

Temporary Special Measures: A Possible Solution to Get More Women Into Politics

In some ways, the Legislative Assembly of the Northwest Territories has been a trailblazer in terms of diversity of representation in Canada. Since full responsible government returned in 1983, a majority of its MLAs have been Indigenous, as have all but two of its premiers. Moreover, Nellie Cournoyea became the first Indigenous woman to become premier of a province or territory in Canada and only the second woman ever to hold a premiership in the country. In terms of electing women to the Assembly, however, it has lagged behind many other jurisdictions. Currently only two MLAs are women (10 per cent of the Assembly) and since 1999 the Assembly has only surpassed this number of women MLAs once – three (or 15.8 per cent in 2007). In order to become a more representative body, the territorial Assembly unanimously adopted a motion to ensure at least 20 per cent of MLAs are women by 2023, and at least 30 per cent of MLAs are women by 2027. In this article, the author explains the concept of temporary special measures to achieve this goal. She outlines the experience of Samoa, another small jurisdiction with Westminster roots in which women were substantially underrepresented in parliament, to demonstrate how the NWT might reach these benchmarks. She concludes by noting that temporary special measures are one way of increasing women’s representation in assemblies, but others may work as well depending on the jurisdiction’s political culture and institutions.

Julie Green, MLA

One of the priorities of the 18th Legislative Assembly of the Northwest Territories is “supporting initiatives designed to increase the number of women running for elected office.”

The Speaker of the Legislative Assembly, Jackson Lafferty, has taken up this challenge, along with his MLA colleagues. On International Women’s Day, he shared his vision: “We, as elected leaders of this territory, have the ability to act as role models and also supporters to change the status quo. We must encourage female participation in all aspects of work and life, but especially within our own legislature.”

On March 8, 2018, all 19 members unanimously adopted a motion to give that aspiration meaning by establishing a goal of increasing the representation of women in the Legislative Assembly to 20 per cent by 2023 and 30 per cent by 2027. The United Nations has

determined that 30 per cent is the threshold at which elected women can bring about significant and lasting policy changes.

In many ways, the Northwest Territories and its institutions are an example for the rest of Canada and for the world in terms of diversity. In 1991, Nellie Cournoyea became the first Indigenous woman – and only the second woman in Canada – to hold the position of provincial or territorial Premier.

Since the return of full responsible government to the NWT in 1983, a majority of the Members of the Legislative Assembly have been Indigenous, as have all but two of its Premiers. At the time of its passage in 2002, the NWT *Human Rights Act* was the most comprehensive law of its kind in Canada, affording protection from discrimination to vulnerable groups that is still not in place in many parts of the country. The Commissioner of the Northwest Territories, the Chief Justice of the NWT Supreme Court and Territorial Court, the NWT Languages Commissioner, Chief Electoral Officer, Access to Information and Protection of Privacy Commissioner and the President and CEO of the NWT Power Corporation are women.

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Northwest Territories MLA Julie Green discusses proposed temporary special measures to increase the ranks of women within the Legislative Assembly at the Commonwealth Parliamentary Association’s 2018 Canadian Regional Meeting in Ottawa.

Success in these areas has not translated into success in elections. Women currently occupy only 10 per cent of the 19 seats in the Legislative Assembly. Underrepresentation is a chronic problem, dating back decades. Since the separation of Nunavut from the Northwest Territories in 1999, the proportion of women in our legislature has only surpassed 10 per cent once. Three women, constituting 15.8 per cent, were elected in 2007 to the 16th Legislative Assembly. In the meantime, many provinces and territories have increased women’s representation; some to as much as 40 per cent (British Columbia). It’s time for the NWT to catch up. The question is how?

Women have made gains in southern jurisdictions thanks in part to assistance from political parties. In New Brunswick, for example, an initiative called

“Women for 50 per cent” had the goal of having each party run 50 per cent female candidates in the September election to address the underrepresentation of women. In the end, 96 women became candidates (38.6 per cent) up from 71 in the 2014 election, with only the NDP reaching the goal of 50 per cent.

