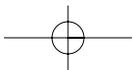
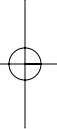
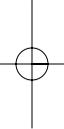
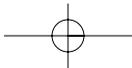
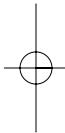
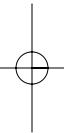
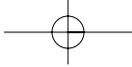


## Part Two

# **Leadership in Context: Women in Politics**





## 6

**OPENING THE DOOR****Women Leaders and Constitution  
Building in Iraq and Afghanistan**

Pippa Norris

Recent decades have witnessed growing demands for the inclusion and empowerment of women leaders as elected representatives. Women representatives have made important strides in some nations, but progress worldwide has proved sluggish. A global comparison shows that on average women are one-sixth of all members of the lower houses of parliament today (16.6 percent), a proportion that has risen by less than five percentage points during the last two decades.<sup>1</sup> A question arising from this situation is whether fast-track strategies are effective in accelerating the pace of change? These strategies include the use of reserved seats, which mandates offices for women members of parliament, statutory gender quotas that regulate the proportion of women candidates nominated by all parties, and voluntary gender quotas, which are adopted in rule books that govern nomination processes within specific parties. These reforms have been adopted and implemented for local and national office in

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many places during recent decades, but their effects are by no means straightforward. In some cases, formal rule changes appear to generate a rapid and immediate stepped shift in the number of women in office, whereas elsewhere, similar policies seem to produce a minimal difference to the outcome. Moreover, even where more women attain legislative office through fast-track strategies, achieving greater descriptive representation in parliaments, this gain should not necessarily be equated automatically with women's substantive empowerment in decision-making processes.<sup>2</sup>

The rapid diffusion of fast-track strategies since the early 1990s raises questions about the overall trends in the proportion of women leaders in parliaments and governments. What types of fast-track strategies are available? Where and why have these policies been adopted—and in some cases abandoned? And what can we learn about the conditions that lead to the adoption of strategies designed to ratchet up the number of women in elected office? The first section of this chapter compares the detailed case studies of Iraq (illustrating the implementation of statutory gender quotas) and Afghanistan (illustrating the use of reserved seats). These qualitative cases exemplify the process of adopting two alternative fast-track strategies in recent postconflict constitutional settlements. The second section considers the underlying conditions leading to the effectiveness of these arrangements, and the third summarizes the conclusions.

The broader lessons of the comparison are that mechanisms aiming to bring women into representative office have now spread throughout the world, but policies are not all equally effective. The choice of mechanism is conditioned by the broader context, including the country's prior level of democracy, the degree of constitutional rigidity, the type of electoral system, global and regional patterns of diffusion, the existence of positive action policies for minority communities, and the levels of party institutionalization. No single policy is optimal in all contexts, and considerable care is needed to craft and implement the measures that will work best to promote the involvement of women in national decision-making processes.

Overall, the study concludes that new constitutions in postconflict peace settlements represent a critical opportunity to secure the voices of women leaders in the reconstruction of a society.

### **What Types of Fast-Track Strategies Are Available?**

Many parties and national legislatures, recognizing the slow pace of change occurring worldwide, have adopted fast-track strategies during the past decade designed to raise the number of women in elected office.<sup>3</sup> How far are the national contrasts in the proportion of women in parliament evident today due to fast-track policy interventions rather than attributable to differences in the cultural or structural barriers facing women in elected office? Fast-track strategies fall into three main categories:

- *Reserved seats* are allocated to women legislators either by appointment or election, established by constitutional provision or electoral law.
- *Statutory gender quotas* regulate the specific proportion of women and men nominated as parliamentary candidates by all parties seeking election.
- *Voluntary gender quotas* have been adopted by specific parties, as specified in the internal regulations, party constitutions, and party rule books governing candidate recruitment processes, which control the pool of those eligible for nomination as well as those selected as parliamentary candidates.

Often these alternative policies are discussed indiscriminately as quotas, but this practice obscures the way rules differ in their design and implementation. Reserved seats established in the constitution or by electoral law provide the strongest external constraints on the parties' and electorate's choice of members of parliament, especially where members are indirectly elected or appointed to office. Statutory gender quotas, usually monitored by electoral commissions,

limit the choice of legislative candidates nominated by all parties contesting an election. Voluntary gender quotas within particular parties provide the weakest external regulation of the candidate nomination process. These categories may also overlap: for example, the introduction of legal regulations governing the nomination process can encourage parties to amend their rule books and selection procedures. The use of these policies has been monitored in a comprehensive global database assembled by International IDEA and Stockholm University.<sup>4</sup> The database documents the ways that reserved seats for women in national parliaments are now used in more than a dozen countries. Statutory gender quotas for the lower houses of national assemblies exist in at least two dozen nations. Voluntary gender quotas governing nomination procedures have spread to parties in more than seventy nations. The diffusion of these mechanisms since the early 1990s has been remarkably swift and extensive, but their impact has varied. What explains the choice of one or another of these mechanisms by different states, what are the pros and cons of each of these fast-track strategies, and how do they work? It is useful to compare their global use and focus on Iraq and Afghanistan to consider these issues in the context of postconflict constitutional settlements.

