

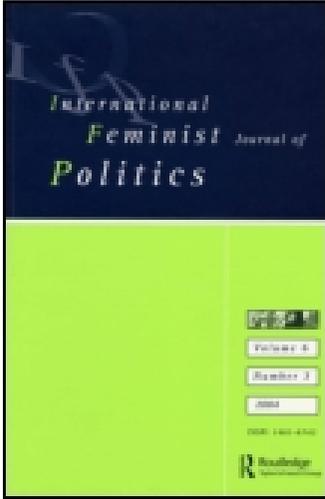
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*Fifty/Fifty by 2020*¹

ELECTORAL GENDER QUOTAS FOR PARLIAMENT IN EAST AND SOUTHERN AFRICA

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Abstract

During the last two decades large numbers of women have entered parliaments in several east and southern African countries. In late 2007, Mozambique, Namibia and South Africa in southern Africa and Rwanda, Tanzania and Uganda in east Africa all had national legislatures ranging from 25 to nearly 50 per cent women, placing them in the top 26 worldwide. This is far above the Sub-Saharan African and world averages of about 17 per cent women in a single or lower house of parliament. This development is part of a global trend whereby women are using electoral gender quotas to take a 'fast track' to equal legislative representation. The six countries identified here share a set of common characteristics explaining women's electoral success, with one important difference. The three southern African cases have all increased their percentages of women in parliament using a proportional representation electoral system and voluntary political party based quotas. The three east African cases have done the same through the use of a mix of electoral systems and mandatory 'special' or 'reserved' seats for women. This article describes the two alternatives, discusses their impact on women's descriptive and substantive representation in these six African countries and concludes with a comparison of the advantages and disadvantages of each type of electoral gender quota.

Keywords

electoral gender quotas, party quotas, reserved seats, women in African parliaments

INTRODUCTION

During the last two decades large numbers of women have entered parliaments in several east and southern African countries. In late 2007 Burundi, Rwanda,

Tanzania, Uganda, Mozambique, Namibia and South Africa all had national legislatures ranging from 25 to nearly 50 per cent women, placing them in the top 26 per cent worldwide. This is far above the Sub-Saharan African and world averages of about 17 per cent women in a single or lower house of parliament (Inter-Parliamentary Union 2007). This development is part of a global trend whereby women are using electoral gender quotas to take a 'fast track' to equal legislative representation (Dahlerup and Freidenvall 2005: 26). Rather than wait the decades required to bring about the changes in cultural attitudes and the socioeconomic developments that brought large numbers of women into national legislatures in Scandinavia, women around the world are insisting on the use of a variety of electoral quotas to gender their parliaments, sometimes 'overnight'.²

Several Asian, European and Latin American countries have utilized electoral gender quotas with similar success, though nowhere in the world has the rate of increase in women's representation been as fast as in Africa (Tripp 2004; Dahlerup and Freidenvall 2005). The increased use of electoral quotas across Africa reflects a renewed interest in formal politics and political institutions among African women's movements at a time when democratic transitions have provided the political opening for such activity. Shireen Hassim and Sheila Meintjes (2005: 4) argue that the efforts to break down the barriers to women's equal political participation 'signal that there is room for women's agency to shape politics, and that formal political rights are an important precondition for advancing equitable social policies' for women. Bringing African women into national legislatures in significant numbers is one part of this effort.

A few recent studies have examined this phenomenon of increasing numbers of women in several African parliaments. Three of these comparative studies identify a similar set of factors accounting for the rise in women's legislative presence. Gretchen Bauer and Hannah Britton (2006a), in the introduction to a book based on dozens of interviews with women members of parliament (MPs) in six countries, find that these success stories share common characteristics. All have experienced a political transition in the last twenty years, in many cases following a period of prolonged conflict. These conflicts and the roles played by women in them at home and abroad often contributed to an available cadre of capable women candidates to stand for public office. Moreover, during political transitions in the post-conflict period, women activists and their organizations inserted themselves into the processes of crafting new constitutions and drafting new laws that provided the legal foundations and political frameworks for the institutions and mechanisms to bring more women into political office.³ Critical to this process were national women's movements and organizations and the pressure that they exerted on (usually dominant) political parties to adopt the strategies and mechanisms that led to women's increased representation. Finally, a global women's movement, to which many African women were exposed in the course of conflict (and to which they have contributed substantially in a variety of international

fora such as the United Nations conferences on women), and the adoption of international protocols have also played a significant role.

International IDEA's study of women's increased electoral representation across Africa draws many of the same conclusions. In the final chapter, Julie Ballington (2004a) identifies the use of specific electoral systems and quotas, the strength and cohesion of national women's movements, pressure exerted by international women's movements and organizations, and the strategic use of windows of political opportunity as the factors giving rise to women's increased political representation in Africa in the 1990s and 2000s. A Gender Links survey of six southern African countries ties women's increased representation to a proportional representation (PR) electoral system and party-based quotas or reserved seats for women. Moreover, the survey also finds that the countries with the highest proportion of women in politics have recently emerged from struggle or conflict situations, or have ruling parties with social democratic inclinations, or both (Lowe-Morna 2004).

