

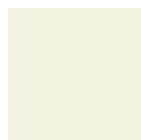
The Implementation of Quotas:

Asian Experiences

Quota Workshops Report Series

Jakarta, Indonesia

25 September 2002



Preface

The International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental organization with member states across all continents, seeks to support sustainable democracy in both new and long-established democracies. Drawing on comparative analysis and experience, IDEA works to strengthen electoral processes, enhance political equality and participation and develop democratic institutions and practices. The inclusive and responsive nature of those institutions is considered of particular importance if there is to be effective governance, benefiting a wide spectrum of groups in society. In this context, IDEA is committed to promoting women's participation and representation in political life.

The implementation of gender quotas is increasingly viewed as an important policy measure for increasing women's access to decision-making bodies. The introduction of gender quota systems is highly influenced by recommendations from international organizations and cross-country inspiration. In 1995, the Beijing Platform for Action called on governments to take measures to ensure women's equal access to, and full participation in, power structures and decision-making bodies, and to set specific targets and implement measures to increase substantially the number of women, through positive action, among other means. Gender quotas present us with new challenges, both in practice and as a new field of research. IDEA is engaged in a research project on the implementation and practice of quotas in a global perspective in cooperation with Stockholm University's Department of Political Science. By comparing the use of gender quotas in different political contexts it is possible to gauge whether, and under what conditions, quotas can be successfully implemented. This project aims to raise awareness about the use of gender quotas as an instrument to increase women's political representation and to show that they can and are being applied successfully. IDEA also seeks to develop skills and knowledge as well as useful networks and partners among the interested parties to assist them in making progress in this important policy area.

As a means of generating comparative information on quotas, IDEA is convening a series of regional workshops. This report documents the discussion and findings from the first in the series, *The Implementation of Quotas: Asian Experiences*, which is to be followed by

workshops in Latin America, Africa, Eastern Europe and the Caucasus and the Arab World. The workshop was held in Jakarta, Indonesia, in September 2002. IDEA has been operating a country programme in Indonesia since 1999, and the location of the meeting proved timely given the vigorous debate regarding quota implementation that was going on during 2002. The debate culminated in the passage of a new Electoral Law in February 2003, which carries the provision that political parties 'should consider' including women as 30 per cent of all electoral candidates. While weak in its implementation, this was a mild victory for the groups that had lobbied hard for quotas, and it is viewed as a first step toward gender equality within political institutions in the country.

IDEA's workshop on quotas in Asia was supported by many individuals and organizations in Indonesia and the region, and we are grateful for their enthusiasm and experience. We thank Professor Drude Dahlerup from Stockholm University for her expertise and knowledge in organizing the event, and the staff at IDEA's offices in Jakarta and Stockholm, especially Jocevina Faralita and Kathy Hyttinge, for assisting with logistics and arrangements for this event.

We also thank the speakers and authors who made this report possible, particularly Professor Najma Chowdhury, Professor Drude Dahlerup, Dr Chusnul Mar'iyah, Ms Milena Pires, Dr Vasanthi Raman, and Dr Socorro Reyes. From IDEA we are especially grateful for the expertise and untiring efforts of Ms Julie Ballington, Manager of the Gender Project, and Ms Cecilia Bylesjö, IDEA's gender consultant in Indonesia, who pulled the event and report together. We also thank Dr Patrick Molutsi, Director of the Political Parties and Institutions Programme, and Dr Sakuntala Kadirgamar-Rajasingham, Manager of the South Asia Programme, for their input. Lastly, we would like to thank IDEA's member states and the Swedish International Development Cooperation Agency (Sida), for their support which made this event possible.



KAREN FOGG
SECRETARY-GENERAL
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About the Project and the Report

Obstacles to women's political participation exist throughout the world in prevailing social and economic regimes, as well as in existing political structures. In 2003, the representation of women stands at 15 per cent globally. Although this total has increased in recent years, minimal progress throughout the world means that the ideal of parity remains a long way off. Given the slow rate at which the representation of women is increasing, various methods, such as electoral quotas, have been proposed or implemented to address the present gender imbalance in decision-making. Consequently, governments and political parties have experimented with different types of quotas. Electoral quotas may be constitutionally or legislatively mandated or take the form of political party quotas. They usually set a target or minimum threshold for women, and may apply to the number of female candidates proposed by a party for election, or they may take the form of reserved seats in the legislature.

