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Formal and Informal Gender Quotas in State-Building: The Case of the Sahara Arab Democratic Republic

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Abstract

In the last fifteen years peacebuilding and gender sensitive approaches have been promoted in order to restore some form of stability in places emerging from conflicts. Recent literature on armed conflicts, women and peacebuilding claims that the international community has still not given sufficient attention to the means by which women's participation could be enhanced, but the recent introduction of gender quotas system in many post-conflict countries, seems to succeed in elevating political representation of women. Saharawi refugee women, during the latest parliamentarian election in February 2008, increased their representation to over 30%. The introduction of women quotas at province level was the base for this success.

Introduction

Recent studies on Sub-Saharan Africa (Goetz, 1998; Abreu, 2004; Tripp, 2004; Tripp, Konaté et al., 2006) have shown that the number of African women in formal politics ranks above many developing countries. What is interesting is that many of these African states with a large number of women in parliament are those that have been through catastrophic conflict that almost totally destroyed their societies. This can be explained by the fact that women may have felt empowered to ask for more representation at parliament level. In fact, during the post-war reconstruction phase a

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total transformation of the political representation spectrum can gives chances to those who were excluded to get back into the political arena (Goetz, 1998). But at the same time, was the international intervention that generally promoted and supported gender concerns, and pushed for the introduction of some kind of reserved quotas in newly formed post-conflict governments, to guarantee women representation.

Gender quotas studies are a relatively new discipline. Baldez says that countries have adopted gender quotas within the last seventeen years (2006: 102), as a response to the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Mona Lena Krook (2006) says that the overwhelming majority of these policies have been introduced immediately before and after the United Nation Fourth World Conference on Women in Beijing in 1995. Rather than a single cause, changes in the political arena were promoted by the participation of Women's organizations at the Beijing Conference and then reinforced in its normative structure by the Security Council Resolution 1325. Quotas for women as well as other kinds of affirmative action represent a historical shift away from the simple principle of *equal opportunity* to the principal of *equality of results* (Dahlerup, 2001: 114). Consequently, in most of the Third World countries, women have sought autonomous organizational expression and transcendence from party lines. This suggested a maturing of women's political status and legitimacy as an electoral constituency.

The Saharawi women, currently refugees in Algeria, constitute a unique example of empowerment and leadership. Since 1975 they have successfully worked their way to

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their local administrations and, more recently, to the ministry level of their government-in-exile. When Morocco invaded Western Sahara in 1975, Saharawi refugees were forced to escape to the Hammada desert and into Algerian territory where they still live today in camps with predominately female local government leadership. Directed by the Polisario liberation front Saharawi refugees have been through a long struggle for survival and have lived in hope to exercise their right for independence and build a new nation.

International bodies (UNHCR, 2007) and academic scholars (Lippert, 1992) have praised Saharawi women for their social and political organization since their very early years as refugees. Women have been responsible for running local and regional government structures, neighborhood committees, schools, medical centers and food distribution. During the latest Polisario Congress in December 2007, President Mohamed Abdelhaziz (Sahara Press Service, 2007, December), as a strategy to enhance female representation in parliament, suggested the introduction of some kind of reserved quota. Results of early analysis of data gathered from interviews with Saharawi's political representatives abroad, conducted by the author in Australia and Italy in early March 2008, have shown that Saharawi women did not believe in such an *escamotage*. Further document analysis has in fact confirmed that Saharawi women intrinsically have always believed that rights have to be earned, they don't come from governments, and that you have to fight for them (Melotti, 1999: Part 3, Section 2.2)[1].

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[1] My translation from an interview conducted in Italian by the author with a Saharawi woman living in Italy:

'[...] Si sono rese conto che i diritti bisogna guadagnarseli, perché non vengono dati dai governi, ma bisogna lottare per averli.'

Despite this resistance women quotas were indeed introduced into the new adopted Saharawi Constitution as recently reported by the Sahara Press Service (2008, February-b).

