

# Policy Briefing

## Women, Power & Policymaking

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## In but Out in Lesotho: Women's Representation Dilemma

THABANG RAMAKHULA

### Executive summary

This policy briefing, focusing specifically on the National Assembly of Lesotho, argues that patriarchy, electoral processes, stereotypical gender roles and other foundational barriers perpetuate the marginalisation of women in parliament. Thereafter it sets out to examine the effectiveness of gender quotas, critical mass theory and Lesotho's electoral system in remedying this marginalisation. The briefing provides recommendations towards Lesotho achieving substantial representation of women in the National Assembly.

# Introduction

Women's political representation is internationally recognised as a significant indicator of their political status in a country; moreover, it conveys the essence of democracy, which is the representation of all citizens in public affairs.<sup>1</sup> In spite of legal guarantees of equality in many states, including representation in democratic and political processes, women's political representation remains far behind that of men.<sup>2</sup> This briefing articulates some of the factors that account for this state of affairs in Lesotho and highlights the need for a revision of women's advocacy for greater representation. Indeed, impediments to women's political representation in Lesotho, such as cultural and religious norms and socio-economic factors, are structural and foundational.

Many states have adopted and focused on gender-based quotas as mechanisms to correct this imbalance in women's representation in governance. Although some studies<sup>3</sup> have shown that gender quotas are beneficial because they result in greater representation for women in the politics of a country, and often to less bias and sexism against women within the political culture, there are some opposing views.<sup>4</sup> Uganda, for example, has used quotas that reserve seats, mandating each district to have a woman representative in parliament. Despite this appearance of increased representation, Ugandan women report a continued struggle to make their voices heard. As a result, the female members of parliament reportedly make 'only a marginal dent [to] the overarching dominance of patriarchal forms of doing politics', mainly because 'women are still considered intruders in a preserve that was previously almost exclusively male'.<sup>5</sup> Such examples indicate that more than quotas are needed for substantial representation in politics to be attained.<sup>6</sup>

## Closed-list proportional representation with legislated quotes

Lesotho uses a mixed-member proportional representation electoral system. In this system, electorates vote for a political party and a party representative for their constituency. The constituency representative with the most votes is declared winner of that election. The deep-rooted nature of patriarchy in party politics in Lesotho has made it challenging

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1 Kassa S, 'Challenges and opportunities of women political participation in Ethiopia', *Journal of Global Economics*, 3, 162, 2015, p. 162.

2 With the exception of states such as Rwanda and Ethiopia.

3 See, generally, Tripp AM & A Kang, 'The global impact of quotas: On the fast track to increased female legislative representation', *Faculty Publications: Political Science*, 41, 3, 2008, pp. 338-361; Zetterberg P, 'Do gender quotas foster women's political engagement?: Lessons from Latin America', *Political Research Quarterly*, 62, 4, 2009, pp. 715-730.

4 See, generally, Chen L, 'Do gender quotas influence women's representation and policies?', *European Journal of Comparative Economics*, 7, 1, 2010, pp. 13-60.

5 Tamale S, *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*. Boulder: Westview Press, 1999, p. 194.

6 See, generally, Krook ML & P Zetterberg, 'Introduction: Gender quotas and women's representation - new directions in research', *Journal of Representative Democracy*, 50, 3, 2014, pp. 287-294.

for women to be voted into power under this arrangement, regardless of their credentials. The absence of legislated quotas at the National Assembly level, although present at the local government level, has not aided the situation. In addition, the literature indicates that quotas work best in closed-list proportional representative systems, resulting in a greater likelihood of women's election to parliament.<sup>7</sup> While, according to some, membership in a 'party is a much better predictor of voting behaviour than gender',<sup>8</sup> the combination of a closed-list proportional representation electoral system and legislated quotas in Lesotho may be the turning point for women's representation in the National Assembly. This change in the electoral system, however, would require a vote in parliament, where women are in the minority. To tackle this challenge, critical actors<sup>9</sup> and civil society need to work together to raise the public's awareness of the importance of these changes, and so ensure a demand for them.

Lesotho's neighbour South Africa, which uses a pure proportional representation electoral system, broke new ground in the 2019 national elections when the party lists resulted in 46% of parliamentary members being women.<sup>10</sup> Such a proportional representation electoral system would be more likely to lead to a significant increase in women's representation in Lesotho's National Assembly. With Lesotho's citizens having indicated dissatisfaction with the current electoral system, now may be the time to adopt a closed-list proportional representation system with legislated quotas.<sup>11</sup>

## Critical mass vs critical actors

Earlier scholarship, in response to the numerical absence of women in politics, focused on increasing women's numeric representation in politics, in the hope that this would lead to increased substantive representation.<sup>12</sup> This approach proved less effective than anticipated, for a number of reasons.<sup>13</sup> Firstly, some women had been so deeply socialised into patriarchal and traditional norms of inequality that they failed to adapt to equality advocacy once in politics. With women already lacking a critical mass in decision-making positions and most avoiding any form of antagonising behaviour against their male

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7 Verge T & N Wiesehomeier, 'Parties, candidates, and gendered political recruitment in closed-list proportional representation systems: The case of Spain', *Political Research Quarterly*, 1, 2018, p. 2.