### **Reserved Seats**

By constitutional decree or electoral law, some countries have stipulated that a number of reserved seats are open only to women or to members of specified underrepresented ethnic minority groups. Such a policy has been adopted most commonly by developing nations to strengthen women's representation in single-member district majoritarian electoral systems, particularly in African and South Asian nations.<sup>5</sup> Reserved seats have been used in the lower house of the national legislature in Morocco (30 women members elected from a national list among 325 representatives), Bangladesh (30/300), Pakistan (60/357), Botswana (2 women appointed by the

president out of 44 members), Taiwan (elected), Lesotho (3 women appointed out of 80 seats), and Tanzania (37 women out of 274 members, the seats distributed to parties according to their share in the House of Representatives).<sup>6</sup> Similar policies have been used at the subnational level with considerable success, including 30 percent of seats reserved for women in local village councils in India, Bangladesh, and Pakistan.<sup>7</sup>

The idea of reserved seats for women follows similar practices designed to elect representatives from regional, linguistic, ethnic, or religious minority communities. The effect depends on the size and geographic concentration of such groups.<sup>8</sup> Reserved seats for ethnic minorities have been used in about two dozen countries: in New Zealand, Pakistan, and Fiji, for example, where the seats are filled by appointees of a recognized group or elected by voters from a communal roll.<sup>9</sup> There is nothing particularly novel about these arrangements; after World War II separate communal rolls with reserved seats became integral parts of power-sharing solutions to end internal conflicts in Lebanon in 1943, Cyprus in 1960, and Zimbabwe in 1980. During the last decade, these strategies were evident in the compartmentalized ethnic arrangements of peace pacts in Bosnia, Croatia, and Kosovo. In Croatia, for example, which uses party list proportional representation (List PR) for most seats, specific districts are reserved for members of Hungarian, Czech and Slovak, Ruthenian and Ukrainian, and German and Austrian minorities. India reserves a certain number of seats in each state for Scheduled Castes and Tribes. In Uganda, 53 of 292 parliamentary seats are reserved for women (18 percent), via indirect election, along with seats set aside for representatives drawn from such groups as the army, the disabled, the trade unions, and youth. The stated aim there is to ensure an inclusive Movement party despite a legal ban to prevent opposition movements' standing for parliamentary election.<sup>10</sup> Most countries using reserved seats for women or minority communities have majoritarian electoral systems, but countries with PR and combined electoral systems can also include this mechanism.

**Afghanistan.** The adoption of reserved seats for women in postconflict constitutional settlements, and their impact in traditional cultures, is exemplified by the case of Afghanistan.<sup>11</sup> Afghanistan had not had a functioning parliament since 1973, and even during the decade of the New Democracy (1963–1973) the king usually ruled by decree. The breakdown of Taliban rule, international pressures for democratization and human rights, and the development of the new constitution presented a critical opportunity to develop new political institutions and to incorporate women into the public arena. The new constitution was crafted by the Constitutional Drafting Commission and the Constitutional Review Commission, before finally being debated in December 2003 by the emergency Loya Jirga (Grand Assembly). Women had a voice in each of these commissions, representing 12 percent of the delegates in the Loya Jirga, while two women sat on the nine-member Drafting Commission. The international community, led by the United Nations, the U.S. State Department, and the Afghanistan Reconstruction Project, also provided expert advice and information about constitutional design, including possible measures for the inclusion of women.<sup>12</sup> This process was part of a larger debate about the desirability of adopting either a presidential or parliamentary democracy, making federal and local arrangements, choosing the type of electoral system, and determining the role of Islamic law in the new constitution. Women's groups in Afghanistan also mobilized, including those who had been exiled, to call for 25 percent female representation in the new assembly and a women's Bill of Rights.<sup>13</sup> The new Afghan constitution, agreed on in January 2004, established that women would be included in both houses of the national assembly. The constitution specified that for the Wolesi Jirga (lower house):

Members of the Wolesi Jirga are elected by the people through free, general, secret, and direct elections.

Their mandate ends on the first of Saratan of the fifth year after the elections, and the new assembly starts its work.