Was this move necessary to increase the number of Saharawi women in parliament? Are gender quotas of any use in refugee camps and in state-building societies? This paper will argue that gender quotas constitute a fast track to increase the number of women at high political level, and, to promote their representation at peace tables and during post-conflict reconstruction. After an overview of the literature on gender quotas in state-building, there is an introduction to the history of the Saharawi people development from nomadic tribal people to sedentary refugees campaigning for statehood. The campaign for self-determination has led to an increasing commitment to formal high level leadership roles for women who have traditionally managed camp and community life. The paper contends that the best result that can be obtained with quota policies is to introduce gender consciousness of female representation, and the political engagement of female constituents.

Gender quotas in State-Building

Scholars have sought to explain how and why quotas are adopted and why some are more effective than others in facilitating women's access to political office. As Baldez (2006: 103) summarizes, supporters (Dahlerup, 2004; Kittilson, 2005; Nanivadekar, 2006) generally advocate that gender quotas benefit women as a group, promote equality of results, and establish gender as a category of political representation.

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Opponents (Goetz, 1998; and 2002 referring to Uganda and South Africa) on the other hand, argue that they privilege groups over individuals, undermine equality of opportunities and ignore other normative concerns like the mere increase on the number of women in politics without any obligation to change policy outcomes.

There are various kinds of quota systems according to the legal basis: constitutional, legislative and party based. Looking at their impact, despite differences in impact depending on each country situation, I would define the first two cases as 'formal' quotas and the latest as 'informal'. Africa, Asia and Middle East have mostly written quotas for women into their constitution (Ballington, 2004; Krook, 2006). Rwanda is the only nation in the top 20 of the Inter-Parliamentary Union Rankings (2007) that has *reserved seats,* called women's councils, set aside for women in the Parliament. Iraq has candidates quota laws that require a certain percentage of all legislative candidates to be women (*legislative quotas*), as well as Eritrea, Kenya, Uganda and Namibia; whereas Mozambique and South Africa have *political party quotas* (or *voluntary quotas* at the party level) which aim to increase the proportion of women among party candidates or elected representatives. Today, political parties in more than 90 countries around the world impose some form of gender quota for the election of their national parliament despite a broad range of institutional, social, economic, cultural and religious characteristics.

There are certain conditions under which gender quotas can generate fast and significant increases in the election of female candidates (Norris and Inglehart, 2001:

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130). Studies have demonstrated that quotas have been more effective when Party Representatives' lists are closed, women are ranked in their highest positions, and if there is high number of candidates in a district (Krook, 2006). Therefore quotas work if they generate a large number of women in office, but this is not necessarily always the case. Medha Nanivadekar suggested supplementary measures that would make quotas more effective, such as promoting campaigns for gender sensitization for men and a selected political education campaign of electors (2006: 120). This was supported by Amal Sabbagh talking about women political representation in the Arab countries: 'Pre-electoral measures, such gender-sensitive voter education and civic education, are rather rudimentary and sporadic in several Arab States' (2007: 16). The socio-political situation of the Arab world has been noted for the low participation of women in politics (see Saudi Arabia, Quatar, Quait and Iran in the Inter-Parliamentary Union.org, 2007). But recent evidence suggests that this trend is different in those countries that are emerging from conflict situations. As Julie Ballington and Drude Dahlerup point out:

> With growing pressure from the international community, and finding expression in international conventions and treaties, a commitment to gender equality is now prevalent in discourses on post-conflict sate building' (Ballington and Dahlerup, 2006: 249).

The 1995 Beijing Platform of Action and the 2000 United Nation Security Council Resolution 1325 have provided a central lobbying platform to ensure women in high political roles. According to the *Women, Peace and Security* 2000 resolution, all the democracy-building policies are to ensure that a gender perspective is mainstreamed in

all decision-making processes, from peace accords through to constructing systems of governance. It is clear then, that the period of transition that characterize this post-conflict status, gives an opportunity to the new state to rewrite its legislative fundaments overseeing traditional roles and patriarchal schemes.

Effective gender quotas have helped in State-building as we can see in Iraq and Afghanistan (Ballington and Dahlerup, 2006). In conclusion, the international community believes that the large presence of women in parliament creates a stabilizing effect. The democratic integrity of the system as a whole seems to be improved, and in post-conflict countries securing this basis of trust in democracy is a high priority.