8 Sanbonmatsu K, 'Gender-related political knowledge and the descriptive representation of women', *Political Behaviour*, 25, 4, 2003, p. 370.

9 'Critical actors are those who act individually or collectively to bring about women-friendly policy change.' Childs S & MN Krook, 'Analysing women's substantive representation: From critical mass to critical actors', *Government and Opposition*, 44, 2, 2009, pp. 126-127.

10 Gender Links, 'South Africa: Gender and elections', <https://genderlinks.org.za/what-we-do/governance/advocacy/south-africa-gender-and-elections/>, accessed 3 July 2019.

11 Nyane H, 'The never-ending story of law and the electoral system in Lesotho', *Journal of Law, Society and Development*, 4, 1, 2017, p. 1.

12 Descriptive and substantive representation as defined in Pitkin HF, *The Concept of Representation*. Berkeley: University of California Press, 1967.

13 Miranda RLT, 'Impact of Women's Participation and Leadership on Outcomes', Paper presented at 'The Expert Group Meeting on Equal Participation of Women and Men in Decision-Making Processes, with Particular Emphasis on Political Participation and Leadership', Addis Ababa, 24-27 October 2005.

counterparts, raising gender issues in these platforms proved a difficult task. Secondly, women are a diverse group with varying concerns that are influenced by different factors, such as age, education, religion and geographic location. It is thus a flawed assumption that all women would be interested in and advocate for similar causes.

As these challenges became evident over the years, literature started to study critical actors. In proposing this new approach, Childs and Krook shifted the focus of the debate around women's representation from 'when women make a difference [to] how the substantive representation of women occurs, and [from] what women do [to] what specific actors do'.<sup>14</sup> This was in light of the realisation that collective action is often the result of the combined efforts of a few highly motivated and resourceful individuals, as opposed to being the fruit of the average group members' acts. This approach does not do away with the need for women's numerical presence to increase in political spaces; rather, it shifts the attainment of this goal from being the sole responsibility of female members of parliament to one shared by a whole group of critical actors.

With women's representation in Lesotho never having reached a critical mass in the National Assembly,<sup>15</sup> and with evidence pointing towards a recession of women's participation in parliament,<sup>16</sup> a shift of focus towards critical actors in and around political leadership becomes key. This calls for a partnership between political actors and relevant stakeholders in society to identify critical actors in achieving both numerical and substantive representation of women in Lesotho's National Assembly.

The foundational impediments to women's representation in Lesotho, which are briefly discussed below, are such that they require not only legal solutions but also political and civil society partnerships.

## Foundational barriers to women's political participation

A number of factors affect women's representation in Lesotho's National Assembly. In order to structure women's representation advocacy strategies in a manner that enables them to effectively address this underrepresentation, it is crucial to discuss its causes.

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14 Childs S & MN Krook, *op. cit.*

15 It is worth noting that Lesotho's quota law led to local government's having over 40% of women in its leadership.

16 Gender Links, 'Women's representation in Lesotho govt recedes', Press Release, 4 August 2017, <https://genderlinks.org.za/press-releases/lesotho-womens-representation-new-coalition-government/>, accessed 4 July 2019.

# Cultural and religious factors

Cultural and religious factors still exert great influence over women's share in sub-Saharan African parliaments.<sup>17</sup> Religious beliefs are thought to play a role in influencing the prevalence of patriarchy in Lesotho with teachings on women's submission to men. Basotho women consequently face serious drawbacks, most of which are the result of patriarchal cultural beliefs that continually lock women in oppressive situations, increasing their vulnerability to abuse, disease and poverty. These deeply engrained beliefs promulgated by religious and cultural institutions also play a significant role in limiting women's political participation, particularly through their emphasis on male supremacy in social and economic affairs. This translates into gender inequalities in political participation.

## Gender roles

Gender roles create obstacles both to women's entry into parliament and to their effective participation once there. Despite the high literacy levels of many women globally and their entry into the workforce, they are still typically seen as homemakers, belonging in the domestic sphere.<sup>18</sup> This means women with political aspirations need to juggle both domestic work and their political aspirations. This may be seen as a deterrent for most women, especially with political life involving much travel and many absences from home, thus attracting stigmatising tags such as 'loose' and 'unfit mothers'.<sup>19</sup> In Lesotho, women's domestic work typically includes 'looking after the home, ensuring that everybody in the home is provided for ... cook[ing] the meals, mak[ing] sure the home is clean, wash[ing] clothing, etc.'<sup>20</sup> In short, the disproportionate amount of caring work that women perform in the domestic arena leaves little time for them to engage in the public sphere. These are all tasks that can render a woman unable to fully participate and be effective in her political endeavours.