The number of members of the Wolesi Jirga, proportionate to the population of each region, shall be not more than 250. Electoral constituency and other related issues shall be determined by election laws.

In the election law, measures should be adopted so the election system shall provide general and just representation for all the people of the country, and at least two female delegates should be elected from each province.

In practice, the requirement that at least two women should be directly elected to the Wolesi Jirga from each of the thirty-four existing provinces meant that sixty-eight women would be included in the lower house, or 27.3 percent of the total. But the constitution did not specify either the type of electoral system or how to guarantee the inclusion of women. For the Meshrano Jirga (upper house), the president was empowered under the constitution to appoint one-third of the members, of whom half were to be women. At least one-quarter of the seats on provincial councils were also reserved for women.

The May 2005 Electoral Law and the Electoral Commission determined how these requirements would be implemented. Afghanistan chose the single non-transferable voting (SNTV) electoral system for the Wolesi Jirga, with multimember constituencies and simple plurality voting.<sup>14</sup> In this system, used previously in Japan until 1993, Vanuatu, Jordan, and (partially) for Taiwan, electors cast a single vote for one candidate in a multimember district. The candidates with the highest vote totals are declared elected. This system was adopted because it is technically simple to administer and count, and it works even in the absence of organized parties and any other political groupings. Multimember districts based on existing provincial boundaries are also advantageous, given the practical limitations of insufficient population data and time to draw single-member constituency boundaries. The system allows independent candidates to nominate themselves, without requiring prior party endorsement. The system also encourages local elected members to serve their

provincial constituency, since individual candidates compete for popular support within as well as among parties. The disadvantages of this system, however, are that candidate-centered voting encourages weak party organizations, with potential problems for coordination within the new legislature. It is one of the most disproportional electoral systems, as candidates can be elected with an extremely modest plurality of the vote, and even a small shift in votes may tip the outcome in an unpredictable direction. SNTV also encourages strategic party nominations, in deciding how many candidates to nominate in each district, and strategic voting.<sup>15</sup> Electors faced long lists of candidates: for example, 390 candidates were listed on a seven-page ballot in Kabul, without any familiar party cues to simplify their choices. This system may have reinforced voting for local leaders along ethnic lines with minimal incentive for cooperation in the parliament.<sup>16</sup>

In terms of Afghanistan's constitutional requirement for the inclusion of women, the choice of the SNTV electoral system constrained the available options.<sup>17</sup> The system ruled out the type of statutory gender quotas that specify a proportion of women candidates in List PR. The use of voluntary party quotas would not achieve the constitutional guarantee in Article Eighty-Three. Moreover, majoritarian elections in neighboring Pakistan and Bangladesh, as well as for village elections in India, had long employed reserved seats for women and minority communities, which may have influenced the Afghan decision makers.<sup>18</sup> As a result, the Commission specified reserved seats within each province, varying the number allocated in each area according to population size until the total reflected the constitutional provisions. Two women could not have been allocated in every province, as in the smaller provinces—with only two seats—only women would be returned. The Electoral Commission implemented the constitutional requirements and designated the number of Wolesi Jirga seats per province according to population size, allocating, for example, thirty-three seats for Kabul, of which nine were reserved for women. This system meant that all general seats were filled, irrespective of gender, by the candidates with the most votes in each province. If the specified minimum number of women were

not returned under the general competition, then the women who achieved the most votes in each province were elected to the reserved women's seats. As a result, women were often elected with dramatically fewer votes than men, which may lead to questions about the fairness of the outcome.<sup>19</sup>

Afghanistan's first legislative contests in September 2005 attracted 2,835 candidates for the Wolesi Jirga, of whom 344 were women (12.1 percent). The results saw the election of 68 women out of 249 members (27.3 percent). The country now ranks twenty-fourth in the Inter-Parliamentary Union's global comparison of the proportion of women in parliament, well ahead of many established democracies and affluent states such as France, Italy, and the United States. This situation is all the more remarkable given its traditional social and political context: Afghan women have long lacked many basic human rights, including access to education, health care, and freedom of movement, and many of the women candidates who stood for office were subject to serious threats, harassment, and violent intimidation during the campaign.<sup>20</sup>

### **Statutory Gender Quotas**

An alternative strategy uses statutory gender quotas applied to all political parties, specifying that women must constitute a minimal proportion of parliamentary candidates within each party. Quotas are an instrument to introduce specific formal selection criteria into nomination procedures. They can be used for elected or appointed office in the public sphere or for personnel recruitment in the private sector, such as for trade-union office. There is an important distinction drawn between statutory gender quotas introduced by law, which apply to all parties within a country, and voluntary gender quotas, which are implemented by internal regulations and rule books within each party. Quotas can be specified for women and men, or for other selection criteria such as ethnicity, language, social sector, or religion. Statutory gender quota laws have been applied to elections in Belgium, France, Italy, and to many nations in Latin America (see Table 6.1).<sup>21</sup> Quotas