Electoral gender quotas are key to increasing women's legislative representation with the factors cited in the studies above determining *whether or not* quotas will be adopted – and *what types* of quotas will be adopted. The six countries discussed in this article⁴ more or less conform to the trajectory described in the studies above, with one interesting difference. The three southern African cases have all increased the number of women MPs using a closed list PR electoral system and voluntary political party-based quotas.⁵ The three east African cases have utilized a mix of electoral systems and mandatory 'special' or 'reserved' seats for women. Indeed, electoral gender quotas may take different forms, though in Africa they have largely been of these two kinds: reserved or appointed seats intended to determine at least a minimum number of seats to be held by women, or measures adopted voluntarily by political parties aimed at influencing the number of women candidates (Tripp 2004). While the former are nearly always legal quotas the latter may be voluntary or mandatory. The remainder of this article elaborates the two regionally based alternatives, discusses their impact on women's descriptive and substantive representation in these six African countries and concludes with a comparison of the advantages and disadvantages of each type of electoral gender quota.

THE SOUTHERN AFRICAN CASES: MOZAMBIQUE, NAMIBIA AND SOUTH AFRICA

Mozambique, Namibia and South Africa all emerged from conflict situations in the early 1990s – Mozambique from fifteen years of rebel war, Namibia from decades of war for political independence and South Africa from decades of struggle for black majority rule. In all three cases women were part and parcel of the conflicts.⁶ In the latter two cases thousands of women spent decades in exile, in some cases fighting alongside male counterparts

as armed combatants, in other cases gaining critical skills and experience at schools and universities abroad. Upon their return many of these women, well versed in feminist theory and praxis from experience overseas and well aware of the pitfalls of national independence from experience elsewhere in Africa, joined forces with women at home to press for new gender dispensations in the post-conflict period, including a formal role for women in the political process (Seidman 1999). In Namibia a small number of women members of the Constituent Assembly played a key role in shaping Namibia's gender progressive constitution and one woman MP was largely responsible for the adoption of a gender quota for local elections shortly after independence (Bauer 2006). In South Africa women activists and exiles came together in the early 1990s to form a national women's organization, develop a national plan of action and ultimately influence the unfolding constitutional negotiations such that South Africa too has one of the most gender progressive constitutions in the world today (Britton 2006). In Mozambique too women fought alongside male counterparts from outside in exile and from inside within the rebel movement (Lowe-Morna 2004). In Mozambique in the early 1990s women began to organize themselves into many new groups with the express purpose of educating women voters at the grassroots level to participate effectively in all phases of the electoral process (Abreu 2004). In all three countries the disruptions of conflict and war 'may have made it easier to start afresh in terms of implementing new gender policies' (Tripp *et al.* 2006: 120).

With independence in Namibia, black majority rule in South Africa and an end to war and transition to multiparty politics in Mozambique, closed list PR electoral systems were adopted for national legislative elections. According to Britton (2008), South African women involved in the constitutional negotiations worked hard to secure a closed list PR electoral system, recognizing that such a system had brought larger numbers of women to parliament in other countries, and they lobbied within their parties for the use of quotas, selective recruitment and mentorship. While there is no evidence that women's electoral outcomes figured in the choice of a closed list PR system at the national level in Namibia, the decision in 2002 to retain a PR system for local legislative elections was made in part on the argument that PR systems favour women (Bauer 2006).

In South Africa and Mozambique, the two ruling parties, the African National Congress (ANC) and the Frelimo Party, adopted 30 per cent quotas for their candidate lists for National Assembly elections, the ANC before the 1994 election and Frelimo at its sixth party congress in 1992 (Abreu 2004; Myakayaka-Manzini 2004). Subsequently, both parties committed themselves to a more equitable distribution of women's names (every third name a woman's) throughout their candidate lists (Myakayaka-Manzini 2004; Disney 2006). In Namibia, women's organizations have exerted considerable pressure on political parties since before the 1999 election. Still, political parties have not formally adopted gender quotas, though for the 1999 and

2004 elections most candidate lists were at or close to 30 per cent women.⁷ But women's names have not always been well distributed throughout party lists with the result that women's representation in the National Assembly has stagnated at 25 per cent over the last two elections (LeBeau and Dima 2005).⁸ Mozambique and South Africa, by contrast, have 35 and 33 per cent women in their lower or single houses of parliament, respectively, since their 2004 elections.