## Access to land

Access to land, around which most livelihood activities revolve, allows social and economic development. Although much legislative progress has been made in terms of women's access to land and resources, the reality on the ground is still not reflective of this. Studies have shown how, despite the presence of legislation that now allows women to own land

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17 Adams KS, 'Influences upon parity: An analysis of factors affecting female representation in national legislatures', *The International Journal of Diversity in Organisations, Communities & Nations*, 5, 6, 2006, pp. 75-86.

18 Bernstein L et al., 'Wagadu', *Journal of International Women's Studies*, 10, 1, 2009, p. 94.

19 *Ibid.*, pp. 94-95.

20 Chwarae Teg, *A Woman's Place in Lesotho: Tackling the Barriers To Gender Equality*, Report, 2015, p. 9, <https://www.cteg.org.uk/wp-content/uploads/2015/04/chwarae-teg-report-a-womans-place-in-lesotho-DT-en.pdf>, accessed 11 July 2019.

or inherit it through drafted wills, customary laws that regard men as the only rightful heirs still stand.<sup>21</sup> Further studies indicate that, in practice, many women still need consent from their male guardians in order to purchase or sell land or be granted loans, even in cases when this is not a legal requirement.<sup>22</sup> Women's lack of access to land marginalises them economically and continues to weaken their chances of having a parliamentary presence. If more women had access to land and thus a greater chance at economic freedom, they could more readily be able to afford the costly electoral campaigns to gain office and to build support for their motions once in parliament.

## Discriminatory laws and policies

Sexist laws and policies also remain a problem in Lesotho. Section 18(4)(c) of the Constitution of Lesotho 1993, for example, authorises discrimination against women on the basis of customary law. According to customary law, as codified in the Laws of Lerotholi, the guardianship of a woman rests with her father, husband or son even after she turns 21.<sup>23</sup> This translates into the perpetual minor status of women under Sesotho customary law, meaning they cannot customarily enter into a contract or stand for political office in any regard without the assistance of a guardian. A girl child may also not inherit from her father's estate under customary law. The existence of such discriminatory laws validates the disregard for women as equal citizens, undermining their ability to play a role in the governance structures of the country. This perceived secondary status of women in society has in turn translated into their poor representation and effectiveness in parliament.

These foundational barriers to women's political representation play an intrinsic role in the current status quo in Lesotho's National Assembly. Attempting to remedy this underrepresentation without addressing these issues would prove a futile task. This policy briefing, therefore, intends to encourage the government of Lesotho – particularly the legislature, political parties and the Ministry of Gender, Youth, Sports and Recreation – and civil society and other relevant stakeholders to adopt the policy recommendations it provides, as a means to bring about positive change for women's representation in governance.

## Conclusion

There is still space for much more progress in women's representation in Lesotho. This briefing discussed foundational barriers to women's representation in the country, to

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21 Moseitse P, 'Gender stereotypes and education in Lesotho', Thesis, University of the Free State, 2006, p. 30, <http://scholar.ufs.ac.za:8080/xmlui/bitstream/handle/11660/1790/MoseitseP.pdf?sequence=1>, accessed 5 May 2019.

22 Kali M, 'Women empowerment in Lesotho: Reality and/or myth?', *Journal of Research in Humanities and Social Science*, 6, 2018, p. 55.

23 Matashane-Marite K, 'Women's Rights and Participation – Including Women's Access to Land and Inheritance, and the Role of Lobbying and Grassroots Organisations in Lesotho', Paper presented at 'The Expert Group Meeting of the United Nations Division for the Advancement of Women', Bangkok, 8-11 November 2005.

highlight the causes of unequal representation. To remedy the situation, it is necessary to adopt a closed-list proportional representation electoral system in tandem with legislated quotas. In addition, critical actors should advocate for the increased representation of women in Lesotho's political and governance sphere.

## Policy recommendations

- Adopt a closed-list proportional representation election system. Currently, the electorate votes for a political party and has no say regarding the candidates chosen by that party.
- Introduce legislated gender quotas at the National Assembly level.
- Shift Lesotho's women's representation advocacy focus from critical mass to critical actors.

# Author

## Thabang Ramakhula

holds an LLM in Human Rights and Democratisation in Africa from the University of Pretoria. She is currently an LLD candidate and women's rights and good governance advocate.

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## Cover image

Women dressed in traditional clothing in Maseru, Lesotho (Per-Anders Petterson/ Getty Images)

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