**Table 6.1 Worldwide Reserved seats for women in the lower house of parliament**

	Election	Electoral System	Number of Seats Reserved for Women	Percentage of Seats Reserved for Women (1i)	Percentage of Women Elected in Latest Election (1i2)	Difference Between (1i) and (2ii)	Appointed or Elected
Rwanda	2003	List PR	24/80	30.0	48.8	+18.8	Elected
Tanzania	2000	FPTP	48/295	16.2	30.4	+14.2	Appointed
Afghanistan	2005	SNTV	64/249	25.0	27.3	+2.3	Elected
Uganda	2001	FPTP	56/292	19.1	23.9	+4.8	Indirectly elected
Taiwan	1996	SNTV/List PR	Varies/334	Varies	22.2	—	Elected
Pakistan	2002	FPTP/List PR	60/357	16.8	21.3	+4.5	Elected
Zimbabwe	2000	FPTP	37/274	13.5	16.0	+2.5	Appointed
Bangladesh	2004	FPTP	45/345	13.0	14.8	+1.8	Appointed
Sudan	2000	FPTP	35/360	9.7	14.7	+5.0	Elected
Lesotho	1998	FPTP/List PR	3/80	3.8	11.7	+7.9	Appointed
Botswana	1999	FPTP	2/44	4.5	11.1	+6.6	Appointed
Djibouti	2003	PBV	7/65	10.7	10.8	+0.1	Elected

	Election	Electoral System	Number of Seats Reserved for Women	Percentage of Seats Reserved for Women (11)	Percentage of Women Elected in Latest Election (1i2)	Difference Between (11) and (2ii)	Appointed or Elected
Morocco	2002	List PR	30/325	9.2	10.8	+1.6	Elected
Somalia	2004	—	25/245	10.2	—	—	Appointed
Jordan	2003	SNTV	6/110	5.5	—	—	Elected

*Note:* Reserved seats for women in the lower house of the national parliament are defined as those that by law can only be filled by women, either by appointment or election. It should be noted that the parliament in Eritrea is currently suspended and also Egypt used reserved seats (8.3 percent for women) from 1979 to 1984.

Electoral systems: List PR is Party list proportional representation; FPT is first-past-the-post; SNTV is single non-transferable vote; PBV is party block vote.

Sources: The Electoral Institute of Southern Africa (EISA) [www.eisa.org.za](http://www.eisa.org.za); *Elections Around the World*; [www.quotaproject.org](http://www.quotaproject.org).

have also been used for appointments to public bodies and consultative committees in countries such as Finland and Norway.<sup>22</sup>

**Iraq.** Iraq's use of quotas provides an example. A range of constitutional and legal options were considered for including women in elected office.<sup>23</sup> Historically the country was more egalitarian toward women than many Arab states, achieving relatively high levels of female education, literacy, and participation in the workforce during the 1960s and 1970s as part of the economic development program of the secular Baathist regime.<sup>24</sup> The 1970 Iraqi Constitution formally guaranteed equal rights to women, and in 1986 Iraq became one of the first countries to ratify CEDAW. Employment and labor laws were passed to give maternity benefits, equal pay, and freedom from harassment in the workplace.<sup>25</sup> In practice, these laws were often not enforced, but nevertheless the legal climate was considerably more liberal than many others in the region. In 1980 Iraqi women got the right to vote, and in the first parliamentary elections that year women won 16 out of 250 seats (6.4 percent) on the National Council; this proportion doubled to 13.2 percent in 1985, before falling to 10.8 percent in 1990 and 8 percent in 2003, immediately before the war.

In the post-Saddam era, Iraq developed a new constitution and electoral laws through a multistage process. After the fall of Saddam Hussein, in May 2003 the Coalition Provisional Authority (CPA), under Ambassador Paul Bremer, was established by the U.S.-led coalition to administer Iraq. In July 2003, the CPA created the Iraqi Governing Council, with twenty-five appointed Iraqi representatives from five ethnic groups, including three women (12 percent). On March 8, 2004, the Transitional Administrative Law (TAL) was approved as a provisional constitution. In June 2004, the U.S.-led coalition handed over power to Prime Minister Ilad Allawi's interim government, which consisted of thirty ministers, among them six women and the newly created post of Minister of Women's Affairs. The Iraqi Governing Council was in turn replaced in August 2004 by a larger (100-person) appointed national assembly, a body that

was subsequently replaced by the 275-member transitional National Assembly, following the January 2005 elections. The primary responsibility of the Assembly was to design the new Iraqi Constitution, which was proposed in August 2005 and finally approved by a public referendum in October 2005. On December 15, 2005, Iraqis went to the polls to elect the 275-member permanent House of Representatives, with the results announced in late January 2006.