Historical Background of Western Sahara

1.   *From tribal nomads to the Saharan Arab Democratic Republic (SADR)*

Saharawi people descend from two primary tribal groups: the north-African Arab-Berber: *Mauquil* and the Arab-Muslim from the Middle East: *Sanhaja*. This fusion gave rise to a new Arabic-speaking people who were primarily pastoral nomads (Hodges, 1983). The territory, called 'Western Sahara' since Spanish colonization in 1497 (Melotti, 1999: Part 2, Section 2.0), is located in North-West Africa, faces the Atlantic Ocean and is rich in minerals, particularly phosphate, oil and fish. It is bordered north by Morocco, south by Mauritania and east by Algeria. The Mediterranean territory became popular for trading and by the end of the Thirteenth century more than 40 tribes had settled in the region and started to share the same religion and the same language: *Hassania*. After several

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centuries of conflict, in 1885 the Berlin's Congress recognized Spain's right to constitute a protectorate in Western Sahara (Hodges, 1983: 43). Following a struggle for control with France, the region was called 'Rio De Oro' and became the 51st Spanish province in 1958 (Melotti, 1999: Part 1, Section 2.3).

The process of becoming sedentary experienced by the previously nomadic tribes, made the Saharawi population more cohesive. During the 1970s they started demonstrating against the colonial regime forming the *Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro*, known by its acronym Polisario and made several attacks to Spanish border posts.

In October 1975, the different Saharawi tribes' representatives proclaimed national unity against the colonizer with the manifesto of 'total liberty and sovereignty' (Hodges, 1983: 163) which placed the Spanish government under pressure to draft an internal autonomy plan for the Western Sahara territory. However, Morocco with Mauritania to control the territory's phosphate wealth and extensive fishing resources, submitted the Western Sahara Dispute to the International Court of Justice at The Hague and tried to persuade the UN to postpone the referendum launched by Franco (Hodges, 1983: 183). The Court rejected the claims, but the king of Morocco incited the 'Green March' in November 1975 and approximately 350,000 Moroccans went to occupy the 'Moroccan Sahara'. A few days later Spain signed a secret tripartite agreement to cede Western Sahara to Morocco and Mauritania in return for significant economic concessions on minerals and fisheries (Hodges, 1983: 223). On February 27, 1976, one day after Spain

completed its withdrawal from Western Sahara, the Polisario Front, from its exiled post in Tindouf, proclaimed the birth of a new State, the Saharan Arab Democratic Republic (SADR). Following numerous postponements of a referendum for self-determination and the rejection by the two parties of proposals made by former US Secretary of State James Baker, the peace process is currently close to collapse (Mundy, 2007: 279).

2.   *Saharawi refugee camps*

Since the Western Sahara invasion, the SADR government-in-exile has been headquartered in four refugee camps located near the Algerian city of Tindouf (Hodges, 1983). From early January 1976, Polisario had already contacted the Algerian government and the Red Cross to provide logistic support and to help transport thousands of desperate people to the new refugee camps in the old French Legion's outpost of Tindouf. As Tony Hodges says, since the first years of settlement:

> Administered by the Polisario, rather than the Algerian authorities, the camps were acknowledged by foreign charities and relief organizations to be superbly organized (1983: 234).

The refugee camps, with approximately one hundred and fifty to two hundred thousand Saharawi[2] (AlertNet.org, 2007), still depend wholly on assistance provided by the Algerian government, the Saharawi Red Cross (SRC), United Nations High Commission for Refugees (UNHCR), European Community Humanitarian Office (ECHO), the World

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[2] Number of refugees in the Saharawi camps in 2004 was 158,800, 80% of which were women.

Food Programme (WFP) and various European non-governmental organizations (NGOs). Despite their dependence to external donors, the Saharawi community:

> Is responsible for the distribution of aid (via SRC) and management of the camps, and the SADR's participatory ideology and democratic organization of the camps aim to promote maximum self-sufficiency in both the long and short-term, with the present structure of the camps intended to form the basis for the permanent regional and local administrative units upon independence (Fiddian, 2002: 3-4).

