinant of achieving political office. That is, instead of appealing to her constituency in a majoritarian electoral system or in an open-list PR system in which voters may select the party and the candidate, in a closed-list PR system a female candidate must rely on where she is placed on party lists in order to receive her position in the National Assembly. In Namibia, most political parties have written rules and procedures for elections – however, in 2013 Swapo became the first party to formally commit to a zebra list system on its party list as well as for internal party structures – most importantly the Swapo Central Committee and Politburo, although at the time of writing this policy has yet to be fully implemented. If properly applied, this voluntary quota would address a critique levelled against Namibian political parties by a recent SADC Delegation to the country eight months prior to Swapo's decision:

While political parties' leadership accept the need for gen-

der equality, this is often reflected in party manifestos, but there is nothing binding the leadership to implement gender equality. Consequently, political party leaders' good-will to upgrade women to senior positions within and to get them into Parliament is not realised with women continuously relegated to less influential structures such as women's wings... It was observed that Namibian women are grossly under-represented in top structures of all political parties (SADC 2012, 5).

Swapo's recent decision to integrate more women into top spots in the Central Committee and Politburo would remedy women's historic underrepresentation in these internal party structures. As Eunice Ipinge, Deputy Secretary of the Swapo's Women's Council, observed prior to Swapo's formal commitment to 50/50:

The Politburo has taken over the functions of the Central Committee in practice and the top [four have] taken over the role of the Politburo. What this means is that decisions that should have been taken by broader and more inclusive party structures are now taken by the top four, who are mostly male and the decisions are not favourable for women in the Party (Ipinge Forthcoming, 21).

Former opposition MP, Elma Dienda, says the way women are perceived to behave in Parliament affects their chances to advance: "[Some women] are afraid. This is a party issue, they think, if I speak too much, I will not get on the list anymore."⁵ Dianne Hubbard from the Legal Assistance Centre primarily relates this to the more limited experience female politicians have within their political parties, as compared to their more established male counterparts:

[W]omen are only beginning to make inroads into the party. It is the males who are powerful in the party and have been powerful for a long time, so they have the confidence that their positions are safe. They are prepared to sometimes say something that is outside the party chapter and verse because they know they are secure in their positions. And I think that's true for both men and women, but... more women are new.⁶

Immaculate Mogotsi, Director of the Gender Research and Training Programme at the University of Namibia, also describes a certain resistance in women's ability to support women's issues within the political parties:

Radicalism is something that is not appreciated. The word is still loyalty. You must be loyal; you must not step outside the boundaries. You stay on that line. A woman will not advocate for a woman's issue if it is not initiated from the leadership of the party. And the leadership of the party is still predominately male. So women have not yet matured to the level where we are making use of our numbers ... We still want men to rubberstamp our initiatives, to agree with our initiatives.⁷

⁵ Elma Dienda, interviewed by author.

⁶ Dianne Hubbard, interviewed by author.

⁷ Immaculate Mogotsi, Director of the Gender Research and Training Program at the University of Namibia, interviewed by author, Windhoek, Namibia, 21 November 2012.

In relating this to support for 50/50 Campaign among female MPs, Mogotsi further stated in an interview in late 2012:

Your question was, why is that more women are not advocating for the zebra list? I think that women would want to be in the leadership; it's just that, in some of these political parties, so much fear has been instilled that you cannot initiate anything unless it comes from the leadership. Like in the case of the Swapo party, they [female members] initiated it [the zebra list] in the past, and it was shot down. So now we need a brave woman, who is willing to stick out her neck and propose again.⁸

At this time, Chippa Tjirera, a clerk in the Namibian National Assembly, shared a similar sentiment:

One of the biggest problems here is that the party owns the seat, not the Member of Parliament, not the individual ... The party can decide to remove you – so people have to toe the line, even if they don't agree... It's the same in regard to 50/50, [we won't have it] until Swapo actually decides that we are ready for 50/50.⁹

Fortunately, and somewhat to the surprise of these observers, six months after these interviews, Swapo did find the political will to implement a 50/50 mandate on the party list it submits to the National Assembly, as well as for its own internal party organs. This was accomplished through the internal lobbying efforts of a few outspoken female MPs and gained momentum when it was supported by senior male party members, most notably, Swapo Party Vice President, Hage Geingob.

The problem of placement on party lists is further exacerbated outside of the ruling party. Because the eight opposition parties only have a total of 17 seats, women face an even more difficult time in securing the few seats or sole seat available. In the 2009 election, of the opposition parties, the Congress of Democrats (CoD) had the most female candidates among its top-ten list of candidates. The Party had five women listed in a zebra order. The UDF had four in its top ten, the DTA had three, and the APP and RDP each had only two (Ipinge, forthcoming, 13). With the exception of RDP, which placed one female in its eight seats, all of these political parties only gained enough votes to assign the male MPs who were at the top of their lists to the current National Assembly.

The limited number of women well placed in party hierarchies has unfortunate implications for the way female electoral aspirants calculate their path to a successful political career. Immaculate Mogotsi describes this occurrence as the Queen Bee syndrome, a phrase that repeatedly comes up when describing this issue:

The queen bee is when the women get into these positions; they usually surround themselves with men – like how a queen bee behaves. She surrounds herself with male sol-

diers and I think strategically it is because they [men] know what is happening in the political party, so she wants to tap into their knowledge base ... So it is not a dumb strategy, it is just a strategy that she realises, 'you know, the men know how the system functions; it is good for me to align myself with men if I want my agenda to move forward.' So usually when she aligns herself with the men, she undermines women comrades, which is a pity.¹⁰

One former opposition MP notes that this is exacerbated by the perceived limited number of spaces for female candidates either in internal party structures or in Parliament, stating: "I think women are afraid of their own positions. [They think]: 'If I widen the circle and bring in too many women, then my chances of getting to the top are slimmer.'"¹¹

Do Numbers Matter? The Impact of Quotas on Women's Substantive Representation

The next aim of this paper is to examine the connection between the presence of women in positions of political decision-making and their agency in promoting legislation that would advance the status of women in Namibia. In this section, I examine the theoretical relationship between women's descriptive and substantive representation, report experience from other countries in this regard with a particular focus on African experiences, and analyse this question in the Namibian context.

Why Should the Number of Women Matter?

Quota policies are generally designed to advance descriptive representation; the "numeric similarity between legislative bodies and the electorate they represent in terms of gender, race, ethnicity, or other demographic characteristics" (Paxton, Kunovich, and Hughes 2007, 265). Substantive representation, by contrast, is conceptualised as the actions that representatives take on behalf of or in the interest of those being represented (Pitkin 1967).

Some scholars have been critical of the link between women's descriptive and substantive representation, arguing that female legislators are not necessarily better able to represent the interests and policy preferences of women (Swain 1993; Young 1997). It is also important to acknowledge that many feminists have insisted that sex is not a sufficient basis for assuming common interests (Molyneux 2001, 152). Quotas may exacerbate the specious assumption that women have a unified set of interests, as they do not address differences between race, ethnic group, class, and caste that may be equally important in the ways women form preferences. This may be especially true for minority women (Hughes 2011). Even in the Nordic countries, the recruitment of minority women within quota structures has been scarce (Freidenvall, Dahlerup, and Skjeie 2006, 176).

These arguments posited by Maxine Molyneux and others,

⁸ Immaculate Mogotsi, interviewed by author.

⁹ Chippa Tjirera, interviewed by author.

¹⁰ Immaculate Mogotsi interviewed by author.

¹¹ Elma Dienda, interviewed by author.

which criticise the essentialist nature of women's representation – that is, the idea that a woman, because of her sex, will have a certain set of *a priori* preferences – have raised a healthy debate in the feminist literature.¹² Most advocates of electoral gender quotas, however, dismiss arguments of essentialism, and rather emphasise the shared biological and social experiences women have as a group. As an example, it is not essentialist to say that the way a group of men deliberate about a maternal health policy may be different from the way a group of women discuss the issue. The argument is not that a man cannot be an advocate for women's rights – but that excluding the voice of a group that has the most at stake in certain policy areas is inherently undemocratic.