THE EAST AFRICAN CASES: RWANDA, TANZANIA AND UGANDA

Rwanda, Tanzania and Uganda have also experienced transitions in the last two decades. Uganda was first when the National Resistance Movement (NRM) wrested power from the last in a series of dictatorial and military regimes in 1986. Tanzania followed a more peaceful path to political transition with amendments to its constitution in 1992 that proscribed a one-party political system and commenced the transition to a multiparty political system. Rwanda's transition came on the heels of an aborted democratic opening, war, the genocide of up to one million people and the installation of a Rwandan Patriotic Front (RPF) government in 1994. In these cases too, it has been argued, women's enhanced participation in the political process in the post-conflict and post-transition period stems in part from their participation in the conflicts and their active mobilization in the post-conflict period. In Uganda, with already existing contacts in the NRM, women activists in the late 1980s were invited by the new president to identify women leaders for leadership positions in government. Sylvia Tamale (1999) argues that President Yoweri Museveni was receptive to women's increased participation in politics, in part, because of their participation in the armed struggle that brought him and his movement to power. Aili Mari Tripp (2000) focuses on the pressure exerted by the Ugandan women's movement on the NRM regime and the movement's important role in the process of revising the 1995 constitution. In Rwanda, women were prominent among the civil society activists who pressured government for reform beginning in 1989; indeed, they were specifically targeted during the 1994 genocide. Women's groups took a leading role in the post-genocide period helping Rwandans to reconstruct their lives. Over time they experienced growing public influence, which they were able to translate into political power (Longman 2006). In Tanzania, not marked by the kind of conflict experienced in Uganda or Rwanda, a few special seats for women existed in the pre-transition period, only to be greatly increased in number in the post-transition period, most recently for the 2005 election. According to media reports, the move to increase the number of reserved seats for women in 2005 was intended to ensure that Tanzania met the Southern African Development Community's target of 30 per cent women in national legislatures by 2005.⁹ Women activists in Tanzania have sought to monitor closely the reserved seat system put in

place following the 1992 transition for its impact on women MPs and women's representation (Lowe-Morna 2004).

In east Africa the mechanisms used to gender parliaments have differed from those in southern Africa, with reserved seats more likely than party quotas. In Uganda a first-past-the-post electoral system (FPTP) – the most obvious choice in a 'no-party political system' – has been utilized for directly elected 'constituency' MPs since the country's first post-transition election in 1989. In addition, reserved 'district' seats for women were introduced during that election by expanding the Ugandan parliament to include extra seats for women only (one from each district in the country). In 1995 a revised constitution institutionalized the quota system by providing for a number of reserved seats in the national parliament equal to the number of districts in the country. The women MPs from the district seats are elected from all-female lists of candidates by male-dominated electoral colleges whose members are drawn from local councils and women's councils; by contrast the 'constituency' MPs are elected directly by universal adult suffrage (Tamale 2004). The constitution also provides for reserved seats for workers, the youth, the disabled and the army, of which five out of twenty-five must also be women (Inter-Parliamentary Union 2008a).

By the time of the 2006 election there were seventy-four reserved seats for women out of a total three hundred and twenty-two seats (a 22.9 per cent quota) – sixty-nine district based seats and five seats from among the twenty-five reserved for workers, the youth, the disabled and the army. In addition to those seventy-four seats, women in Uganda were directly elected to fourteen constituency seats in the national legislature and one more woman was elected to an additional seat for the army for a total of eighty-nine parliamentary seats (27.6 per cent). Subsequent to the February 2006 election eleven more district seats for women were added, though one remained vacant in early 2007, bringing the total number of women in Uganda's parliament to ninety-nine or 29.8 per cent of total members (Bauer 2008).

In Rwanda, as elsewhere, the critical moment for increasing women's national legislative representation came with the drawing up of a new constitution, adopted in a public referendum in June 2003. According to Rwanda's constitution, two systems are used to select members of the lower house or Chamber of Deputies. The bulk of members, fifty-three out of eighty, are directly elected to the Chamber of Deputies using a closed list PR electoral system. While there are no mandatory party quotas, the constitution requires that party lists take gender equity into consideration and the ruling RPF, at least, has so far largely done this. The remaining twenty-seven seats are reserved seats: two seats reserved for the youth and one for the handicapped and twenty-four for women members (a 30 per cent quota) elected from the provinces and the city of Kigali (two each). In the 2003 election, the first under Rwanda's new constitution, local and regional women representatives and other local and regional officials gathered in each province and the city

of Kigali two days after the general election to select the women members of the lower house. In the 2003 election, in addition to the twenty-four women elected into reserved seats, fifteen women members were directly elected, for a total 48.8 per cent female members of the Chamber of Deputies (Longman 2008).

In Tanzania, a small number of 'special' seats for women existed during the single party era though not for the purpose of redressing historic imbalances, rather with the goal of enhancing the representation of varied interests in a one-party regime (Meena 2004). Since the political transition in the early 1990s Tanzania has continued to set aside reserved seats for women – 15 per cent of parliamentary seats were reserved for women in 1995, increased to 20 per cent for the 2000 election; women were supposed to be not less than 30 per cent of all members for the 2005 election. For the legislature's 232 directly elected seats a FPTP electoral system is utilized. Seventy-five additional seats are reserved for women who are elected by their political parties on the basis of the parties' proportional representation in the National Assembly. (In addition, five seats are indirectly elected from Zanzibar, of which two must be women and ten appointed by the president of which five must be women, making for a 25.3 per cent quota for women.) Tanzania's late 2005 election brought ninety-seven women into parliament out of three hundred and nineteen: seventy-five into the reserved seats for women, seventeen to directly-elected seats, two to reserved seats from Zanzibar and three appointed by the president (there should be two more women appointed) (Inter-Parliamentary Union 2006b). In 2005, with 30.4 per cent women in its National Assembly, Tanzania had achieved the highest percentage of women in parliament ever under a majoritarian electoral system (Inter-Parliamentary Union 2006a).