Increasing women's representation and participation in decision-making bodies requires well-developed strategies and information about which measures have worked successfully in different countries with different political contexts. In terms of information on quotas, there is limited comparative research and information about how quotas have been successfully, or unsuccessfully, implemented and enforced. Certain country case studies or regional studies are available, but there is a pressing need to examine different country and regional examples to assess the pros and cons of quota implementation on a global and comparative basis.

As the debate about the use of quotas as a tool to increase the political participation of women gains momentum, IDEA is participating in a global research project leading to the production of a compara-

tive practical resource on electoral quotas for women in collaboration with Stockholm University. The project includes the first global comparative analysis of the discursive controversies surrounding quotas and how they work in practice. The project aims to study the debates and decision-making processes that led to the introduction of quotas, the implementation of various types, including formal and informal quotas, and the consequences of quotas.

As a first step in this process, a *Global Database of Quotas for Women* web site has been produced providing an overview of the use of electoral quotas for women worldwide (www.quotaproject.org). It is a joint project between IDEA and Stockholm University's Department of Political Science. The web site provides information on the various types of quotas in existence today, detailing the percentages and targets in countries where they are applicable. Data is presented for over 90 countries, including 74 countries where quotas have been stipulated in the constitution, regulations and laws or where political parties have implemented their own internal quotas. However, as the web site provides quantitative information about quota types and rules, it aims to provide the data and not to draw conclusions about the connection between types of quota provisions and the representation of women globally. Further qualitative research is needed to illustrate the effect of quotas for women and quota enforcement in different countries, and the effect of other factors that impact on the representation of women, such as the strength of the women's movement.

As a means of collecting this much needed qualitative research, IDEA is convening a series of regional workshops during 2002-2004. These will bring together researchers and practitioners in order to collect country and region specific information on

quota implementation and enforcement, and to develop a network of researchers and experts working in this field. The workshop held in Jakarta on Asian experiences with quotas was the first in the series. Asia is an interesting region in terms of gauging experimentation with quotas, providing some of the earliest examples in the world. Pakistan implemented 'reservations' as far back as 1956, and Bangladesh implemented reserved seats for women in the 1970s. Today, constitutional quotas exist in India and previously in Bangladesh, and legislated quotas are implemented in Pakistan, Indonesia and China. As a region, there is a tendency for quota provisions to be legislated, rather than for political parties to implement their own informal party quotas, as is common in Western Europe and parts of Africa. There is also a tendency for quotas to take the form of reserved seats, a popular method of quota implementation in first-past-the-post systems, which tend to predominate in the region.

The objective of the workshop was to provide a forum to analyse comparative information and trends, share experiences and provide networking opportunities for those involved in this debate in the region. The workshop also aimed to encourage further research about quotas for women. Key issues examined include: the types of quotas in use in the region (including legislated and political party quotas); when, where and how quotas have worked; the challenges of implementation and enforcement; and the controversies concerning, and the consequences of, the use of quotas. The resource people included researchers and practitioners from Bangladesh, India, Indonesia, East Timor, Pakistan and Scandinavia. Other participants included researchers and representatives from civil society organizations and political institutions involved in gender equality

advocacy, democracy and electoral issues in Indonesia.

This report is structured around the themes addressed in the Asian context, providing an overview of the presentation and discussion that emerged. The full papers submitted by the experts are also included. The themes addressed include how to lobby for and implement quotas, whether or not it is desirable for quotas to be implemented by the international community, the negative effect of reserved seats for women, and whether quotas lead to the empowerment of women. Conclusions and areas for further research are also presented. In this way it is hoped that the report will serve not just as a record of activity but also as a reference and information document for ongoing discussions and planning regarding women's political participation in Asia.

The project will result in a number of outputs, including a continually updated web site on electoral quotas for women, a handbook or series of policy papers providing the above mentioned information in a format accessible to a large audience, and an academic book produced by Drude Dahlerup of Stockholm University, provisionally entitled *Quotas: A key to Equality? An international comparison of the use of electoral quotas to obtain equal political citizenship for women*. More information about the project and quotas for women is available at www.quotaproject.org, or by contacting IDEA.

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1. Introduction: Research on Quotas in a Global Perspective

1.1. Overview of Presentation

Professor Drude Dahlerup provided an introductory overview of the use of electoral quotas for women in global perspective. She noted that the implementation of gender quotas can be controversial but that support for their implementation has, nonetheless, been gaining momentum in many countries. We might talk of a 'quota fever' in Asia, where even China has adopted them at the local level. There is a great need for research and fact finding on the issue of quotas, to learn from the experiences, positive and negative, of countries where quotas have been applied.