However, the fact that women may have distinct policy preferences that differ from those of men is just one part of the logic that connects electoral gender quotas with women's substantive representation. Another component is accountability. When does one's sex become a salient determinant of how a legislator chooses to articulate and actively lobby for an issue? In Namibia, one-party dominance, executive overreach and a closed-list PR system in the National Assembly have mitigated – although certainly not extinguished - the potential for an active women's lobby in the Namibian Parliament.

The Experience of Other Countries

Leaving behind the normative discussion relating to why women should be included in political decision-making (see Shejwalki 2013 for a good discussion on this), I now detail recent empirical work that connects women's presence in political bodies to gender-specific policy outcomes. A considerable body of research, both within individual countries and cross-nationally, has shown that female politicians do articulate different policy preferences than men (Chattopadhyay and Duflo 2003); initiate equity policies, often in cross-party women's alliances; (Hassim 2003; Lovenduski and Norris 1993; Sainsbury 2004); and vote differently from their male colleagues (Swers 2002). Furthermore, a growing literature examines instances in which female candidates have narrowly defeated male candidates to test whether women make different policy decisions, with several researchers finding significant evidence that female legislators initiate more pro-female policies than their equivalently-placed male counterparts (Clots-Figueras 2007; Rehavi 2007).

Although there have been fewer quantitative studies on the experiences of African countries with gender quotas, several comparative case studies demonstrate that the impact of women in parliament has been mixed in terms of promoting gender-sensitive legislation. For instance, South Africa's ruling party, the ANC, has voluntarily adopted a quota on its party candidate lists since the first post-Apartheid election in 1994 (currently requiring that 50 percent of party candidates be women) and subsequently women hold 45 percent of National Assembly seats. In the immediate post-Apartheid era, South African MPs successfully passed legislation aimed at redressing gender inequality, most notably the Domestic Violence Act

in 1998 – one of the most progressive of its type on the continent (Meintjes 2003).¹³

Quota Types

Several scholars have proposed theories that attempt to account for the variations in outcomes relating to women's substantive representation. For instance, some quota scholars have argued that the provisions in the quota system itself can have an impact on the way recipients are able to utilise their newfound political positions (Bauer 2008). Therefore, it is important to distinguish between different types of quota provisions, which most often take one of the following three forms (Dahlerup 2006):

- **Reserved seats:** This provision reserves a number of seats in a legislated assembly for women (provided under constitutional and/or legislative law).
- **Legislated candidate quotas:** This provision reserves a number of places on electoral lists for female candidates (provided under constitutional and/or legislative law).
- **Voluntary political party quota:** These are rules or targets set by political parties to include a certain percentage of women as election candidates.

Some research suggests that reserved seats filled by ruling party appointment are the least successful in advancing women's interests. These seats may become an additional vote bank for the government without allowing quota recipients any *de facto* political power. In Rwanda, Longman (2006) has documented a situation in which the ruling party predominantly benefits from the reserved seats for women in such a way that lessens the voice of opposition parties.

In Tanzania, each political party appoints women to fill special reserved seats in proportion to the percentage of the popular vote that they win after the normal election process. In such instances, quota recipients may feel particularly beholden to the party and less likely to represent the interests of their female constituency if it means going against the party line. Meena (2004) argues that this has overwhelmingly been the case in Tanzania, in part evidenced by the fact that political parties have not shown any serious interest in accommodating women in their own governance structures. This evidence suggests that although reserved seats have produced some of the highest instances of women's parliamentary representation in the world, they may be ineffective in granting women a strategic presence in political bodies. This is because unlike legally mandated candidate list quotas, reserved seat provisions generally remove women from the same sphere of electoral contestation as men. This means that instead of letting voters factor the selection of female candidates on party lists into their voting calculus, women are either made to compete in redundant seats or appointed by their typically male-dominated parties.

My recent research in Uganda, however, points in a different direction. Uganda, as in most countries with a reserved seats

¹² Perhaps the most eloquent attempt to reconcile the concern of essentialising women's interests with a democratic justification for electoral gender quotas is the work of Anne Phillips, most notably her seminal book, *The Politics of Presence* (Phillips 1995).

¹³ It is important to note, however, that the passage of progressive legislation in South Africa has not led to a universal improvement in the conditions of women, as sexual violence against women in the country is still among the highest in the world (Jewkes 2002; Human Rights Watch World Report 2010).

quota, operates under a first-past-the-post electoral system, in which one candidate wins each single member constituency. The country consists of 215 general electoral constituencies. In addition, there are 79 'women's districts' that are cobbled together from and mapped over the general constituencies. This means that there are almost 300 constituency elections in a general election year. Although the ruling NRM party coffers are large and its reach extensive, it still cannot determine who takes each seat in Parliament to the same degree that is possible when parties submit closed candidate lists under PR systems. This slippage changes the accountability structures of parliamentary candidates. They must answer to their constituents who voted for them, other organisations (including the women's movement for many female candidates) who assisted in their campaigns, as well as their political party. Being held to account by multiple actors gives Ugandan female MPs more legislative space to lobby for issues that lie outside of the party chapter and verse.

Further, the politics of patronage arguably also occur in proportional representation systems in which individual MPs, both male and female, either do not have constituencies or have only tenuous connections to them. Rather, the only constituency to which the MP is accountable is the political party, in particular, to party elites. This raises concerns about party paternalism and female MPs' abilities to push for gender equality platforms (Bauer 2008). This report provides evidence that this situation is indeed occurring in Namibia.

Also applicable to the Namibian case, Hassim and Meintjes (2005) examine the impact of women MPs in a closed-list PR system with one dominant ruling party. The authors argue that bringing more women into parliament in this type of electoral system is relatively costless electorally. Dominant party systems make electoral gender quotas "politically cheap" in that "extending a quota to women does mean that some men will not get onto party lists, but with sufficient power a dominant party can in any case exert control over the women they place on party lists" (Hassim and Meintjes 2005, 21). In these instances, Hassim (2006, 183) notes, "party leaders will choose women candidates who are token representatives, least likely to upset the political applecart, rather than those candidates with strong links to women's organisations". As discussed below, there is considerable evidence that this situation is occurring in Namibia, even as Swapo's voluntary party quota is implemented.

The Namibian Experience

Anecdotal evidence regarding the connection between women's descriptive and substantive representation in Namibia is mixed. For instance, several women MPs have explicitly articulated the ways that they have contributed to progressive pieces of legislation pertaining to gender equality. One Swapo female MP states:

I find that our presence in parliament, although we are few,

we make a difference in the sense that we can say, 'Wait a minute, you cannot look at this issue that way.' From the point of view of gender, engendering the legal process, I feel that we have made an impact that way; you have people look at laws from a different perspective (interview cited in Bauer 2006, 102).

A current Swapo MP confirms: "We are talking from experience more than them [men]. It is a fact that we cannot hide, so I think they must take it seriously when we talk about certain issues, talking about the children and the women."¹⁴ However, several observers reject the notion that women in Namibia are unified in their desire to advocate for legislation that would particularly benefit women. Dianne Hubbard notes:

But what I get concerned about is that women are not a monolithic group, and in my personal experience, we have had on some occasions much more support on women's issues from a male minister, for example, than from a female minister in the same post. So it seems to me what is most important is personal convictions when it comes to issues that will be advanced.¹⁵

The remainder of this section examines the tendencies of female MPs to support women's issues in more detail - first by quantitatively assessing MP self-reported policy preferences and legislative behaviour, as well as their participation in parliamentary debates.

A Gender Gap in Policy Preferences of Male and Female MPs?

The anecdotal evidence from the preceding section is revealing, but a recent survey of Namibian MPs conducted by the African Legislatures Project (ALP) from the University of Cape Town provides a way to quantitatively assess self-proclaimed policy differences between male and female MPs. The African Legislatures Project is a research endeavour to better understand how African parliaments function, and to that end the research group has conducted surveys (among other assessment tools) in eighteen African countries.¹⁶ In Namibia, ALP was able to solicit survey responses from 37 members of the National Assembly (no members of the National Council were surveyed). Of the participants, 24 were male (64.9 percent) and 13 were female (35.1 percent). The surveys were administered between October 2008 and November 2009 during the 4th National Assembly. This means that the survey includes almost half (47 percent or 37/78) of the members of this House. Unfortunately, because certain responses could personally identify particular MPs, the party affiliations of the respondents were not included in the survey.