With the United Nations pressing for the representation of women and minority communities in any new constitution, the process of constitutional design drew on advice from many international experts, including agencies such as IFES, NED, and USAID. The process stimulated considerable debate within Iraq. Prior to agreement about the TAL, in early spring 2004 public meetings were held around the country to debate the proposed contents, including the role of women's rights in the document. Iraqi women mobilized strongly through a series of meetings, conferences, and workshops, with debate on the level of quota to adopt and whether 20 percent, 30 percent, or 40 percent of all elected positions should be allocated to women. For example, in January 2004, women in Hilla, Divsania, Karbala, and Najaf organized a major conference in Basra, attended by four hundred delegates. The Iraqi Higher Women's Council, a body containing a diverse cross-section of Iraqi women, presented Ambassador Bremer with a letter supporting a 40 percent quota for women in legislative bodies. The U.S.-led coalition was divided about this issue; Tony Blair and the British representative in Baghdad favored introducing gender quotas for Iraqi elections.<sup>26</sup> By contrast, Paul Bremer and CPA preferred equal opportunity policies over quotas, although it was hard to argue against them for Iraq after reserved seats had been adopted in Afghanistan.<sup>27</sup> The Shiite religious parties were also strongly opposed to any quotas, in part because they were concerned about whether they could nominate a sufficient number of women candidates, but secular Iraqis supported the idea. The TAL did not adopt the 40 percent quota that some had lobbied for, but Article 30c did specify that the electoral law governing contests for the National Assembly "shall aim to achieve

the goal of having women constitute no less than one quarter of the members.”<sup>28</sup> The TAL also ensured fair representation of all communities in Iraq, including Turkoman and other minorities, although it did not specify the mechanism to achieve this aim.

To implement these policies, the Electoral Law (CPA 96) that passed in June 2004 specified that a system of nationwide closed-list PR would be used (with a Hare quota) for elections to the transitional National Assembly.<sup>29</sup> Parties could present a list of at least twelve candidates in ranked order, with positions filled from the top of the list downward according to their share of the vote. To guarantee the inclusion of women in the new body, the Electoral Law specified that any party seeking to contest the election had to include women candidates ranked (“zippered”) as one among every third name included in the party list: “No fewer than one out of the first three candidates on the list must be [a] woman; no fewer than two out of the first six candidates on the list must be [a] woman; and so forth until the end of the list.”<sup>30</sup> Individual candidates could also stand for office. Although there was debate about the use of reserved seats for minorities, insufficient time prior to the election to identify and classify minority electorates and candidates, especially given the displaced populations, hampered the implementation of this policy. Criticisms about the legitimacy of reserved seats were also expressed.<sup>31</sup> The use of smaller electoral districts was considered and rejected on the grounds that implementation would delay the process, given the lack of credible population figures to allocate seats.<sup>32</sup>

The direct elections to the transitional National Assembly on January 30, 2005, returned 86 women out of 273 members (31.5 percent), a remarkable proportion given the history of women’s representation in Arab states; it exceeded the 25 percent target set in the TAL. Moreover, the women who were elected came from all communities, some favoring a secular government and legislation dealing with women’s rights, others preferring an Islamic state and Sharia law. A similar quota system was used for elections to the Kurdistan National Assembly and for the Governorate Councils.

The contents of the final Iraqi constitution were debated in the new National Assembly, and Article Forty-Seven in the final document retained a 25 percent quota for women in the lower house: "The elections law aims to achieve a percentage of women representation not less than one-quarter of the Council of Representatives members."<sup>33</sup> To implement this goal, the second Electoral Law, adopted in September 2005, required parties seeking election to implement the same process followed earlier, with at least one women candidate included among the first three names on party lists, two in the first six names, and so on. The second Electoral Law also continued to use the List PR electoral system, but with regional, not national, districts. In total, 230 seats were allocated proportionally, divided among eighteen governorates (provinces) based on the size of the registered electorate in each. In addition, forty-five so-called compensatory seats were allocated for parties and groupings that achieved a minimum threshold of votes nationwide to reinforce the strength of larger parties.