CHOICE OF TYPE OF ELECTORAL GENDER QUOTA

Several east and southern African cases do not provide a large sample upon which to base strong conclusions about regional trends in choice of type of electoral gender quota. Indeed, a few not unexpected factors (see Matland 2006) seem to be at play in all of these cases, including 'fit' with the electoral system and level of democracy in the polity. In all three southern African cases, new constitutions were drawn up at the conclusion of decades of hostilities at the very outset of democratic transitions (all around 1990). Women participants in exiled liberation movements and women activists at home mobilized to take part in constitutional negotiations and ensure the drafting and adoption of progressive constitutions. Proportional representation electoral systems were chosen largely in order to ensure inclusive representation across previously antagonistic ethnic groups and ideological orientations (Reynolds 1995). 'Left-leaning' dominant parties in all three countries were receptive to lobbying by party women for formal party quotas in the case of

South Africa and Mozambique, and a more informal one – a ‘soft quota’ – in Namibia.¹⁰ In South Africa and Mozambique, the chosen quota (party quota with placement mandate) is ‘guaranteed to work’ according to Stina Laserud and Rita Taphorn (2007: 28) – a ‘best fit’ for a closed list PR system with large districts.¹¹ Indeed, such ‘candidate quotas’ are the most common type of quota among democratic states with PR electoral systems (Matland 2006).¹²

In east Africa, in particular Rwanda and Uganda, similarly constructed reserved seats for women were adopted for some portion of the total number of parliamentary seats, albeit alongside different types of electoral systems for use in electing the majority of MPs. In both countries final constitutions, that make provision for reserved seats for women in parliament, were adopted nearly a decade after ruling movements first came to power. Reserved seats (a tier for women candidates only) are ‘guaranteed to work’ and a ‘best fit’ for use with *any* type of electoral system (Laserud and Taphorn 2007: 28). However, they are the *only* ‘best fit’ for a FPTP electoral system, the type used in Uganda, the first country to use reserved seats for women in Africa in 1989.¹³ A diffusion effect from Uganda to Rwanda seems likely; several scholars have commented on the influence of the NRM in Uganda over the RPF in Rwanda, in part because of the RPF’s many years of exile in Uganda (Krook 2006; Longman 2006). Moreover, in both cases observers have identified ‘political will’ on the part of ruling parties as significant in the decision to increase women’s representation (Kanakuze 2004; Tamale 2004; Longman 2008). But that political will likely also reflects a political calculus: reserved seats are ‘given’ in exchange for loyalty to the president or ruling party (Tripp *et al.* 2006; Longman 2008). Indeed, there is concern in both countries that, as Richard Matland (2006: 287) suggests more generally, reserved seats are being used to increase substantially the ruling parties’ voting strength in parliament. In general, less democratic states are more likely to adopt reserved seats than any other type of electoral quota (Matland 2006).¹⁴

IMPACT OF PARTY QUOTAS VERSUS RESERVED SEATS FOR WOMEN

What do we find when we compare the two types of quotas and the percentages of women elected to parliament in the two regions in mid-2007? Rwanda has the greatest percentage of women in parliament of any country in the world since its 2003 election, its first election to use electoral gender quotas (arguably two quotas: reserved seats and a ‘soft quota’ for its party list on the part of the RPF). In Mozambique and South Africa, Tanzania and Uganda the progress in electing women to parliament has been steady over the last three national elections (see Table 1) with Mozambique and South Africa above 30 per cent women and Uganda and Tanzania essentially at 30 per cent women in parliament at mid-decade. In Namibia the percentage of women MPs doubled from the 1994 to 1999 election and then remained the same for the 2004 election (25 per cent of voting members). In terms of

Table 1 Women in lower or single houses of parliament in African countries in top twenty-six worldwide: Pre- and post-transition elections

| Country | Pre-transition election | Mid-1990s election | 1999/00 election | Mid-2000s election ^a |
|--------------|-----------------------------|--|-------------------------------|---------------------------------|
| Mozambique | Not available | Oct 1994 63/250 ^b 25.2% | Dec 1999 75/250 30.0% | Dec 2004 87/250 34.8% |
| Namibia | Not available | Dec 1994 9/72 12.5% | Nov 1999 18/72 25.0% | Nov 2004 21/78 26.9% |
| South Africa | Sept 1989 5/178 2.8% | April 1994 100/400 25.0% | June 1999 120/400 30.0% | April 2004 131/400 32.8% |
| Rwanda | Sept 1988 12/70 17.1% | No election held | No election held | Sept 2003 39/80 48.8% |
| Tanzania | Oct 1990 28/249 11.2% | Oct 1995 45/275 16.4% | Oct 2000 61/275 22.2% | Dec 2005 97/319 30.4% |
| Uganda | 1980 1/126 0.7% | June 1996 50/276 18.1% | June 2001 75/305 24.6% | Feb 2006 99/332 29.8% |
| Burundi | June 1993 8/81 9.9% | No election held | No election held | July 2005 36/118 30.5% |

^aFigures for this column are as of May 2007; for Namibia appointed, non-voting members are included.