Certain limitations of the survey are important to consider when analysing the results. First, members of the opposition are overrepresented among survey respondents, as are parliamentary backbenchers. Both of these groups were more amenable to taking the time to fill out a research survey.

¹⁴ Lucia Witbooi, Swapo member of the National Assembly, interviewed by author, Windhoek, Namibia. 20 November 2012.

¹⁵ Dianne Hubbard, interviewed by author

¹⁶ More information on the African Legislatures Project can be found here: www.africanlegislaturesproject.org/.

Despite these limitations, there are several survey questions that are revealing pertaining to the impact female MPs have had in the Namibian legislature. The first of which is a question that relates to the policy priorities of MPs. It reads:

“In your opinion, what are the three most important problems facing this country that government should address? Which of these is the most important?”

Of the 37 respondents, eleven MPs (30 percent) brought up issues related to gender equality or women’s rights as one of the three biggest problems facing Namibia. Table 3 lists the main responses to this question.

Table 3: Number of MPs of who stated this issue was the one of the three most important for the country

	Issue 1	Issue 2	Issue 3	Total	Per cent Respondents Female
Unemployment	17	8	2	27	22% (6/27)
Poverty	2	8	6	16	31% (5/16)
Education	6	5	2	13	39% (5/13)
AIDS and other health issues	1	4	8	13	54% (7/13)
Gender issues/ women’s rights	3	5	3	11	82% (9/11)
Land issues	2	2	4	8	13% (1/8)
Development	1	1	0	2	0% (0/2)
Governance	0	1	1	2	0% (0/2)
Management of the economy	0	1	1	2	0% (0/2)
Discrimination/ inequality	0	0	2	2	50% (1/2)
Other issues	5	2	5	12	33% (4/12)

*n=37 (24 male, and 13 female). 35% of respondent were female.

Interestingly, despite being only 35 percent of the total respondents, 82 percent of MPs that reported issues relating to women’s rights as one of the three most important facing the country were female. Only 2 men (out of 24) brought up this issue, whereas 8 women (out of 13) mentioned it as one of the most important issues. Within the category of “gender issues/ women’s rights”, responses related to combating domestic violence and other forms of gender-based violence were the most common. The difference between the relative number of men and women who reported this response category is statistically significant at the 99 percent confidence level (p-value = 0.002). This means that if this survey were repeated multiple times with different MPs in the Namibian Parliament, the probability that the distribution of this response category between men and women would happen at random in this case is less than 1/500. The survey therefore indicates that there is a systematic difference in the self-reported importance male and female MPs place on issues pertaining to gender equality. Additionally, women were also disproportionately more likely to report that AIDS and other health issues were among the most important areas for government to address. However the gendered distribution to this response category does not achieve statistical

significance.

An additional ALP survey question pertaining to the role of women in Parliament reads:

“Let’s think about women MPs in Parliament. What unique contributions, if any, have they made to the performance of Parliament?”

In response to this question, 21 out of 37 (57 percent) MPs surveyed mentioned the role women play in raising issues that predominately affect women and issues of gender equality in Parliament. Some indicative MP verbatim responses to this question include:

“Talking about women issues which men generally overlook.”

“Ensuring that when laws are passed, they are gender sensitive.”

“Some [contributions] are good, especially on issues of child welfare and violence against women. They are better than men.”

“Raising issues affecting women which were never raised by men. Women know what affects families better than men do.”

Again, responses to this question suggest that both male and female parliamentarians perceive that one of the roles of female MPs is to advocate for the rights of women. Two additional questions relate to a gendered difference in the way men and women view government’s role in addressing women’s issues. The first question reads:

“We want you to rate the effectiveness of Parliament like a scorecard. How well or badly would you say Parliament is doing its job in representing women’s interests?”

Respondents could indicate that government is doing very badly, badly, good or very good. As a follow up question, the survey asks:

“And is it doing better or worse than five years ago, or have things stayed the same?”

To this question, respondents could indicate that government had gotten worse, stayed the same, or gotten better. Table 4 shows the distribution of responses to the first question among both male and female MPs.

Table 4: Distribution of responses to government performance on representing women’s interests

	Very badly	Badly	Good	Very good
Female MPs	23% (3/13)	54% (7/13)	15% (2/13)	8% (1/13)
Male MPs	4% (1/24)	25% (6/24)	42% (10/24)	29% (7/24)

Table 4 reveals that 77 percent of female MPs report that government is doing very badly or badly (the modal response among women). The majority of male MPs (71 per cent), on the other hand, are more likely to report that the government is do-

ing very well or well (the modal response among men) in this area. The difference between male and female MPs responses to this question is statistically significant at the 95 percent confidence interval (p-value = 0.039), the traditional threshold of statistical significance. This means there is a systematic difference between the way male and female MPs rate government in this regard, with men more likely to report that the government is doing a good or very good job at representing women's interests, and women MPs more likely to report that the government is performing badly or very badly in this area.

Additionally, Table 5 shows the distribution of responses to the follow-up question about changes over time.

Table 5: Distribution of responses to how government performance in representing women's interests has changed in the last five years

	Worse	Stayed the same	Better
Female MPs	42% (5/12)	43% (5/12)	17% (2/12)
Male MPs	8% (2/24)	13% (3/24)	79% (19/24)

Again, the distributions of response to this question by gender are statistically significant – this time reaching the more conservative 99 percent confidence threshold (p-value = 0.002). There is a systematic difference in the way men and women MPs evaluate how government's performance has changed in terms of representing women's interests in the last five years, with male MPs much more likely to report that government has done a better job than five years ago and women MPs significantly more likely to report that government has either stayed the same or done worse. This question, however, does not specify in what ways government is underperforming in representing women's interests.

An additional series of survey questions reveals the way female MPs view their relationship to their party in comparison with their male counterparts. The first reads:

"In general, when you take a position about an issue in the Parliament, which of the following is most important?"

To this question, the respondent could choose from the following response categories: "The views of your party"; "The views of your constituents"; "The national interest"; or "Your personal convictions." Table 6 shows the distribution of responses to this question by response category for both male and female MPs.

Table 6: The most important influence in forming a position on a parliamentary issue

	Party's views	Constituent's views	The national interest	Personal conviction
Female MPs	54% (7/13)	31% (4/13)	15% (2/13)	0% (0/13)
Male MPs	54% (13/24)	21% (5/24)	17% (4/24)	8% (2/24)

The same percentage of male and female MPs (54 percent) reports that their parties' views are the most important when they are taking a position on an issue. There is no statistical difference in the way male and female MPs respond to this question. A second set of questions relate to the strength of an MP's party affiliation. The first reads:

"How often (if ever) has your vote actually differed from the wishes of your political party? Or you abstained?"

The respondent could answer that they have never done this; only voted differently or abstained once or twice; have done so occasionally; or have done so often. Table 7 shows the distribution of these responses from both male and female MPs by response category.

Table 7: How often the MP votes different from his/her party or abstains

	Never	Once or twice	Occasionally	Often
Female MPs	46% (6/13)	23% (3/13)	23% (3/13)	8% (1/13)
Male MPs	50% (12/24)	46% (11/24)	0% (0/24)	4% (1/24)

We see here that there is really only a substantial difference in how male and female MPs respond to the middle two response categories – because these responses are in the middle of the ordered list, a significance test reveals that there is no statistically differentiable ways in which male and female MPs respond to this question. A final question related to party discipline reads:

"Which of the following statements most accurately describes your personal view:

I always vote with my party, because my party and I always agree;

I always vote with my party, but only because of party discipline;

I sometimes do not vote, or abstain when I disagree with my party; or

I sometimes vote against the positions of my party?"

Table 8 shows the distribution of response to this. As in the previous two questions, there is no statistically significant difference in the distribution of responses between male and female MPs.

Table 8: Why MPs vote with their party

	Always agree with	Party discipline party	Sometime do not	Sometimes vote against party vote/abstain
Female MPs	23% (3/13)	31% (4/13)	15% (2/13)	31% (4/13)
Male MPs	30% (7/23)	26% (6/23)	26% (6/23)	17% (4/23)

A final relevant survey question relates to the perceptions among MPs of the appropriateness of women in positions of political decision-making. Respondents were asked whether they either agreed with:

"Statement A: 'Women should have the same chance of being election to political office as men,' or

Statement B: 'Men make better political leaders than women, and should be elected rather than women.'"