The results, following the general elections held on December 15, 2005, for permanent members of the National Council of Representatives, are that women are now more than one-quarter (25.5 percent) of the legislature, distributed across all major parties and communities. For reasons that are unclear, this is less than the 31.5 percent elected to the transitional National Assembly. This is probably due, at least in part, to the use of regional electoral districts rather than a nation-wide contest. This situation is a striking outcome given that women are usually marginalized in legislative office in Arab states; indeed in Saudi Arabia and the United Arab Emirates women continue to be denied the right to vote and to stand for election, and societies in the Middle East also display some of the most traditional cultural attitudes toward the roles of women and men.<sup>34</sup> As a result of the election, Iraq now ranks twenty-sixth worldwide in the proportion of women in the new parliament, comparable to Switzerland, Australia, and Mexico, and well above the United Kingdom and the United States.

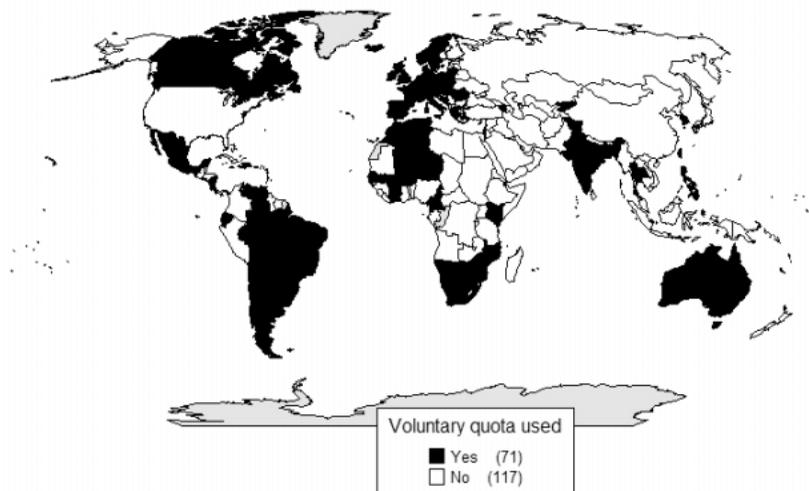
## Voluntary Gender Quotas

An alternative policy concerns the use of voluntary gender quotas within specific parties. While party activists and leaders can take the initiative, this is not a matter that is implemented through electoral law. Rules, constitutions, and internal regulations within each party are distinct from electoral statutes enforceable by the courts. Voluntary gender quotas have been widely used by multiple parties in Scandinavia, Western Europe, and Latin America (see Figure 6.1). At the same time, Communist parties employed them in the past in Central and Eastern Europe but these policies were abandoned as redolent of the Soviet era in the transition to democracy during the early 1990s.<sup>35</sup>

## Assessing the Impact of Fast-Track Strategies

What has been the impact of fast-track initiatives? Reserved seats, statutory gender quotas, and voluntary gender quotas all have an

**Figure 6.1 Countries Where at Least One Party Uses a Voluntary Gender Quota**



Source: International IDEA and Stockholm University, "Quota Project," 2006. Available online: [www.quotaproject.org](http://www.quotaproject.org).

impact, but none offers a panacea for the underrepresentation of women in decisions that affect their lives.

### **Reserved Seats**

The use of reserved seats guarantees a minimum number of women in elected office. Table 6.1 illustrates how the proportion of women elected in the most recent election in the countries using these strategies exceeded the statutory minimum. In this regard, the policy works, setting a minimum floor. Yet the full impact of these mechanisms is difficult to assess, given their relatively recent adoption in many countries, and the policy remains controversial for a number of reasons. Some have argued that this mechanism may be a way to appease women—and ultimately sideline them.<sup>36</sup> Women, when appointed to office, may be marginalized from exercising any independent power and responsibility if they lack an independent electoral or organizational base, and the ruling party can reinforce control of parliament by patronage. This is particularly the case in regimes that have limited institutional checks and balances, weak legislatures, and power concentrated in the hands of the executive. If the level of reserved seats is set too low, it may result in token representation.<sup>37</sup> Reserved seats also need organizations to develop effective training programs for women leaders who are considering running for office, so they can develop skills, knowledge, and confidence.

Nevertheless, against these arguments, women who gain reserved seats through free and fair elections have the opportunity to develop an independent political base and the experience of political leadership. If electoral law implements reserved seats, it guarantees a minimum number of women in elected office without the uncertainty of statutory and voluntary gender quotas. Moreover, reserved seats have been adopted in many countries that share a common Muslim cultural heritage and where traditional attitudes prevail concerning the roles of women and men.<sup>38</sup> Thus, this strategy may boost the number of women in leadership positions, a process that may also change attitudes toward sex roles more generally.