^bNumbers represent number of women MPs out of total number of MPs.

Source: Inter-Parliamentary Union (2007).

which type of quota is more effective in sending significant numbers of women to parliament – descriptive representation – the answer appears to be that substantial gains have been made under both systems.¹⁵ Only Namibia, with no formally adopted or legislated quotas, lags slightly behind the other five. In this regard, these African cases stand apart from many other cases worldwide in that no matter how quotas are constructed, ways are often found to subvert them making the increases in women's representation smaller than the quotas would suggest. As Matland (2006: 278) observes, important exceptions aside, 'the adoption of quotas has not, on the whole, led to dramatic increases in women's representation'.

Once in parliament what have these large numbers of women accomplished? Has the substantive representation of women varied depending on the type of electoral gender quota utilized? For Mozambique, Namibia and South Africa, authors in the Bauer and Britton (2006b) volume point to a long list of

legislative accomplishments despite women's greater presence in those parliaments for only a decade or so. In Namibia women MPs have taken credit for the 1996 Married Persons Equality Act that makes women and men equal before the law in marriage, the 2000 Combating of Rape Act that prescribes minimum sentences for rape and places more emphasis on the rights of rape victims and the 2002 Communal Land Reform Bill that protects women wishing to remain on their land in the event of their husband's death. In South Africa women MPs have similarly provided the leadership for a range of legislative acts: the 1996 Choice on the Termination of Pregnancy Act that extends the right to abortion on demand to all women, the 1996 Films and Publications Act that provides protections against the degradation of women and children and the 1998 Domestic Violence Act that increases the legal and institutional protection for victims of domestic violence, among many others. In Mozambique, women legislators and women's organizations came together to play a crucial role in the passage of the 2003 New Family Law. Women MPs and their allies in civil society have also been instrumental in creating a range of state institutions – national machineries – for the advancement of women and achievement of gender equality.

In the three east African countries legislative accomplishments have been attributed to women's increased presence in parliaments as well. According to Timothy Longman (2006), women MPs in Rwanda have actively promoted legislation that serves the interests of women including revisions to inheritance laws, a law banning discrimination against women and a strengthening of rape laws. Helle Schwartz (2004: 43, 62) found for Rwanda that female MPs, however elected, were far more likely than male MPs to consider women's interests 'important duties' and therefore, she concludes, the use of the gender quota has 'contributed to the presence of MPs with a strong commitment to representing women'.¹⁶ In Tanzania, according to Ruth Meena (2004), women MPs tabled and defended a bill providing maternity leave for married and unmarried women. They also pushed a bill that allowed female students to enter university directly after high school, rather than having to wait two years as in the past. With the strong support of women's organizations, Tanzanian women MPs also successfully supported legislation that increased the severity of punishment for sexual offences and ensured that a land reform bill incorporated a clause that customary practices that discriminated against women be declared unconstitutional (Meena 2004; Shayo 2005). According to Tripp (2006), women MPs' record of advancing women's causes in Uganda's parliament has been mixed. Women MPs have fought to change rape, sexual offence and defilement laws, and to influence the Land Act (though losing out on the inclusion of a most important co-ownership clause). They tried to pass a Domestic Relations Bill, which addressed issues of inheritance and succession as well as the regulation of polygamy, payment of bride price and the age of marriage, only to have the bill shelved by President Museveni. Though women MPs in Uganda can claim some important legislative accomplishments, they are fewer than might

have been expected.¹⁷ In general though, measured successes have been recorded in all cases.

Clearly, legislation alone is not a sufficient marker of women's substantive representation, but at this time serves as an early indicator of the potential accomplishments of large numbers of women in parliaments. Tripp *et al.* (2006: 129) identify another significant benefit of quotas in Africa, as elsewhere, namely, that 'an influx of women has helped influence [positively] popular perceptions of the acceptability of women being active in politics'.

PARTY QUOTAS VERSUS RESERVED SEATS

These cases suggest certain advantages and disadvantages to party quotas versus reserved seats. In southern Africa voluntary party-based quotas appear to be highly successful.¹⁸ In Mozambique and South Africa, internally imposed party quotas on the part of powerful ruling parties have yielded the targeted percentage of women MPs. Tripp *et al.* (2006) conclude, though the research is scant, that women elected in PR electoral systems at the national level in Africa have *not* been treated as 'token' women and the evidence cited here bears them out. Moreover, in all three countries there has been some 'contagion' in the sense of smaller parties following the ruling party's lead in 'aiming' for more women candidates and MPs.¹⁹ Still, as the Namibia case demonstrates, if party-based quotas are not nationally legislated (or at least internally mandated by political parties) their use will be uneven. Moreover, the placement of women's names on candidate lists is critical; as such a 'placement mandate' must also be specified. Finally, though this has not been an issue to date in Mozambique or South Africa, sanctions for non-compliance are generally recognized as essential for political party-based quotas to be effective.²⁰