Table 9 shows the distribution of responses to this question.

Table 9: Responses to appropriateness of women leaders

Agree very strongly with A	Agree with A	Agree with B	Agree very strongly with B	Agree with neither
78.8% (26/33)	9.1% (3/33)	0% (0/33)	6.1% (2/33)	6.1% (2/33)

Of the 33 respondents who answered this question, the majority (88 percent) either strongly agreed or agreed with equal opportunity for men and women in politics. The two respondents who strongly disagreed with gender equality in politics were male.

Taken as a whole, the responses to these survey questions provide evidence for the following in terms of the self-reported preferences and behaviour of Namibian parliamentarians: Women are significantly more likely than men to say that women's rights issues are one of the most important areas that the Namibian government should be addressing. The majority of Namibian MPs report that the main "unique contribution" of female parliamentarians pertains to their advocacy for women's rights issues. Women are significantly more likely than men to report the Namibian government is underperforming in terms of representing women's interests, and that this performance has not improved in the last five years. This survey, however, does not provide evidence that female MPs are any more likely than their male counterparts to toe the party line. There is no statistical difference between men's and women's self-reported likelihood to regard the views of their party as the most important influence when taking a position in Parliament. Nor are women more likely than men to report that they always vote with their party, either because they always agree with their party or because of party discipline.

In sum, in terms of self-reported behaviour and preferences, it appears that female MPs take seriously their responsibility to advocate for gender equality and do not think that the Namibian government is doing enough in this regard. Additionally, they do not appear any more (or less) susceptible to pressures from their political party than their male counterparts.

Relying on a survey to measure MP preferences and behaviour, however, has several disadvantages. In addition to the aforementioned limitations regarding the survey sampling, there is no way to distinguish the self-reported preferences from lip service and no way to confirm self-reported behaviour. The next section looks at MP participation in parliamentary debates to determine whether there is a significant distinction between the contribution of male and female MPs.

A Gendered Analysis of MP Debate Participation in the Namibian National Assembly

Perhaps a better measure than self-reported survey responses in assessing the gendered difference is actual legislative behaviour. The most accessible type of legislative behaviour is the extent to which MPs participate in parliamentary debates. Because this is the type of behaviour most visible to the public, it also has limitations as a form of analysis. By some accounts debate participation is also largely lip service to various audiences, perhaps

particularly to certain cadres within each of the members' political parties.¹⁷ In addition, a bill must already have Cabinet approval before it reaches the debate stage, so at this point the ruling party has already generally agreed on its contents, and vocal support is not politically risky.

However, in lieu of the customary inability for individual MPs to successfully sponsor bills privately, members of the National Assembly have two tools that they may use as a form of agenda setting. The first is through posing official on-the-record questions to the House. This tool is typically employed by members of the opposition and is typically used either to embarrass the ruling party (e.g. to make allegations of corruption) or as a means to get information from the otherwise opaque proceedings of various legal bodies (e.g. the supervision procedures of maintenance officers).¹⁸ These questions solicit an official response from the relevant ministry – but typically go no further. A second agenda-setting tool MPs may use is the ability to table official motions. Both Swapo and opposition MPs occasionally employ this function; and it serves as a way to bring attention to and debate an issue that is of particular importance to the MP. Former opposition MP, Elma Dienda recollects how she used motions, stating:

I think I was very outspoken. I think I scored the highest marks in Parliament: the first person to table 50 motions. And most of the motions were just for information. I just want to put this forward so we can debate it, so the public can see that some of us are watching what is going on. I know the ruling party will not support these motions, but I just want to table it, and let us debate these issues.¹⁹

The data in this section comes from research conducted by the Institute for Public Policy Research (IPPR), specifically from two reports released in the last five years.

The first report, "Not Speaking Out: Measuring National Assembly Performance" counts the number of lines individual members of the National Assembly have each contributed to the Hansard, the official record of parliamentary proceedings. This report covers a two-year period during the 4th National Assembly, from September 2005 to October 2007, and includes the following seven categories:

- number of questions an MP poses
- total number of lines in all the MP's questions
- number of motions the MP tables
- total number of lines in all the MP's motions
- number of general contributions for each MP
- total number of lines in each MP's general contributions
- cumulative number of lines in all three categories (questions, motions and general contributions).

Ministerial statements were not included in the coding, while statements introducing motions were given a value of 1 in order to maintain focus on the MPs' contributions to general debate (Tjirera and Hopwood 2009).

¹⁷ Dianne Hubbard, interviewed by author.

¹⁸ Dianne Hubbard, interviewed by author; Chippa Tjirera, interviewed by author.

¹⁹ Elma Dienda, interviewed by author.

Table 10 shows the total differences in the average participation of male and female MPs for each of the seven participation categories for the 4th National Assembly. Additionally, Table 11 and Table 12 below disaggregate this data between Swapo MPs and members of the opposition. The tables show the male and female average contributions, the difference between male and female MPs, and the corresponding significance level of this difference.

Table 10: Average total differences between male and female MPs by participation category (4th National Assembly - September 2005 to October 2007)

	Male Average (per MP)	Female Average (per MP)	Difference between male and female MPs (as percentage)	P-value (corresponding confidence level)**
Total lines	1776	1076	700 (60.6%)	0.018 (98.2%)
No. of questions	18	11	7 (61.1%)	0.067 (93.3%)
Question lines	204	125	79 (61.3%)	0.103 (89.7%)
No. of general contributions	29	18	11 (61.1%)	0.009 (99.1%)
General contribution lines	1545	941	604 (60.1%)	0.017 (98.3%)
No. of motions	1.5	0.9	0.6 (60.0%)	0.114 (88.6%)
Motion lines	27	10	17 (37.0%)	0.017 (98.3%)

* Total number of male MPs = 56; Total number of female MPs = 20. Total number of MPs = 76, excluding Speaker and Deputy Speaker

** These p-values are calculated from the alternative hypothesis that the differences between male and female averages are greater than zero.

Table 11: Average differences between male and female Swapo MPs by participation category (4th National Assembly)

	Male Average (per MP)	Female Average (per MP)	Difference between male and female MPs (as percentage)	P-value (corresponding confidence level)**
Total lines	1186	841	345 (70.9%)	0.062 (93.8%)
No. of questions	10	6.5	3.5 (65.0%)	0.077 (92.3%)
Question lines	99	62	37 (62.6%)	0.072 (92.8%)
No. of general contributions	23	16	7 (69.6%)	0.051 (94.9%)
General contribution lines	1062	770	292 (72.5%)	0.081 (91.9%)
No. of motions	1	0.5	0.5 (50.0%)	0.056 (94.4%)
Motion lines	25	9	16 (36.0%)	0.047 (95.3%)

* Total number of male SWAPO MPs = 42; Total number of female SWAPO MPs = 17. Total number of SWAPO MPs = 59, excluding Speaker and Deputy Speaker

** These p-values are calculated from the alternative hypothesis that the

differences between male and female averages are greater than zero.

Table 12: Differences between male and female opposition MPs by participation category (4th National Assembly)

	Male Average (per MP)	Female Average (per MP)	Difference between male and female MPs (as percentage)	P-value (corresponding confidence level)**
Total lines	3544	2406	1138 (67.9%)	0.212 (78.8%)
No. of questions	40	34	6 (85.0%)	0.372 (62.9%)
Question lines	517	482	35 (93.2%)	0.449 (55.1%)
No. of general contributions	48	29	19 (60.4%)	0.150 (85.0%)
General contribution lines	2994	1908	1086 (63.7%)	0.185 (81.5%)
No. of motions	2.9	3	-0.1 (103.4%)	0.512 (48.8%)
Motion lines	34	17	17 (50.0%)	0.133 (86.7%)

* Total number of opposition male MPs = 14; Total number of female opposition MPs = 3. Total number of opposition MPs = 17.

** These p-values are calculated from the alternative hypothesis that the differences between male and female averages are greater than zero.