## Statutory Gender Quotas

How well have statutory gender quotas worked? Table 6.2 shows the proportion of women returned in the election held immediately before passage of the law, the election held immediately after passage, and the summary short-term change. The pattern shows that statutory gender quotas appear to have worked more effectively in some countries and elections than in others: hence the substantial short-term rise in the number of women in parliament found in Argentina and the modest short-term growth in Peru and Belgium, but minimal progress evident in France, Mexico, or Brazil. The comparison of the number of women in the latest election to date also shows that many countries are falling far short of the specified legal quota.

To determine the cause, the next step is to research the relative importance of the institutional conditions that operate in different contexts. Case studies suggest that the effective implementation of statutory gender quotas can plausibly vary according to several factors:

- The type of electoral system
- The mean district magnitude
- The implementation of the statutory mechanisms
- The level of the gender quota specified by law
- Whether the rules for party lists regulate the rank order of women and men candidates
- Whether party lists are open or closed
- The strength of women's organizations within parties
- Good-faith compliance by parties
- The penalties associated with any failure to comply with the law

Legal regulations are designed to alter the balance of incentives for the party gatekeepers who nominate candidates. Where these laws are

Table 6.2 Examples of Statutory Gender Quotas Used Worldwide

Country	Date of Law	Gender Quota (percent)	Legislative Body	Electoral System	List Open or Closed	Women MPs Before Law (1i)	Women MPs After Law (2ii)	Change (1i)-(2ii)	Women Elected in Latest Election	Date of Latest Election
France	1999	50	Lower	Majoritarian	-	11	12	+1	12.2	2002
Costa Rica	1997	40	Unicameral	Proportional	Closed	14	19	+5	35.1	2006
Belgium	1994	33	Lower	Proportional	Open	18	23	+5	34.7	2003
Bosnia Herzegovina	2001	33	Lower	Proportional	Open	-	14.3	-	16.7	2002
Argentina	1991	30	Lower	Proportional	Closed	6	27	+21	35.0	2005
Peru	1997	30	Unicameral	Proportional	Open	11	18	+7	18.3	2001
Venezuela	1998	30	Lower	Combined	Closed	6	13	+7	17.4	2005
Panama	1997	30	Unicameral	Combined	Closed	8	10	+2	16.7	2004
Venezuela	1998	30	Senate	Combined	Closed	8	9	+2		2005
Bolivia	1997	30	Lower	Combined	Closed	11	12	+1	16.9	2005
Mexico	1996	30	Senate	Combined	Closed	15	16	+1	24.2	2003
Bolivia	1997	30	Senate	Combined	Closed	4	4	0	16.9	2005
Brazil	1997	30	Lower	Proportional	Open	7	6	-1	8.6	2002

Continued

**Table 6.2 Examples of Statutory Gender Quotas Used Worldwide (Continued)**

Country	Date of Law	Gender Quota (percent)	Legislative Body	Electoral System	List Open or Closed	% Women MPs		Change (1i)-(2ii)	% Women Elected in Latest Election	Date of Latest Election
						Before Law (1i)	After Law (2ii)			
Mexico	1996	30	Lower	Combined	Closed	17	16	-1	24.2	2003
Indonesia	2003	30	Lower	Proportional	Closed	9	11.3	+2	11.3	2004
Macedonia	2001	30	Lower	Combined	Closed	-	17.5	-	19.2	2002
Serbia	2002	30	Lower	Proportional	Open	7.5	7.9		7.9	2003
Dominican Republic	1997	25	Lower	Proportional	Closed	12	16	+4	17.3	2002
Ecuador	1997	20	Unicameral	Combined	Open	4	15	+11	8.9	2002
Paraguay	1996	20	Senate	Proportional	Closed	11	18	+7	10.0	2003
Paraguay	1996	20	Lower	Proportional	Closed	3	3	0	10.0	
Korea, North	-	20	Lower	Majoritarian	-	-	20.1	-	20.1	2003
Philippines	1995	20	Lower	Combined	Closed		17.8		15.7	2004
Armenia	1999	5	Lower	Combined	Closed		3.1		5.3	2003
Nepal	1990	5	Lower	Majoritarian	-		5.9		0.0	1999

Iraq TNA (*)	1/2005	25	Lower	Proportional	Closed	31.5	2005
Iraq	12/2005	25	Lower	Proportional	Closed	25.5	2006
<b>Average</b>		<b>30</b>				<b>10</b>	<b>+4</b>

Note: Statutory gender quotas for the lower house of national parliaments are defined as legal regulations specifying that each party must include a minimum proportion of women in their candidate lists. Change is estimated based on the percentage of women MPs in the parliamentary election held immediately before and after implementation of the gender quota law.

\* The Iraqi Transitional National Assembly.