The need to examine experiences with quotas provides the impetus for the project being conducted by Prof. Dahlerup in the Department of Political Science, Stockholm University, with the support of the Swedish Research Council and IDEA. The research will commence with fact finding on countries where there is little information, to provide systematic comparative knowledge. The research questions are comparative and contextual, with the aim of providing an analysis of the effect of electoral quotas.

The research questions focus mainly on the likelihood of quotas being introduced in a country, the likelihood of quotas being implemented, and the likelihood that quotas will contribute to the empowerment of women in parliament. These questions need to be considered in different contexts, for example, in relation to the type of citizenship defined by a country, which may be based on the individual or on groups, the institutional setting, including the electoral system, the political party structure and party organization and the culture or 'gender regime' or the type of power relations that are prevalent in society. The primary areas of investigation include: (a) the discourse, including the controversies, resistance and support among the women's movement, (b) the decision-making process and key actors involved, leading to the successful adoption of quotas, (c) the implementation and enforcement provisions, and (d) the consequences of quotas, intended and unintended. It is anticipated that this study will cover 40 to 50 countries. The project is expected to result in a thematic book on the use of quotas worldwide edited by Prof. Dahlerup, an IDEA and Stockholm

University global web site with information about quotas and research in global perspective, an IDEA handbook on the application of quotas available in different languages, and a network of researchers involved in the study of quotas.

1.2. Overview of Discussion

In the question and answer session, the need for a comparative study on quotas was highlighted. This was particularly noted with regard to different experiences of advocating for quotas. For example: how were they lobbied for in Indonesia and could resistance from political parties with their own interests be overcome? Prof. Dahlerup noted that this is an important area of investigation that will be covered in the research, examining the decision-making processes that led to the adoption of quotas, the advocacy campaigns and how obstacles were overcome in a comparative perspective. There is also a need to investigate whether, as a precondition, women need a certain amount of power in society to lobby for quotas successfully.

A further point was made in the discussion regarding Indonesia, where at the time of the workshop, women's groups and activists were pushing strongly for the adoption of quotas in the political party or electoral law then under discussion. The quota debate in Indonesia needs to be informed by two important factors: there is still strong and adverse gender stereotyping that creates an obstacle to lobbying efforts, and there is often misinterpretation and misunderstanding of religious teachings. The participants welcomed and applauded the research on quotas being undertaken by IDEA and Stockholm University.

Quotas - A Jump to Equality?

The Need for International Comparisons of the Use of Electoral Quotas to obtain Equal Political Citizenship for Women

BY DRUDE DAHLERUP

Why the Scandinavian Countries are No Longer a Model

For many years feminist organizations around the world have looked upon the Scandinavian countries, Sweden, Denmark, Norway and Finland, as a model for women's equality. One key factor has been the very high representation that women have obtained in parliaments and local councils in the Scandinavian countries, especially since the 1970s.

Table 1: Percentage of Women in Scandinavian Parliaments Today

Sweden	42%	(1998)
Denmark	38%	(2001)
Norway	36%	(2001)
Finland	37%	(1999)

This extraordinarily high level of representation (seen in a global perspective) has led to the question: "How did you come that far?" What can we learn from the Scandinavian experience? As Nordic researchers we have tried to answer these questions by pointing to structural changes in these countries, such as secularization, the strength of social democratic parties and the development of an extended welfare state, women's entrance into the labour market in large numbers in the 1960s, the educational boom in the 1960s, and the electoral system. Strategic factors are also seen as important, especially the various strategies used by women's organiza-

tions in the Nordic countries in order to raise women's political representation.

I will, however, argue that the Scandinavian experience cannot be considered a model today, because it took 80 years to get that far. Today, the women of the world are not willing to wait that long.

The introduction of electoral quotas is a symbol of women's impatience today and is often an efficient tool for increasing women's representation. A very good example is South Africa, where the introduction of quotas by the African National Congress (ANC) made women's representation in this new democracy jump to a world high of about 30 per cent.¹

Electoral Quotas

Quotas are very controversial, yet several countries around the world, including such diverse nations as Argentina, Bosnia, France, South Africa, Sweden and Uganda, have recently introduced gender quotas in public elections. An electoral gender quota system sets up a quantitative prescription for the minimum representation of either sex, such as 40 per cent. Sweden's "every second a women" and "parité" (France, Belgium) are other names for quota systems.