Lobbying parties to run more women candidates won’t work in the Northwest Territories because there are no parties. Each candidate is an independent in this consensus government system. Historically, nine or 10 women have run and two or three have been elected. It is not unusual to have no women running in more than half the constituencies in NWT elections.

Women say they are reluctant to run for a number of reasons including living away from their families,

being less available as caregivers, the cost of a campaign and a lack of confidence that they have the skills necessary. Campaign schools offered by the Status of Women Council of the NWT since 2010 have not been successful in increasing the number of women running, despite their best efforts. (Both women elected in this Assembly are graduates of the 2015 school.)

Speaker Lafferty, now in his fourth term in the Assembly, is the proud father of three girls. He began looking for ways to address the chronic underrepresentation of women. He found inspiration at a Commonwealth Parliamentary Association conference in 2017 where the South Pacific island nation of Samoa, in partnership with the United Nations Development Program, addressed this issue with an approach called temporary special measures. Samoa is a democracy with the same roots as ours, at Westminster.

Women in Samoa didn't get the vote until 1990 and have been underrepresented in Parliament since then, occupying fewer than 10 per cent of the seats. After a lengthy debate and a constitutional amendment, the country adopted temporary special measures, with a goal of ensuring there were five seats for women of the 49 seats in Parliament. Of the 164 candidates in the 2016 election, 24 were women; four women were elected through normal elections and one was appointed for the term to achieve the five seat minimum.

Inspired by the Samoan example, Speaker Lafferty tabled a White Paper during the Spring 2018 sitting of the Legislative Assembly on temporary special measures "in the hopes that it will initiate a public discussion about the role of women in public office in the Northwest Territories, particularly leading up to the next general election."

This is how temporary special measures work. Members of the Legislative Assembly agree to allocate a set number of seats for women, using the guideline already agreed upon – four in 2023 and six in 2027. During these elections, all the work that goes into getting women to become candidates and then campaigning for support will continue in the same way that it does now. After the ballots are counted, let's say three women are elected or one short of the 2023 goal. In that case, there would be a temporary seat created. The woman candidate who finished best across the territory (based on the percentage of votes earned) but who didn't get elected would be appointed to a seat and hold the seat for the duration

of the Assembly. Note that the additional seat brings the total number in the Assembly up to 20.

If temporary special measures had been in place during the 2015 election, two women would have been appointed to the special seats based on the percentage of votes they received. The same would have happened in 2011. It is interesting to note that the extra seats would have been distributed among different regions of the NWT – a key political consideration in the Territories as elsewhere.

Temporary special measures are exactly what they say they are. They are an immediate, extraordinary and short-term way to shake off the stubborn underrepresentation of women in our legislature. The experience in Samoa and elsewhere is that these measures are, by their nature, self-fulfilling. The strongest determinant of the number of women who are elected to political office is the number who actually run. By encouraging more women to enter political life, these measures quickly become unnecessary and redundant. This is why they are called "temporary." Speaker Lafferty's White Paper proposed that the legislation to create temporary special measures in the NWT automatically sunset after two general elections.

Could temporary special measures work in the NWT? The answer, based on the Samoan experience, is that there are three conditions necessary for success: support and commitment by incumbent office holders; support by the electorate; and a set of measures that are specific to the political realities of the jurisdiction in question. Work to evaluate whether these conditions are in place in the Northwest Territories is underway now and will involve public consultation.

Temporary special measures are one way of increasing women's representation, but there are others. Research has shown that incentives are necessary, whether guaranteed seats for women or increasing rebates to political parties (where available) for getting more women into the House.

I believe that having more women in the House will encourage more women to run. When women demonstrate their competence, initiative and tenacity voters are more likely to elect them. Temporary special measures is a jumpstart to give women not only the equality of opportunity, which they have now, but also equality of representation. To ensure half the population has a seat at the table, the status quo must change. The question is not whether change must happen but how.