Taken together, these tables provide evidence for the following: In the Fourth National Assembly, male MPs on the whole participated in all capacities of the parliamentary debates to a greater extent than female MPs. Interestingly, in all but one of the debate categories (the average number of lines in each MP's cumulative motions), female MPs participated around 60 percent of the level of their male counterparts. All of these results hover around the threshold for traditional statistical significance (a corresponding p-value of 0.05, which indicates significance at the 95 percent confidence level).

Disaggregating the data by members of the ruling party and members of the opposition as well as gender is further revealing. The aggregate trends by gender seem to hold for members of the ruling party – but do not hold for members of the opposition. Swapo women contributed less in participation categories – usually from 50 percent to 70 percent of the level of men's contributions. Opposition MPs also contributed less, but the discrepancies are not as large. All of the average differences between male and female Swapo members hover around the traditional level of statistical significance, whereas the difference in averages by gender of opposition MPs generally do not approach statistical significance (however, this can also be in part a function of the smaller sample size of opposition MPs). It should also be noted that on average members of the opposition, male and female, contribute many times more across all categories to debates in the National Assembly than their Swapo counterparts.

The second report, a follow-up to the first, was entitled "Still Not Speaking Out". Here, IPPR conducts a similar analysis for the 5th National Assembly, but over a more limited period, from

early February to mid April 2011 (Tjirera, Muraranganda and Links 2011). This data does not disaggregate the total number of lines each MP contributes to the Hansard by participation category. Therefore, Table 13 only shows the average cumulative number of lines in the Hansard for male and female MPs for all MPs and disaggregated by membership in the ruling party.

Table 13: Average total Number of Hansard Lines by Party Affiliation (5th National Assembly – February – April 2011)

	Male Average (per MP)	Female Average (per MP)	Difference between male and female MPs (as percentage)	P-value (corresponding confidence level)**
All MPs	220	150	70 (68.2%)	0.080 (92.0%)
SWAPO MPs	225	154	71 (68.4%)	0.104 (89.6%)
Opposition MPs	209	124	85 (59.3%)	0.050 (95.0%)

* Total number of opposition male MPs = 14; Total number of female opposition MPs = 3. Total number of opposition MPs = 17.

** These p-values are calculated from the alternative hypothesis that the differences between male and female averages are greater than zero.

As in the previous electoral term, female members of the 5th National Assembly contributed less overall to parliamentary debates than their male counterparts. Interestingly, the distinction between female Swapo members and female opposition members is not apparent in the most recent data, with female members of the opposition contributing fewer lines than female members of the ruling party and fewer lines as a percentage of their male colleagues. Again the difference in averages by gender across party affiliation all hover at the traditional 95 percent threshold of statistical significance providing evidence that these discrepancies are not due to random variation in the selected sample.

Although the limited number of Hansard volumes under review in this parliamentary session lessens the ability to make generalisations from this data, it does lead to a few observations. First, it seems that it is not being a member of the opposition that matters in terms of whether women participate in debates, but rather the character of the individual MPs in question. There were two very outspoken female members of the opposition party, CoD, in the 4th National Assembly (Elma Dienda and Nora Schimming-Case) who were among the most active in parliamentary debates. Because CoD did not receive a high enough percentage of the popular vote in the 2009 election, however, the party only had one seat in the 5th NA. This suggests that being active in Parliament is not necessarily beneficial to an MP's career – at least not for female opposition members – although more investigation would be needed to test this theory. However, the views of one of the opposition members who lost her seat in the 2010 National Assembly confirms this observation:

Women were not so active in Parliament and that frustrated me because I looked like the bad person at the end of the day. And they even asked me, 'How does your husband cope with you, you are talking too much.' The other women they don't talk too much, and I said to them, it is because you are labelling women if they talk too much. And they don't want to challenge the leaders, and to me, I told them, we are all equal. We came here because people elected us, so there is nobody superior.²⁰

This section has demonstrated that on average women contribute less to all forms of parliamentary debates than their male counterparts – and this seems especially true for female members of the ruling Swapo Party.²¹ The results presented here, however, do not point to the reason for this discrepancy. For instance, these statistics are not able to control for MP's parliamentary tenure. That is, these results do not reveal whether the lower degree of female participation is a function of women having less cumulative experience in Parliament. As a further extension of this analysis, a statistical model that accounts for MP characteristics beyond only gender and political party might shed led on other potential reasons for women's underperformance.

Taken together with the survey analyses presented in the previous section, the trends apparent here give evidence to the possibility that many female MPs do hold personal convictions about representing the interests of women; however, they appear inhibited in contributing to parliamentary debates in any capacity relative to their male counterparts. Rosa Namises, former opposition member, confirms that this was her experience of the muted support that Swapo female MPs gave to gender equality issues. She states:

I think they did not speak up all the time... they let us speak, but they were in agreement. But they didn't speak up all the time really. I had to sometimes go to them and say, are you not going to say anything? Why do you keep quiet? For example, they didn't even want to organise the [Parliamentary Women's] Caucus. I think they were scared... I think the women of Swapo are very afraid. They still have not broken the gender barrier... so they were scared and they didn't want to lose their positions, or whatever comfort that they have.²²

The following section more closely scrutinises the contributions of male and female MPs on debates that specifically pertained to gender equality issues.

A Gendered Analysis of Parliamentary Debates around Key Pieces of Gender Sensitive Legislation

Whereas the previous section investigated the contribution of female MPs to every type of debate in the National Assembly, this section considers women's role in debates pertaining to subjects that disproportionately affect women, either because of

²⁰ Elma Dienda, interviewed by author, Windhoek, Namibia, 21 November 2012.

²¹ It should be noted, however, that this average statistic obviously does not hold for every female MP. In the most recent data from the 5th National Assembly, a female Swapo member, Netumbo Nandi-Ndaitwah, contributed the most lines to Hansard volumes under review.

²² Rosa Namises, interviewed by author.

biological differences or because of socialised differences stemming from the traditional gender roles that still overwhelmingly exist in Namibian society.

Since independence, Namibia has seen several pieces of progressive legislation pertaining to the rights of women. For example, the 2000 Combating of Rape Act is one of the most progressive of its type in the world. It prescribes minimum sentences for rape, places more emphasis on the rights of rape victims, and precludes marriage from being considered a defence for rape. The 2002 Communal Land Reform Bill requires at least 4 female members on 10-member communal land boards that supervise the allocation of communal lands, and the bill protects women wishing to remain on their land in the event of the husbands death (LeBeau and Ipinge 2004). The 2003 Combating of Domestic Violence Act and the 2003 Maintenance Act are also among the most progressive in the region. The former makes it easier for citizens to obtain court orders against the perpetrators of domestic violence, and the latter simplifies the procedure for collecting contributions towards child maintenance from negligent parents (LeBeau and Ipinge 2004).

This section uses the Hansard transcripts from both the National Assembly and National Council plenary debates to present representative contributions from male and female MPs to the debates surrounding two of these pieces of legislation: the Combating Rape Act and the Domestic Violence Act as well as recent parliamentary debates pertaining to the 50/50 Campaign.²³ As noted in the previous section, by some accounts, parliamentary debates serve more as a posturing and signalling tool, instead of revealing an MP's true personal convictions. Additionally, Dianne Hubbard notes another important dynamic when interpreting debate contributions:

You could also cut [support for women's equality issues] along different lines because there were some men in those heated debates who also made some very good statements, but it particularly tended to be younger men, and men who spent some time outside the country seeing how different countries have different stereotypes. So you could see that personal experiences were informing those debates...[T]he most conservative views tended to be from older men from rural areas who tended to be very much imbued with traditional views in areas across the board.²⁴

These trends are apparent in the debates presented here. However, they also took on a particularly gendered dynamic, and therefore substantive investigation of male and female contributions is revealing.