All three southern African cases represent dominant party political systems. Paradoxically this factor has contributed to the high representation of women since in all three cases the dominant parties have been the ones most willing to slate women candidates and with their large majorities in parliament they have significantly raised the percentage of women MPs. Indeed, Hassim and Meintjes (2005: 21) argue that bringing more women into parliament is 'relatively costless electorally' when a PR electoral system is combined with a dominant party political system. Dominant party systems make electoral gender quotas 'politically cheap (and therefore politically sale-able)' in that 'extending a quota to women does mean that some men will not get onto party lists, but with sufficient power a dominant party can in any case exert control over the women they place on party lists' (Hassim and Meintjes 2005: 21). Hassim (2006: 183), observing the case of women activists and MPs in South Africa, cites some disadvantages of list PR systems to women's movements and feminist concerns: 'a built-in bias toward a centralist form of internal politics that may be antithetical to the emphasis of the

women's movement on democratic culture, thereby reinforcing the range of obstacles to women's power within parties'. She also expresses a concern that 'party leaders will choose women candidates who are token representatives, least likely to upset the political appellation, rather than those candidates with strong links to autonomous women's organizations' (Hassim 2006: 183).

Proportional representation electoral systems, as many have observed, also mean that individual MPs – male or female – lack constituencies. Rather, the only constituency to which the MP is accountable is the political party, in particular party elites. This raises concerns about party paternalism and women MPs' abilities to push for gender equality platforms. Under such circumstances, will gender ever transcend party? Parliamentary women's caucuses that bring together women MPs across party lines have been mooted as one response to this concern. In all three countries, however, they have floundered. In Namibia a caucus has been formed, though how effective it has been is highly debatable (Bauer 2006). In South Africa the parliamentary women's group has been superseded by another body, the Joint Monitoring Committee (Britton 2006), while in Mozambique a six member team of women MPs (three each from the two main parties) has been working since 1997 to form a parliamentary women's caucus (Gender Links no date b).

For many reasons, reserved seats appear to be far more problematic than party-based quotas for electing effective women to parliament in these cases.²¹ With reserved seats a two-tiered system of legislators may emerge. A system may be created that relegates separately elected representatives in 'women's seats' to an inferior status and diminishes their legislative accomplishments (Matland 2006). In Tanzania this concern has been expressed by many women activists. Anna Makinda (cited in Lowe-Morna 2004: 73), Chairperson of the Tanzania Parliamentary Women's Group, worries that reserved seats have created a hierarchy among women politicians in her country, 'with those who contested elections being more highly regarded than those who came in through the "special seats"'. For Rwanda, Schwartz (2004: 38–40) found (from a survey of all eighty Rwandan MPs) that the majority of MPs know exactly which women MPs were elected by quota and which were elected by party list. She also found that women MPs elected on the gender quota were far less experienced than the party list women MPs. (At the same time, they were considered likely to know well the problems of women and children at the local level and more likely to represent 'women in particular' (Schwartz 2004: 40).)

With reserved seat systems there is also the risk that ceilings may become floors. On the one hand, reserved seat systems typically allow for women to contest directly elected seats. On the other hand, the availability of plenty of reserved seats often takes the pressure off of political parties to nominate women to stand in directly elected seats (Matland 2006). Activists with the Tanzania Gender Networking Project, for example, fear that in the long term reserved seats could have a 'crippling effect because women can become

scared to stand on their own in constituencies' (Lowe-Morna 2004: 60). More optimistically, women MPs in Tanzania also argue that women who enter the Bunge through special seats 'can be groomed to stand as future constituency candidates' (Lowe-Morna 2004: 117). In Uganda over the last two elections the number of women in constituency seats has reached a plateau – thirteen in 2001 and fourteen in 2006 (with the percentage falling as the size of the National Assembly has increased) (Bauer 2008). By contrast in Rwanda, women elected outside of reserved seats are nearly half of the women in the Chamber of Deputies (fifteen of thirty-nine) bringing the percentage of women far above the country's 30 per cent reserved seat quota to almost 50 per cent.

There are also many concerns with the way in which women are elected into reserved seats. Anne Marie Goetz (2003: 118) argues that the 'add-on' mechanism used in Uganda, whereby 'new public space reserved exclusively for women' is created, is highly problematic. Rather than 'giving women advantages in political contests with men', thereby allowing them to compete on an equal footing with men, district-based reserved seats for women only 'have negative implications for the perceived legitimacy, and ultimately the political effectiveness, of women politicians' (Goetz 2003: 118). The add-on mechanism, in Goetz's view, reinforces a politics of patronage: it is based 'on a principle of extending patronage to a new clientele, and indeed of "extending the state"' (Goetz 2003: 120). Former Ugandan MP Miria Matembe (2006: 9) confirms this view: as a patronage opportunity, she argues, the quota system 'does not necessarily attract qualified and competent women to espouse the cause of gender equality . . . but any woman who needs employment'. Goetz also contends that the 'add-on mechanism' used to elect district MPs influences the relationship between the Ugandan women's movement and women in office. She argues that using an electoral college to elect women to reserved seats requires:

no further screening processes beyond ascertaining the candidate's gender, no process of winnowing out likely candidates according to their effectiveness in promoting any particular party platform or social programme, and no process to enable the women's movement to review candidates.