Furthermore, the protracted Saharawi refugee situation falls in the definition described by the UNHCR as:

> One in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance (see citation on United Nations High Commission Refugee, 2006: 106).

The complex structure of the local government has created multiple opportunities for women (80% of the refugees) in the democratic process. The Saharawi refugee camps are spread over more than 200km in the *Hammada* desert. The area has four provinces called *Wilaya*, one administrative centre, Rabouni, and some smaller satellite camps, such as *27 Febrero* which is used as a boarding school for women. Each *Wilaya* is then

divided in six or seven districts called *Daira* that in their turn are divided into four *Barrios* or quarters (see Figure 1).

There are totally 25 *Daira* and they all have names of original cities of Western Sahara. Each *Daira,* for purposes of political guidance, is internally organized into cells of 11-15 people (*al-khaliyah*) headed by the *Arifat*. The cells help maintain communication with the Polisario. Also, every two years, the community is called to meet at a Popular Base Congress to vote for the *Daira*'s Popular Council that runs the district. Each Council has five Specialized Camp Committees: Education, Health, Justice, Food and Art craft (see Figure 2). All the *Daira*'s Popular Council's Presidents and all the specialized departments directors are part of the *Wilaya*'s Popular Council whereas the Orientation Department represents the *Daira*'s Popular Council's Presidents and all the cell's political commissaries (Melotti, 1999: Part 1, Section 3.2). Both the *Wilayas'* political organs are lead by the *Wali*, governor, which is nominated by the SADR's minister of interior (see Figure 3).

Each *Daira* Council's President represents the *Dairat* in the Saharawi National Council (Hodges, 1983: 341). This intricate structure of the local government is easy for outsiders to misunderstand, but the complexity both creates multiple opportunities for participation of women, in the democratic process and helps the geographically isolated camps to retain their common political identity by creating a direct links from the people organized in *Dairas* and *Wilayas*, to the Polisario, and to retain their strong sense of community and egalitarianism (Melotti, 1999: Part 1, section 3.0). Scholars have sought

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to explain that what has happened in the Saharawi refugee camps was not just to provide a temporary shelter to displaced civilians but to:

> Provide the (temporal) and spatial fix of where to develop a social revolution and build a new state, based on the new revolutionary principles of the Saharawi nationalism launched by Bassiri and Louali (San Martin, 2005: 569).

3.   The evolution of the SADR revolution

The Sahara Arab Democratic Republic was proclaimed in exile on the 27th February 1976. By August, the Third Congress of the Polisario Front had drawn its constitution, created political institutions and had an administrative structure organizing the refugee camps in the same way they were territorially arranged in the occupied territories. Even though it is currently based in refugee camps, the SADR government is at present recognized by 81 nations[3] as the legitimate government of the Saharawi people and numerous are Saharawi Republic embassies, and *Frente* Polisario delegations around the world.

There were two principles on which SADR based its administrative structure: the detribalization of society and the important role of women; in fact, as Jacob Mundi recalls (2007: 281) two women had assumed seats on the Political Bureau in 1976. The dismantling of all the tribal and patriarchal traditions gave the Saharawi a unique opportunity to promote their liberation cause. Despite having been 34 years in exile the

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[3] Updated 30/10/2006 by website arso.org (ARSO.org, 2007)

Saharawis are a unique example of democracy, modernity and stability that has escaped ethnic conflicts and promoted women empowerment.

Every three years the representatives of the Popular Councils are called in the General Congress to elect the Secretary-General of the Polisario Front that is also the SADR president (see Figure 4). They also elect the members of the National Assembly (the legislative branch) and accept or reject modification of the constitution. After the congress the Secretary-General creates the government and names ambassadors and the army command (SPLA) (Es-Sweyih, 1998).

The SADR define itself as a free, independent, sovereign State governed by a national democratic system, of a unionist orientation, progressive and of Islamic faith. Its fundamental principles are equal worth, free speech and equal rights to men and women. Although it contemplates a multi-party system after independence, currently the Polisario is the only party represented. The most complete version of the SADR Constitution was adopted in June 1991 (one of the few versions translated in English), since then minor changes were introduced during the subsequent Polisario Congresses. In December 2007 the Congress, called to debate of the implementation of a possible gender quota system, adopted new changes to the Constitution adding a fixed quota for women representatives in the four *Wilayas*[4].