Sources: Mala Htun, "Electoral Rules, Parties, and the Election of Women in Latin America," paper presented at the Annual Meeting of the American Political Science Association, San Francisco, August 30, 2001; Mala Htun and Mark Jones, "Engendering the Right to Participate in Decision-making: Electoral Quotas and Women's Leadership in Latin America," in Nikki Craske and Maxine Molyneux, eds., *Gender and the Politics of Rights and Democracy in Latin America* (London: Palgrave, 2002); International IDEA/Stockholm University Global Database of Quotas for Women, available online: [www.quotaproject.org](http://www.quotaproject.org).

implemented, selectors need to weigh the potential penalties and benefits of compliance. Selectors may still prefer the default option of traditionally nominating a male candidate under certain circumstances: for example, if the laws are seen as symbolic window-dressing more than as good-faith regulations; if the regulation specifies that a certain proportion of women have to be selected for party lists but they fail to specify their rank order so that female candidates cluster in unwinnable positions at the bottom of the list; or if sanctions for noncompliance are weak or nonexistent. Delayed effects may also occur, as parties adapt gradually to the new regulatory environment and as incumbents retire. As in many attempts to alter incentive structures, the devil lies in the practical details, and superficially similar policies may have diverse consequences in different contexts.

### **Voluntary Gender Quotas**

Similar observations can be made about specific parties' implementation of voluntary gender quotas. Building on the growing case-study literature and developing systematic cross-national analysis, the next step is to research the relative weight given to a number of conditions that could generate variations in the effectiveness of these measures among different parties.<sup>39</sup> These differences can be explained by factors such as these:

- The specific type of electoral system
- The degree of party institutionalization in its nomination procedures
- The implementation of formal party rules
- The penalties associated with any failure to comply with the rules
- The level of the gender quota specified by party rules
- The strength of women's organizations within parties
- The regulation of rank order of women and men candidates by party lists

- The good faith compliance and the informal cultural norms operating within parties

Case studies suggest that gender quotas can effectively constrain the choices of the selectorate in mass branch-party bureaucratic organizations, where rules are strictly implemented in nomination processes. The adoption of all-women shortlists within the British Labour Party in the run-up to the 1997 British general election illustrates this process most dramatically. The proportion of women MPs at Westminster doubled overnight as a result of this shortlisting, coupled with the Blair landslide.<sup>40</sup> Set against that result, other cases suggest that gender quotas can be regarded as ideal targets rather than binding resolutions in highly personalist parties, where the party leadership determines nominations primarily on a patronage basis.<sup>41</sup>

### **Conclusions: Do Fast-Track Strategies Work?**

This study concludes that alternative fast-track strategies should not be treated as functionally equivalent, as they differ substantially in their workings and impact. Of the three main types, reserved seats involve the most radical intervention in the electoral process; it constrains the autonomy of parties to nominate candidates and of the electorate to choose. Reserved seats can increase the number of women in office, as demonstrated by the case of the 2005 elections in Afghanistan, although the independence of the women holding these seats can be curtailed in the case of appointment by patronage. This plan has most commonly been adopted in transitional democracies characterized by single-member district majoritarian electoral systems and weak party organizations, and it has also been adopted in many societies with deeply traditional cultural attitudes toward gender equality. By contrast, statutory gender quotas have most commonly been used in consolidating democracies, especially those already undergoing processes of constitutional change.

The short-term impact of statutory quotas in subsequent elections depends up many specific factors, as illustrated by the contrasting results in France, Iraq, and Argentina. Their design is critical to their effect. Last, voluntary gender quotas are the most popular and flexible strategy adopted by parties to govern their own nomination procedures, and they are now widely used throughout the world. In bureaucratic extra-parliamentary party organizations where internal rules matter, and where women's internal party organizations are mobilized around these measures, voluntary quotas can prove very effective in electing more women to office. But under many conditions, writing voluntary gender quotas into party rulebooks may prove more symbolic than substantive—for example, in party cultures with traditional attitudes toward sex roles, in legislatures where incumbents rarely lose, and in poorly institutionalized parties whose formal organizations remain weak and whose nomination processes are dominated by patronage.

The broader lessons are that fast-track strategies have become increasingly popular during recent decades as a way to increase the number of women in office. Where implemented effectively, under certain conditions these policies can generate substantial short-term change in the proportion of women parliamentarians, reducing the barriers to legislative office. Fast-track strategies have their limitations, and they should not be seen as panaceas to improve the political position and power of women overnight. But these policies can be remarkably effective in giving women a stronger public voice in parliament, with important consequences for articulating the wide range of women's concerns, for the role of women leaders in higher government office, for strengthening the democratic legitimacy of elected bodies, and for modifying cultural attitudes toward women leaders.

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