(Goetz 2003: 120)

Tripp (2000: 231–2) finds several disadvantages as well to the use of electoral colleges for selecting women to district seats in Uganda. For example, she cites one critic of the system who argues that 'women MPs cannot legitimately speak on behalf of their constituents if they only represent the views of the electoral college' that elected them. Others critics argue that a small body such as an electoral college is especially susceptible to bribery and intimidation and other corrupt methods of persuasion. Moreover, there is a widespread feeling that the bodies from which the members of the electoral college are drawn are dominated by the ruling NRM and, thus, the district women MPs

are essentially a gift to the ruling party. In Tanzania, too, there is concern about the mechanism by which women are elected into reserved seats. For example, the methods by which parties select women to their reserved seats vary by party and are not necessarily included in party constitutions. According to Meena (2004: 84), in 2000 only the ruling Chama Cha Mapinduzi 'made its mechanism a little more competitive by allowing women party members to elect their representatives and also by broadening the base of representation also to include, for example, representatives of NGOs [non-governmental organizations] and female intellectuals'. Opposition parties, by contrast, did not define a mechanism for selecting women to their reserved seats, according to Meena (2004: 84), leaving open the possibility of abuse.

Finally, there is also the question of whose interests are served by the women in reserved seats. As Meena (2004: 85) asks for Tanzania: 'When women and gender-related issues are in conflict with the party interest, what position will these women [in reserved seats] take?' Former Ugandan MP Miria Matembe (2006: 8) argues that women in Uganda 'have been trapped and have become hostages to the quota system, which was originally introduced to liberate them'. In Matembe's view, Ugandan women have failed to embrace the women's seats in parliament as a political right rather they perceive them as a privilege bestowed by a benevolent president. As a consequence, Matembe continues, women activists and politicians are unwilling to interrogate or challenge an increasingly undemocratic president and his government (while Uganda has finally moved from a no-party to a multiparty system, it has also abolished term limits on the presidency). In Rwanda one informant told Longman (2006: 148–9): 'The RPF focuses on diversity so that they can appear democratic even though they control all power. They put women in the National Assembly because they know they [the women] will not challenge them.' Moreover, in Rwanda too an increasingly authoritarian political climate is further restricting the impact of women legislators. Along with Schwartz (2004), Longman (2006: 148–9) charges that the lack of political freedom at all levels of government in Rwanda limits the ability of women to influence policy: 'Until the Rwandan government shows greater tolerance for human rights in general, the impressive representation of women in Rwanda's parliament and other government institutions will have only a limited impact on the lives of Rwandan women.'

CONCLUSION

With both types of electoral gender quotas women MPs and women activists worry about the power of political parties – ever the gatekeepers – in determining which women are elected to parliament and what they will do once they get there. Whether women are elected on party lists or in reserved seats, strong autonomous women's movements and traditions of political advocacy and mobilization are necessary to influence political parties and

national agendas. All too often actual political strategies are collapsed into a single demand for a quota (Waylen 2006; Hassim and Meintjes 2005). Moreover it is also clear, as the Rwandan and Ugandan cases demonstrate especially well, that a democratic dispensation is essential for electoral gender quotas to have meaning; if all MPs are silenced then no one – male or female – will have the opportunity to advance an equality agenda for women.

Around the world, Jane Mansbridge (2005: 643) reminds us, using quotas to heighten women's presence in parliaments, even when they are labelled 'quota women', 'shapes our collective perceptions of what political leaders should look like, where women's place is, and by changing expectations, encourages a greater number of young women to enter party politics and run for elected office'. Cross-national studies affirm that quotas do deliver policy changes that enhance women's opportunities and lives (see Mansbridge 2005). In Africa over the last decade, in at least these six cases, stunning advances have been made in women's descriptive representation by using electoral gender quotas. Moreover, very preliminary findings suggest that women's substantive representation has been enhanced in the sense of considerable legislative accomplishments and improved perceptions of women's roles in politics. Reserved seat quotas seem far more problematic than party-based quotas, in large part because of the way women are elected into the reserved seats. The problems are compounded when the political system that utilizes the reserved seats is less than democratic. Despite the potential drawbacks, however, in these early years of quota use, the deployment of electoral gender quotas in several African countries is an exciting and laudable development.

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Notes

- 1 When all but three Southern African Development Community (SADC) countries failed to meet their agreed upon target of 30 per cent women in national legislatures by 2005, some women activists in southern Africa adopted a new goal: 50 per cent women by 2020. For countries with proportional representation electoral systems this means 'zebra lists', with women's and men's names alternated like the black and white stripes of a zebra. A December 2007 draft SADC Protocol on Gender and Development calls for 50 per cent representation of women by 2015 (Gender Links no date a).