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[4] Since this version of the Constitution has yet not been translated in Italian, English, Spanish or French, the author was unable to confirm the changes, which have been discussed by the Saharawi Press Service website.

Saharawi women's political representation

Historically in the Saharawi nomadic life, women have been involved in many leadership positions within the society. Since most men spent a lot of time away from the *frig* (a group of families or a camp) trading or being at war, women ruled the tents and played a major role in the tribal life. There are historical accounts of women's direct participation in the *Ait Arbeen*'s meetings that were the highest political and social constitution in the Saharawi's tribal society. Very differently from the experience of other post-colonial nations (see Eritrea in Mebrahtu, 2007), Saharawi women responded immediately in the fight against Spanish colonialism and started participating in the struggle. As Senia Bachir Abderhman recalls in her article for the Saharawi Journalist Union Press (2008) women's first activities were to recruit their husbands and sons to join the front, provide shelter for the Saharawi Popular Liberation Army (SPLA) members and contribute materially organizing shelter, supplies and protection for the refugees who were primarily women and children. Many young women took up arms and served in the camps militia receiving military training as radio operators, drivers, medics and light arms (Mundy, 2007: 290). In addition, they guarded prisoners captured during the war and took charge of people fleeing the major towns of the Western Sahara for refuge in the Algerian desert.

Later on, in 1979 the National Union of Saharawi Women (NUSW) was founded, which participated alongside with the Polisario Front militarily and politically. This union is today directed by a National Committee comprising 57 members based in and outside the camps of Tindouf, elected by the Women's Congress, which takes place every five

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years (NUSW, 2007). It has been working nationally and internationally since its inception, and upholds a constitution that reinforces the role of women in the struggle for the liberation and independence of Western Sahara, and also:

> For the establishment of security and peace in the world, equality between sexes as the basis for progress and development and the reinforcement of human rights and democracy (Fiddian, 2002: 36).

Only women are allowed to vote and to stand as candidates. The executive Bureau of NUSW consist of the Secretary-General, which by her office is a member of the National Secretariat of the SADR, and 15 others, each of whom have responsibility for an individual portfolio such as foreign relations, administration, information and culture and others.

At a more grassroots level, in each *Daira* women's committees play an important role in all sectors and are responsible for dealing with organizations willing to start projects in the camps, especially in areas such as water, education and health, agriculture, computers, sewing and solar energy.

With regard to the high decision-making level, the UNHCR in the Practical Guide to Empowerment suggested the Saharawi refugees to continue 'to raise awareness amongst other women of their civil and political rights such as voting and nomination to political structures' (2001). The NUSW has worked to promote a high level of education

in the camps, particularly working to improve literacy, arguing that social and political involvement of women will only come through self-awareness as opposed to gender quotas:

> We have not yet achieved our full rights and there is a lot of work to do – rights will never be given, they have to be taken – but we have come a long way […] However we were illiterate not long ago and we still have a mindset that derives from that to some extent. It seems quite normal to me, given this that women tend to vote for men rather than for other women. We do have outstanding women figures. But it's perfectly true that we have to fight against the old mentality (Abdehadi).

1.   *Women quotas after the latest Polisario Congress*

In December 2007, the Twelfth Congress of the Polisario Front was held in the freed zone of Tifariti. One of the new changes adopted by the delegates was to introduce a fixed quota of 1/3 of Saharawi women representatives within the four W*ilayas*, in the run for the Parliament (Sahara Press Service, 2008, February-b).

As stated in the introduction, the Sahara Press Service reported that this move constituted a change in the Constitution. Since no other media has given an account of the event and no document were found in any of the four major languages (Italian, French, Spanish, English) at the time of the study, it can be assumed that the kind of quota introduced by the Congress was a 'formal' constitutional quota. In each *Wilaya* then, 30% percent of the parliament's candidates had to be women.