The Combating Rape Act 8 of 2000

Two new laws in 2000 completely changed the legal framework governing the crime of rape in Namibia – the Combating of Rape Act 8 of 2000, supplemented by the accompanying Combating of Immoral Practices Act Amendment Act 7 of 2000. The Combating of Rape Act accomplished the criminalisation of rape within marriage, provided stricter sentences for rapists, and protected rape victims from irrelevant questions about their sexual history. It also eliminated evidentiary rules based on the conception that false charges of rape are common (Legal Assistance Centre 2006).²⁵

One of the most controversial issues in the surrounding parliamentary debates concerned the inclusion of marital rape within the bill. Hon Tjiriange (a male MP) was one of the strongest advocates for this measure, and also one of the most influential individuals in including this stipulation in the Bill. In defence of the clause, Tjiriange stated:

I know that people's first reaction to this proposal is often shock. There are people who think that wives must simply accept what their husbands want in the field of sex. I have no sympathy for people with such a view. Women do not lose their rights when they get married.²⁶

A few other male MPs spoke out in favour of including marital rape in the bill, with the following statements being representative:

The other issue is that women should not be complacent or silent... We men must also consistently be liberated from the notion of not accepting the fact that women have a right to say no – women cannot be forced. They have a right to live life in abundance as we do. ... [W]e must develop a culture of tolerance, self-control and caring for one another.²⁷

It is my sincere hope that the passing of this Bill will break the circle of silence among partners to come forward and report rape cases.²⁸

Despite the praiseworthy effort from a few male MPs, the subsequent debate typically fell along gendered lines, with such blatantly misogynistic statements from male MPs being typical:

Now we have this question of a husband raping his wife. I am not thinking about extreme cases which might happen, but I am talking about normal relations and perhaps the husband is a bit drunk or something and starts to demand certain things from somebody who is not interested at that

²³ I collected excerpts from these debates both from bill specific reports produced by the Legal Assistance Centre, as well as from their original sources in the Parliamentary Library. For a review of contributions around the 2003 Maintenance Act see the 2013 Legal Assistance Centre Report found here: <http://www.lac.org.na/projects/grap/Pdf/maintenancemattersfull.pdf>.

²⁴ Dianne Hubbard, interviewed by author.

²⁵ For a more detailed account of the parliamentary debates leading up to the passage of this Act as well as an analysis of the Act's impact in the country, see the LAC publication, *Rape in Namibia: An Assessment of the Operation of the Combating Rape Act 8 of 2000* (2006).

²⁶ Hon Tjiriange, Second Reading Speech, NA, 3 June 1999.

²⁷ Hon Mujoro, NC, 9 March 2000.

²⁸ Hon Kaiyamo, NA, 9 March 2000.

particular time and a quarrel might start there, and out of the blue the husband is accused of attempted rape. The only evidence there is from somebody who talks louder, or who is able to shed the most tears, to demonstrate to the public that it is aggrieved, because there were the only two people at the place. I don't know whose evidence they are going to take now. I am quite sure what is going to carry the day is the crying, who sheds the most tears.²⁹

If you look at clause 2 of this Bill [on sexual violence]... we are told, for the first time as Africans, that if a husband, for example, advances sexual requests to his wife when his wife's sexual desire has not been mobilised, that it will be interpreted as rape. What nonsense! Do you mean a married wife is being raped by her husband? Is this African?... what would happen if a husband is refused sex to which he is entitled? What would happen is that I would start looking around outside [the marriage]. The husband would start looking outside for other favours and the consequence will be that we will not be able to control HIV/AIDS.³⁰

Is it possible to term that exercise as rape, because by nature the man feels that he has the right to have sexual intercourse with her? Can it be termed whether she wants it or not, as rape?³¹

I personally fail to understand how this happens in marriage.³²

Many women spoke out in favour of including the provision in the proposed Bill, one of most vocal of which was the then-Director General of Women's Affairs. She spoke at length reproaching her male colleagues, stating:

Comrade Speaker, I realise that many of my honourable male colleagues have problems with including marital rape. When we passed the Married Persons Equality Bill there were similar fears expressed by many men and some women that women will abuse the law. This has not happened as the law simply removed the acceptance that woman was her husband's property, and this has brought harmony and good partnership within marriage... Cde Speaker, in a recent study of abused spouses in Luderitz, Karasburg and Keetmanshoop, Dr. Hettie Rose-Junius, a respected scholar of Namibia, found that 25 percent of women who were interviewed had been raped by their husbands. So we should not think what is addressed in the Bill is a fabrication. It is a reality that is happening within our community. These towns where the study was made are not in foreign countries; they are here in Namibia. This was mostly when the man was drunk and after he had already beaten his partner or abused her psychologically.³³

²⁹ Hon Angula, NA, 3 June 1999.

³⁰ Hon Nambinga, NA, 25 November 2002. This statement was made during the discussion of the Combating of Domestic Violence Bill, in which the previous debate on the Combating of Rape Bill was repeatedly referred to.

³¹ Deputy Prime Minister (Hon H Witbooi), NA, 3 June 1999.

³² Hon Gende, NA, 8 June 1999.

³³ Director-General of Women's Affairs (Hon N Ndaitwah), NA, 9 June 1999.

³⁴ Dianne Hubbard, interviewed by author.

³⁵ Again, for a more detailed account of the parliamentary debates leading up to the passage of this Act as well as an analysis of the Act's impact in the country, see the LAC publication, *Seeking Safety: Domestic Violence in Namibia and the Combating of Domestic Violence Act 4 of 2003* (2012).

³⁶ Dianne Hubbard, interviewed by author.

Overall, the contribution of female MPs in this debate was to strengthen the support for criminalising marital rape. A few notable male MPs were also vocal in supporting this clause, but the majority of male MPs considered the home to be a sphere in which this law should not intrude.

The Combating of Domestic Violence Act 4 of 2003

The Combating of Domestic Violence Act 4 of 2003 covers a range of forms of domestic violence, including sexual violence, harassment, intimidation, trespass, economic violence and psychological violence. It covers violence between persons in domestic relationships, which include husbands and wives, parents and children, boyfriends and girlfriends, and close family members. Prior to the enactment of the Act in 2003, there was no Namibian law aimed specifically at domestic violence (Legal Assistance Centre 2012, 14).

The legislation advanced largely as a result of a huge effort from women's civil society organisations, which coordinated large public demonstrations in Windhoek and around the country on issues of domestic violence. Dianne Hubbard of the Legal Assistance Centre also notes how the progressive views of the country's founding father helped draw support for this piece of legislation, noting: "President Sam Nujoma was speaking out against domestic violence before it was even considered an issue here in Namibia; when it was just considered a way of life."³⁴ The Ministry of Justice tabled the Bill in the National Assembly on 22 October 2002. After heated discussion in both houses of Parliament, the Act was passed in March 2003 (Legal Assistance Centre 2012, 19).

Perhaps even more than the Combating of Rape Act, the debates surrounding this piece of legislation fell heavily along gender lines.³⁵ Men seemed particularly reluctant to endorse a piece of legislation that pertained to the legal rights of women within the home. Hubbard expounds:

In Namibia people are much more comfortable with gender equality in the public sphere than in the private sphere. You will find that people will speak very strongly about women being represented in decision-making bodies, but when it comes to the family level that's much more sensitive. I think you saw that in parliamentary debate around rape within marriage; and I think that sensitivity is symbolic; I think it is a sign that people are much more comfortable with women in the boardroom than [with] any change in the bedroom.³⁶

This was particularly pronounced around the debate of sexual violence within marriage, and in many ways was reminiscent of the Combating of Rape Act debate. Some male contributions on this topic were highly chauvinistic with the following statement being typical:

When you deny that somebody's right [to sex], you are humiliating that person. You know that person has feelings and psychological disturbance, and that person can go to hospital if you deny him perpetually. Therefore, it is violence, because it has the capacity to bring violence. The reaction is not predictable. It is painful, you cannot imagine how painful it is [LAUGHTER]... That requirement is exactly the same as bread. If you are denied bread, you are denied food. If you are denied sex which you have become accustomed to, you will not be normal, you will be abnormal. The origin of homosexuality was because in one way or another they were denied the right to a partner. In the absence of that they used what was available. But all these have the character of creating violence.³⁷

The Minister of Women's Affairs and Child Welfare rebuked these types of statements made during the debates. She chided, "It is common in this house that when you discuss issues that really touch women, there is laughter, jokes, there is no seriousness."³⁸

Apparently not realising that his statements were offensive, the aforementioned male MP wrote a letter to the editor in the country's main newspaper in response to an editorial regarding his comments, stating:

The assumption by the editorial that the Minister was against the Bill without proof is clear demonstration of the spirit of the feminism agenda advocated by some in the name of the gender equality which must be rejected. As a self-respecting legislator, I will not stand by watching the gender policy being hijacked by feminism.³⁹

Much of this debate centred on the root causes of domestic violence, with several female MPs attributing domestic violence to systematic inequalities in power dynamics within the home, with such statements being representative:

...[S]tatistical evidence from the Law Reform Commission points to the fact that more women than men are victims of domestic violence. It is hence safe to conclude that oppressive gender relations within society are reflected through culturally determined gender roles have a lot to do with domestic violence. It is hence my sincere hope that this radical piece of legislation will serve to eradicate the traditional portrayal of an 'ideal woman' as being submissive, married, rural-based, faithful and loyal to the spouse and parents.⁴⁰

During the liberation struggle for our independence, women carried a double yoke of oppression – on the one hand, the yoke of foreign domination by both the German and the South African regimes. Murder, rape and all sorts of discrimination were imposed on women. On the other hand, it

was the yoke of our husbands with their traditional beliefs, where the husband was a king and the wife was the slave for fetching firewood, water, cook, plough and hoe the field even though she was pregnant... The Namibian women continued to suffer even after independence by their countrymen to domestic violence, while men are fully enjoying the peace and stability of this country which were brought about by both men and women. For how long will Namibian women not enjoy equal status like the fellow men folk?⁴¹

One particular male MP dismissed these assessments from his female colleagues, claiming:

I discussed this Bill with quite a number of women and I can probably say that this Bill does not enjoy the support of the ordinary Namibian women. It may enjoy the support of a few elite women who are trying to have this Bill in order to control their husbands and boyfriends. It does not enjoy support of the ordinary Namibian women.⁴²

It should be noted that three male MPs, however, made similar connections between domestic violence and underlying inequalities in society, with the following statement being representative:

I believe one of the root causes for domestic violence is the unequal relations of power between men and women and this results in domination and discrimination against women at home, at work and in community generally.⁴³

In addition, the male Deputy Minister of Justice also rebuked his male colleagues on some of their more callous statements, correctly noting:

These are the values which every Hon Member of this august House affirms every day. If these fundamental principles and values are in conflict with our culture and tradition, then the supreme law of the land should prevail. Equality between men and women is guaranteed in the supreme law of the land, the Namibian Constitution. If international instruments, which our government has acceded to or ratified, are in conflict with our culture and tradition, then in terms of Article 144 of the Namibian Constitution, these international instruments prevail over the Namibian culture and tradition. In terms of Article 66 of the Namibian Constitution, the Namibian culture and tradition is only valid to the extent that they do not conflict with the Namibian Constitution or any other statutory law. I support the Namibian culture and tradition to the extent that they are not used as hidden instruments of oppression against women or any other person.⁴⁴

As in the case of the previously discussed Combating of

³⁷ Minister of Agriculture, Water and Rural Development (Hon Angula), NA, 30 October 2002.

³⁸ Hon Nandi-Ndaitwah, NA, 18 November 2002.

³⁹ Helmut K Angula, Minister, The Namibian, Readers' Letters, 15 November 2002.

⁴⁰ Hon Amukugo, NA, 14 November 2002; see also Hon Nandi-Ndaitwah, NA, 18 November 2002.

⁴¹ Hon Sioka, NA, 21 November 2002; interjections omitted.

⁴² Hon Nambinga, NA, 25 November 2006.

⁴³ Hon Kapere, NC, 12 May 2003.

⁴⁴ Deputy Minister of Justice (Hon Kawana), NA, 25 November 2002.

Rape Act, although there were a few notable male MPs who spoke out eloquently and forcefully in support of the Combating of Domestic Violence Bill, many more male MPs stated reservations about the scope of the Bill. Female MPs, for the most part, articulated clear arguments in support of the Bill.

Discussion on the 50/50 Campaign in Parliament

As a final area of interest in terms of the gendered dynamics of parliamentary debates, it is worth noting the recent instances when the 50/50 Campaign has been discussed in Parliament. Although, as noted, a bill to ensure the equal representation of women in government at the national level has never been tabled in the National Assembly, the issue has come up on several occasions in recent years – and was recently discussed and adopted voluntarily by the ruling Swapo party.

The Minister of Gender Equality and Child's Welfare often mentions the Campaign in ministerial statements. The following from the 2007 ministerial statement is representative:

As I mentioned above, Namibia has failed to reach the SADC target of 30 percent and this target has now been raised to 50 percent. Women continue to be underrepresented at most levels of leadership within the private and public sector...

Experience from other countries has shown that when you have a quota for women by Constitution or by law, gender balance can be achieved in the National Parliament. In Namibia the high representation of women in Local Authorities is a testimony [to] that fact, as that was made possible by the law that requires that when Political Parties are putting up their candidates, a certain percentage should be allocated to women and this is complemented by the Swapo Party's policy of a zebra list when it comes to Local Authorities... We, therefore, need to amend the Electoral Law and/or Constitution so that we can bring about gender balance in our Parliament.⁴⁵

This issue came under heated debate in late 2009 when the legislature was deciding whether to ratify the 2008 SADC Protocol on Gender and Development. In these debates, several female MPs were very outspoken on their support for ratification with the following statement being representative:

The SADC Gender Protocol is pivotal if we want to bring about positive change in the structures and cultures of male domination. If properly implemented, it will promote empowerment as well as the creation of trust and cooperation. It values the active participation of interested women, not just the articulate few who emanate and maintain patriarchy and we need to break that emulation of patriarchy as women who are able to articulate issues and be women and support our women. We must stop this story that men are always telling just that we don't support each other and we stand by them and say so. We need to beat that chain of patriarchy... Most of you political parties are not even

close to achieving the SADC goal of 50/50 representation. You instead reduced the number of women on your Party lists. To me this is an indication that you are not committed to, or even interested in building a Namibia in which all citizens are equal and are treated with dignity and respect. Shame on you - all the political parties.⁴⁶

As in previous debates, a few male MPs made claims of reverse discrimination despite women's traditional marginalised status, as well as expressing resistance to changing gender roles. The following statement is representative:

This is one shortcoming because we only talk about women, women and we do not take into consideration that there are men who are discriminated against even worse than women. I do not know whether we have the right to amend this Protocol... The aim of the Protocol is not bad, it is very good, but we men should not be blamed. Maybe in olden times the men could be blamed, but currently the women are discriminating against themselves.⁴⁷

In sum, several laudable male MPs have shown support for progressive gender equality measures during parliamentary debates surrounding these issues; whereas some female MPs have been silent on these issues or at times even espoused reactionary positions. Despite this, a few outspoken female MPs have demonstrated the most ardent support for women's rights issues, and have done so amidst highly patriarchal remarks from among their male colleagues.

Looking Forward: Conclusions and Policy Recommendations

Namibia is currently at a crossroads. Will the country's political leaders commit to reclaiming Namibia's place as a regional frontrunner in gender equality? To achieve this end, this report concludes by offering the following policy recommendations.

50-50 Options:

Swapo's recent adoption of a voluntary 50-50 system is admirable. As we have seen from the experience of the ANC in South Africa, if properly implemented, a zebra list from Swapo for National Assembly elections would allow the country to make a huge leap forward in women's parliamentary presence. Given that National Assembly elections already run on a closed-list proportional representation system, creating a zebra list is fairly straightforward. This is also an ideal time for opposition parties to follow Swapo's lead and actively commit to their formal declarations of gender equality by voluntarily adopting zebra placement on their own candidate lists. This signals a firm commitment to the SADC Gender Protocol and may also garner more female votes. Related to the issue of female candidate recruitment, the Local Councils, where women have held approximately half of leadership positions for over the past twenty years, are a promising ground to recruit and train new female leaders for the national arena.

The current political climate in Namibia makes it an ideal time

⁴⁵ Hon Nandi-Ndaitwah, NA, 8 March 2007.

⁴⁶ Hon Namises, NA, 7 October 2009, in her first speech in the National Assembly.