- 2 Many observers have attributed Scandinavia's high representation of women since the 1970s to the use of quotas. Dahlerup (2004) notes, however, that in Scandinavia quotas were never mandated by law, rather they were adopted by political parties (and not all parties used them). Further, these party-based quotas were not introduced until women had already acquired around 25 per cent of seats in parliament, a result of socioeconomic developments over time.
- 3 Tripp *et al.* (2006: 119) note that in post-conflict situations, female candidates do not have male incumbents to contend with or to oust from parliamentary seats.
- 4 The other African country in the top twenty-six worldwide is Burundi, small neighbour of Rwanda, which is not treated in detail in this article. Burundi also recently emerged from a conflict situation, approving a new constitution by referendum in February 2005 and electing just over 30 per cent women to parliament in July 2005. Prior to the 2005 election, the last election had been held in 1993 (shortly after which the parliament was dissolved). Burundi also utilizes a 30 per cent quota for women (in both houses of parliament). In the lower house or National Assembly 100 of 118 members are elected directly using a PR electoral system; each party's candidate list must have at least 20 per cent women with one woman's name included in every five names on the list. The remaining members are 'co-opted' to ensure that the 30 per cent quota for women (and a sixty/forty Hutu/Tutsi split) has been met. In the 2005 election, twenty-four women were directly elected and twelve more co-opted such that 30.5 per cent of members are women (Inter-Parliamentary Union 2008b). Until its 2007 election, Seychelles had been among the top thirty countries worldwide – without the use of any kind of quota. In the 2007 election, however, the percentage of women in the Seychelles parliament fell to 23.5 per cent for a worldwide rank of thirty-sixth (tied with Lesotho) in late 2007.
- 5 Party lists maybe be 'closed' or 'open'. With a closed party list the party determines the rank ordering of the candidates and it may not be changed by voters; with an open party list voters are able to influence which of the party's candidates are elected via personal voting (Matland 1998: 81).
- 6 See, for example, Urdang (1989); Becker (1995); Sheldon (2002); Bauer (2004); Britton (2005); Hassim (2006).
- 7 The ruling Swapo party has adopted a resolution calling for 30 per cent women in positions of decision making though in late 2003 Swapo Women's Council leader Eunice Ipinge lamented that no 'significant strides' had followed from the resolution (cited in Kuteeue 2003).
- 8 According to the Inter-Parliamentary Union (IPU 2006c), 26.9 per cent of MPs in the National Assembly are women; this is because the IPU includes in the total count six appointed, non-voting MPs of whom three are women (twenty-one out of seventy-eight as opposed to eighteen out of seventy-two).
- 9 Pius Msekwa, Speaker of the National Assembly and chair of the committee that proposed the changes for the 2005 election, observed that Tanzania was keen to involve women in politics and felt compelled to implement Commonwealth and SADC commitments (Rwambali 2004).

- 10 Krook *et al.* (2006: 212) describe soft quotas as another category of quotas 'which aim to increase women's representation indirectly through internal party quotas or more directly through informal targets and recommendations'.
- 11 According to Matland (2006: 285) necessary and sufficient conditions for effective party quotas are a PR electoral system, an electoral system that produces high party magnitude and good faith compliance from the political parties. All of these conditions (with the possible exception of compliance in Namibia) pertain in the southern African cases.
- 12 According to Freedom House (2007), Namibia and South Africa are considered 'free' countries and Mozambique is considered 'partly free'.
- 13 Party quotas – 'all-women shortlists' – have been used successfully with a FPTP electoral system in the UK, including in legislatures in Scotland and Wales (Krook *et al.* 2006: 202–5).
- 14 According to Freedom House (2007), Rwanda is considered 'not free', and Uganda and Tanzania 'partly free'.
- 15 In the literature on women's representation in parliaments a distinction is typically drawn between women's descriptive representation and women's substantive representation – between simply having women present in parliament and having women act for women's interests in parliament.
- 16 A total of 97 per cent of female MPs found women's interests to be very important, while only 60 per cent of male MPs found women's interests to be very important. Differences between 'quota women' and 'party women' were minimal (100 per cent versus 93 per cent). By contrast 83 per cent of male MPs found political party interests to be very important while only 54 per cent of female MPs found them to be very important (Schwartz 2004).
- 17 Former Ugandan MP Miria Matembe (2006: 8) argues that despite so many women in parliament, the body has failed to enact 'good laws' on marriage, divorce or inheritance, domestic violence and sexual offences or to establish an Equal Opportunities Commission as mandated by the constitution.
- 18 Some scholars believe that voluntary party quotas are preferable to legislated quotas of any kind, suggesting that they 'exhibit the voluntary initiative and the commitment of civil society to the engendering of politics'. By contrast, legislated quotas can 'be introduced or withdrawn at the will of the state' (Nanivadekar 2006: 119–20).
- 19 See, for example, Lowe-Morna (2004); Bauer (2006); Hassim (2006); Tripp *et al.* (2006).
- 20 Matland (2006) prefers the concept of 'good faith compliance', which assumes appropriate placement of women's names on party lists and precludes the need for sanctions.
- 21 The most significant experience to date with reserved seats has been at the local level in India where, with the passage of two constitutional amendments, one million elected seats for women were created. Nanivadekar (2006: 123) reports that 'women's quotas in local bodies have mustered magnificent gains'.

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