The result of this change was an absolute victory for the women. The renewal of the Saharawi National Council (Parliament) reached 61.53% of the 53 seats available in the parliament, with a rate of 34.61% of women's representation (Sahara Press Service, 2008, February-a). Competing with more than 126 candidates, women gained more than one third of the total seats available. In February also, three ministries were given to women: the first lady Khadidja Hamdi was nominated Minister of Culture, Mariem Salek H'mada took a new position as Minister of Education and Mahfouda Mohamed Rahal was reelected Secretary of State for Social Assistance and Women's Emancipation (Western Sahara Info, 2008).

The catalyst for the recent introduction of a gender quota system can in part be seen by the need of the Polisario to raise good public opinion in the international scenario to promote its cause, but also, may had been the key to overcome, what is commonly reported by the scholars as a poor trust and believe in female representation by the electoral base.

Despite the original opposition presented by the Saharawi women to the introduction of a quick-fix system to have female representation in the parliament, the success of gender quotas cannot be underestimated. Senia Ahmed, UNSW's Secretary General and member of the General Secretariat of the Polisario Front in the '90s, in an interview published in 1997 by a Spanish dossier called '*La Mujer Saharaui*' says: '[…] We do not oppose to a female leadership, but its action can be effective only under the right

conditions (resources and instruments)[5]' (Melotti, 1999: Part 3, Section 2.2). Gender quotas may have served as an instrument to promote the reach of those conditions.

Conclusions

The process of reconstructing a nation following an armed conflict requires the equal involvement of men and women. The UN Security Council 1325 Resolution states and is supported by the literature, that ensuring women's equal participation in formal negotiations 'enhances the legitimacy of the process by making it more democratic and responsive to the concerns and the prospective of those segments of society involved in, and affected by, the fighting' (Mpoumou, 2004: 120). For example, a lesson learned from the Congolese experience is that, introducing mechanisms such as gender balance in formal peace process and capacity-building programs may increase the participation of a large number of women.

Contrary to the experience of many other countries (Ballington and Dahlerup, 2006 on Iraq, East Timor and Afghanistan; Krook, 2007 on Argentina; Kuku, 2007 on Sudan) the Saharawi Women Union resisted the introduction of women quotas. For years the result has been of a very poor female representation at a high political level, despite a massive presence of dislocated women in local governments and present at a grassroots level. Without this level of representation the chances were low for women to

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[5] My translation from the Italian: '[…] Non siamo contrarie alla dirigenza femminile, ma occorrono anche le condizioni giuste perché la sua azione possa essere efficace'.

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have a real influence over decision-making and to be represented at peace processes as auspiced by the Security Council Resolution 1325.

The Saharawi experience seemed to be close to that of the Mozambicans which from 1962 recruited men and women to fight against colonialism within the FRELIMO Party (Abreu, 2004). After the introduction of a gender quotas system in 1992 female representation has been close to a 30% in the FRELIMO Political Commission and almost 43% in the Central Committee Secretariat. According to Alcinda Abreu 'Due to the FRELIMO policy, many ministries implemented programmes (sic.) to mainstream gender' (2004: 63). But women's political participation cannot be addressed only by quotas or other measures for direct representation. These must be accompanied by measures for identifying obstacles to women's participation, identifying and training women candidates and facilitating networking and finally educating women voters.