⁴⁷ Hon Ilonga, NA, 24 September 2009.

to codify Swapo's good will as represented through its voluntary commitment to a zebra list. As soon as possible, the new electoral laws should formally include a stipulation mandating that all political parties submit a zebra list for elections to the National Assembly. Several high-placed women within Swapo have publically articulated their support for this measure. In addition, a zebra list requirement is already recommended in the most recent National Gender Policy. This report has shown that amending the electoral law, instead of relying on individual political parties to voluntarily amend their internal constitutions, will prevent parties from shirking on these obligations in future elections. Sanctions for non-compliance to the zebra list stipulation should be included in the amended electoral law. The Legal Assistance Centre (2001) has drafted a proposed 50/50 Bill that serves as a guide to how these new laws could be drafted.⁴⁸ Additionally this report has demonstrated the need for independent bodies to closely monitor internal party elections in order to ensure that democratic practices are being upheld both as political parties select their own leadership and as they submit their candidate lists to the National Assembly.

At the level of the Regional Councils and the subsequent National Councils elections, legal provisions to promote gender equality are more onerous, as these elections are run on single-member constituencies. Ethically and legally it is more difficult to justify a gender balance when only one candidate is elected for each position. Despite this, there are at least three legal options that could increase women's representation at the regional level.

First, the electoral law could stipulate that political parties must follow the SADC recommendation to field at least 50 percent female candidates in these elections. This recommendation, however, has little teeth in terms of actually guaranteeing a sizable change in women's descriptive representation at this level. Voters, in Namibia as elsewhere, have shown a historical voting bias against female candidates – so even if a woman were guaranteed a slot against a male candidate for a single-member seat, this stipulation does nothing to ensure that she will actually get into office. Indeed, this is one reason why there are so few women in the Regional Councils in the first place.

Second, Namibia could implement a model similar to the one presently used at the national level in Uganda (along with several other East African countries). The 1995 Ugandan constitution stipulates a first-past-the-post electoral system, but also requires separate women-only constituencies that are mapped over normal constituencies. In the context of the Namibian Regional Councils, each 'women's district' would consist of several Regional Council districts, so each voter would select two candidates during an election: one for the open seat and one for the women's district seat. This has several advantages: First, this guarantees a minimum predetermined share of women on the Regional Councils (for instance, the women's districts could be constructed to ensure that women have at least 35 percent 'safe' seats). Second, it does not remove any current Regional Council member from his/her seat. Third, it would not be as costly as doubling the size

of the Regional Councils if, for example, the women's districts were mapped over two or three already established districts. Finally, this policy is not politically contentious. Sex does not trump party, and Swapo (or any other party) can field as many candidates as it wants for the sole seat in each of the new women's districts.

A final policy option here comes from the experience of the Local Authorities in Lesotho, which since the 2011 election has reserved seats for women on Local Councils to ensure at least 30 percent representation. The Lesotho system is based on the same premise as the Ugandan example described above, but the selection procedures for female candidates are different. In Lesotho, the women's seats on Local Councils are assigned through a Proportional Representation system that does not require a separate ballot or separate constituencies for only female candidates. Rather, each party submits a closed all-female list before the election. Each party's vote share in the general election determines how many women from the all-female list are sent to serve on the Local Councils. To illustrate, consider this example: Assume any given Regional Council needs to have 5 women representatives to have at least 30 percent female representatives (leaving aside the women that win open seats). Now assume that Swapo wins 60 percent of the popular vote, RDP and CoD each receive 16 percent of the vote, and DTA wins 8 percent of the vote. Swapo then would send its top three candidates from its all-female list ($5 \times 0.6 = 3$); RDP and CoD would each send one ($5 \times 0.16 = 0.8$; rounded to the nearest whole number = 1); and DTA would not send any ($5 \times 0.08 = 0.4$; rounded to the nearest whole number = 0). This has the advantage of being relatively low-cost, and also relatively uncontroversial politically.

Formation of an Inter-Party Women's Caucus

Currently, there is not a separate standing committee for women's affairs in Parliament to serve as a liaison between female members of the different political parties to discuss pieces of legislation that disproportionately affect women. Although there was an inter-party Women's Caucus in previous legislative sessions, this group has become defunct. In this regard, the 2012 SADC Regional Women's Parliamentary Caucus Delegation to Namibia noted:

The absence of a National Women's Parliamentary Caucus is denying female Parliamentarians a platform to come together and discuss issues pertaining to women. Within SADC, the Namibian National Assembly and the Mauritius National Assembly are the only two Parliaments without an active Women's Parliamentary Caucus (SADC 2012, 5).

Reinstating such a caucus would provide a forum for female MPs across parties to come together to discuss the gender-related legislative agenda. Further, if and when political parties implement zebra lists, this body has the potential to serve as an active women's lobby within Parliament as more women attain seats.

⁴⁸ For a copy of this publication see: Dianne Hubbard (2001) "50/50 Options for Namibia" at www.lac.org.na/pub/publications.php. See also Hubbard (2010) "50/50 Bill Revised."

The Role of Civil Society

This study has also demonstrated the need for women's groups in civil society to continue to pressure parliamentarians, male and female, in their advocacy efforts around specific pieces of gender-sensitive legislation. In this regard, two further questions from the African Legislature Project are noteworthy. The first question reads: "Thinking of the parliamentary committees on which you serve, how would you rate the quality of civil society submissions to your Committee?" Table 14 displays the distribution of responses to this question. A large majority (75.8 percent) of MPs rate civil society contributions as either good or very good. An additional related question asks the respondents to assess the amount of civil society submissions to their committees - whether there are too little, too much, or just about the right amount. Table 15 reveals that a slight majority of MPs (51.6 percent) think the amount of civil society contributions is either far too little or too little – whereas only 3.2 percent believe the level of contributions is excessive. This indicates that, at least on the surface, most MPs are willing to accept more input from civil society.

Table 14: Quality of civil society contributions to parliamentary committees

Very good	Good	Poor
10.3% (3/29)	65.5% (19/29)	24.1% (7/29)

Table 15: Assessment of the level of civil society contact with parliamentary committees

Far too little	Too little	About right	Too much
12.9% (4/31)	38.7% (12/31)	45.2% (14/31)	3.2% (1/31)

Elma Dienda, former opposition MP, recalls how she had hoped more civil society organisations would reach out to her:

You know one problem that I had, the first time when I came into Parliament, I thought NGOs, especially the ones dealing with women's issues – will come and grab new MPs to train them; at least to polish them, and to bring women's issues to them. It never happened, I was so disappointed. You know what happened, whenever there was a gender issue, it was me who called them and said can you give me your input... and that made me strong, because at least now I had the information because most of my contributions in Parliament were coming from the NGOs. NGOs need to empower female MPs. I mean, if they ignore them, fine but they need to work with the ones that will listen.⁴⁹

Whereas training and support structures for incumbent MPs may prove difficult in many cases, Immaculate Mogotsi at the University of Namibia also emphasises the need to provide leadership training for prospective female leaders, especially in the presence of a mandated gender quota. She notes:

Men compete for these positions, and you move up the various structures of the political parties, from your constituency level, to the regional level, to the national level. And for you to move up these structures, you must be

present, you must make an impact. But if we stand up, and we say there must be a quota system. Where are these women coming from? Then there is always the concern of wheel-barrowing. And you sometimes see that a person is in that position, but she is not the one that actually makes decisions – they are being micro-managed by the bigger forces, which are usually male. When we want a quota system, we should make sure that we put support mechanisms in place. Support mechanisms for me would be a space where we can send these women where they learn how other women are doing things.⁵⁰

Mogotsi rightly notes that support structures for female leaders, especially early in their political careers, are necessary for women to feel empowered to contribute to political debates to the same extent as men, as they are not doing now – and also to be knowledgeable in the issue areas that Namibian women's groups identify as pressing.

Swapo's recent commitment has reenergized the national campaign for 50/50. Further, the reformulation of the Namibian electoral law is an opportunity to press for the legal changes suggested in this report. These changes, coupled with continued advocacy from civil society on women's equity measures as well as training for upcoming political leaders, will serve two important goals: to increase the number of women in political decision-making positions, and to enable and pressure female politicians to use these positions to advocate for the rights of Namibian women.

⁴⁹ Elma Dienda, interviewed by author, Windhoek, Namibia, 21 November 2012.

⁵⁰ Immaculate Mogotsi, interviewed by author.

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Incorporated Association Not for Gain Registration Number 21/2000/468

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