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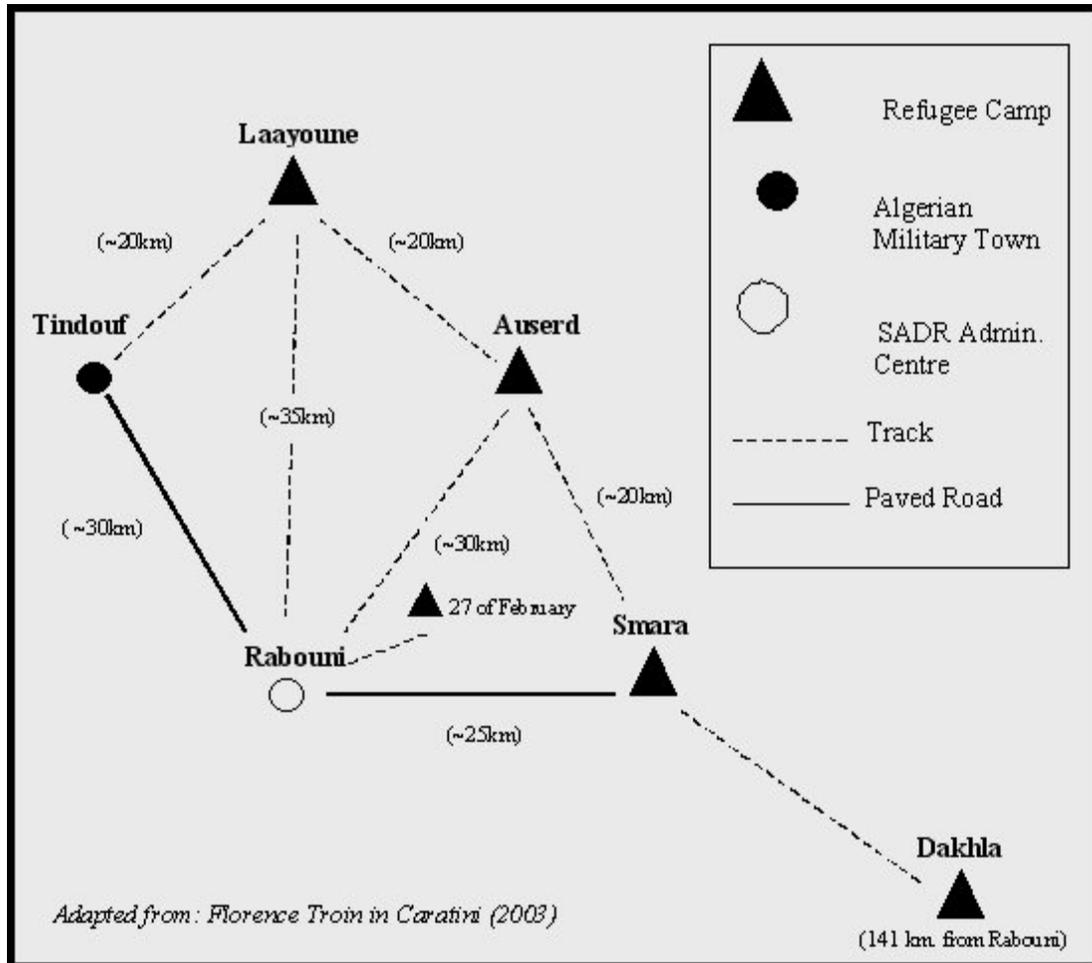
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Figures

Figure 1: Map of Sahrawi Camps near Tindouf (South-West Algeria)

Source: Crivello G., Fiddian E. And Chatty D. (2005)

Formal and Informal Gender Quotas in State-Building: The Case of the Sahara Arab Democratic Republic

Figure 2: Daira's Administration System
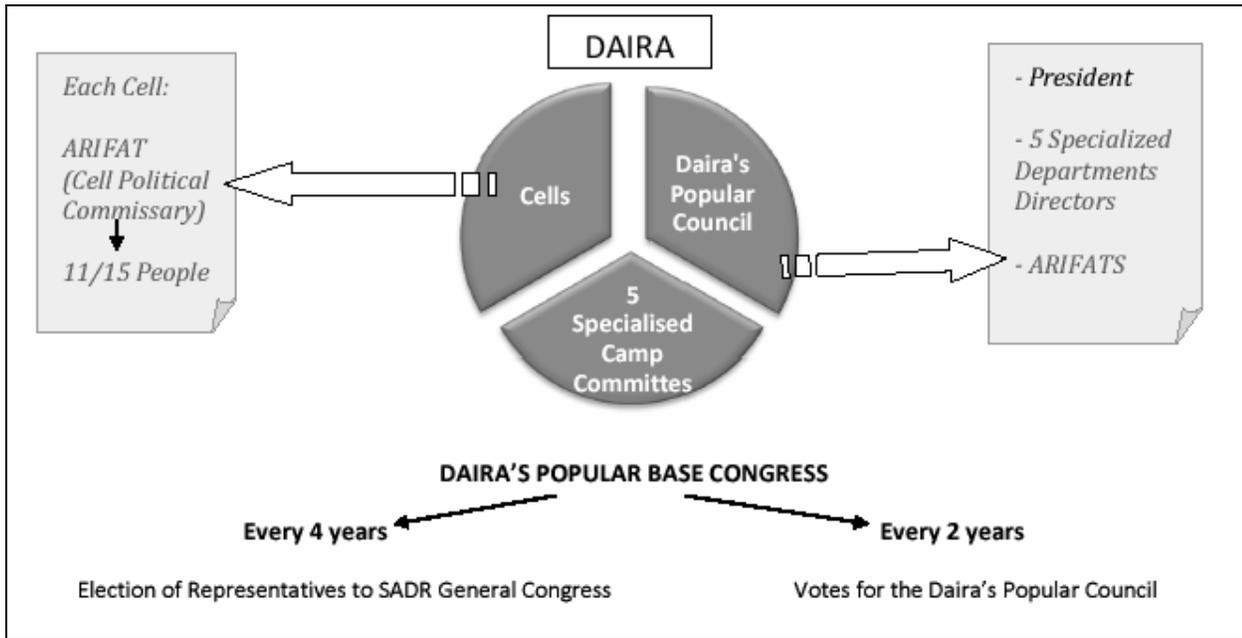
Figure 3: Wilaya's Administration System

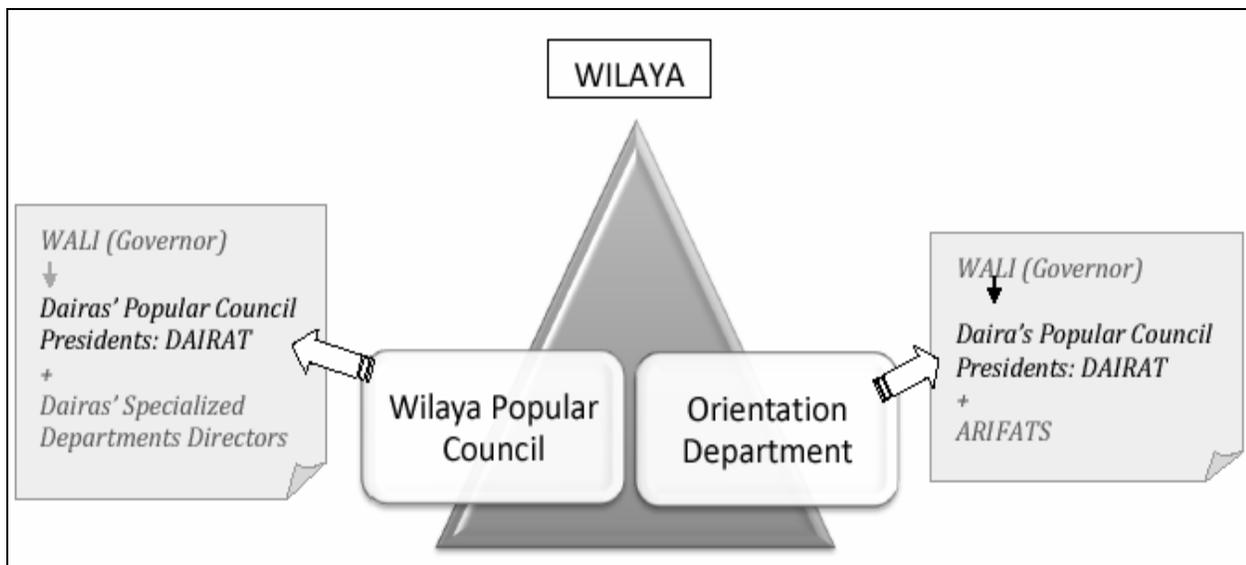*Formal and Informal Gender Quotas in State-Building: The Case of the Sahara Arab Democratic Republic*

Figure 4: SADR General Congress

SADR GENERAL CONGRESS

Is called every 3 years and counts 800 representatives

(DAIRAS' representatives, Wilayas' Popular Councils representatives)

First election:
Polisario's Secretary General (SADR President)
- Nominates the army command (SPLA)
- Nominates the government
- Nominates the ambassadors

Second election:
National Secretariat
- Legislative Branch of the SADR

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