In political life, quotas have often raised vehement debates. Research on quotas so far has tended to con-

centrate on these debates and on the actual decision-making process. These discursive controversies are also an essential part of the present research project, but, in addition, an emphasis is being placed on the too often neglected aspect of the troublesome implementation of quotas and on the consequences of introducing quotas. From studies of single countries we know that a decision to introduce a requirement of a minimum of 30 per cent of each gender on the electoral lists, for instance, does not automatically lead to women acquiring 30 per cent of the seats. Thus, by comparing the use of quotas in many similar and different political systems, it is possible to highlight whether and under what conditions they can be considered an equal policy measure that does contribute to the stated goal: equal political citizenship of women.

Introduction of quotas is always highly controversial and yet the debates are often confused and only understandable if the hidden assumptions about women and the position of women are scrutinized. This makes it possible to see why quotas for some are seen as *discrimination and violation of the principle of fairness*, while others consider them a *compensation for structural barriers that prevent fair competition*. The idea of quotas is often in conflict with other notions like the prevailing discourse of fairness and competence, and the idea of individualism. However, quotas are seen as an efficient measure to reach "real" equality, that is, equality of results.

An unclear debate and lack of legitimacy of the claim often leads to problems at the implementation stage. In an earlier survey (about quotas) of political parties in the Nordic countries and of women's organizations in the same parties, the Norwegian Labour Party stated that it takes three elections to implement a quota system. This is because the party does not throw out a male incumbent Member of Parliament (MP) in order to include a women.

The results of previous single country studies are quite diverse: from the partial failure of the attempt to introduce women's short lists in a single majority electoral system like that of England, which nevertheless has shown some positive results,² through often "minimalistic" compliance with the rules by the political parties in Latin America, which has resulted in small and uneven gains in women's representation in the region,³ to the somewhat stigmatizing consequences of reserved seats for women in Uganda.⁴

Research on Women in Politics

Today, we see a worldwide increase in women's representation, but the regional differences are immense (world average 14 per cent)⁵. The international research community has taken a strong interest in the results of Nordic research, because, since the 1970s, the representation of women here has been extraordinarily high by international standards. This has sometimes been attributed to the introduction of quotas.⁶ However, this is not accurate, since quotas in the Nordic countries were introduced *after* women's representation had taken off in the 1970s, and not all Nordic political parties use quotas, mostly centre and leftist parties. Furthermore, the few Danish parties with quotas abolished the system after just a few years. The Swedish principle of "every second a women" is not even considered a quota system by the general public, even if it is in fact a radical one, demanding, and in many cases leading to, 50 per cent of each sex as a result.

We need more international comparative studies of quota systems and of women in politics in general.⁷ The many empirical single country studies and anthologies of women in politics over the past two decades⁸ have paved the way for new, cross-national comparative research projects.

Research on gender and politics has tried to answer the two most frequently asked questions, which from a research perspective are rather complicated. First, how did this increase in women's representation come about?⁹ Second, what difference does it make to have many women in politics?¹⁰ The interaction between the elected women and women's organizations has been seen as important to the performance of female politicians and vice versa.¹¹ One conclusion is especially relevant for the introduction of quotas: in almost all political systems, no matter what electoral regime, it is the political parties, not the voters, that constitute the real gatekeepers to elected offices. Consequently, party nomination practices should be kept in focus.¹²

A new trend is also the growing interest in theoretical questions within gender studies, including the study of gender and politics. *The concept of citizenship* has been central to many feminist research projects in recent years, focusing on welfare state development and on the historical connection between political, social and civic citizenship.¹³ The concept of citizenship focuses our attention on comparisons

between the political exclusion and inclusion of women and that of other groupings or categories. The new philosophical discussion of *women as a contested category* is also highly relevant for studies of gender and politics, and will be examined later.

The Stockholm University Research Project: "Quotas - A Key to Equality?"

Quotas in politics, the labour market and universities may be seen as an expression of growing impatience among the supporters of equal political and social citizenship for women, since quotas can lead to a quantitative jump - if implemented. Whether quotas per se lead to a qualitative change, that is, to actual empowerment of women, or may even cause a certain stigmatization, is an open question which needs further investigation.

There is a clear consensus among comparative studies of the representation of women in parliament that quotas make a positive impact on the numbers of women represented. To date, there has been no evaluation of the extent to which the form and efficacy of gender quotas are determined by the model of citizenship and political system operating within particular countries. This project addresses this absence. It seeks to establish whether the precise form and perceived efficacy of quotas depend on the nature of citizenship at a discursive level, and the nature of the political system at an institutional level.

The use of quotas is increasingly influenced by international recommendations and by cross-country inspiration. The international idea of quotas, however, encounters very different contexts in individual countries. This meeting is the core of the project. Consequently, quotas are being introduced in countries that do not have a long history of mobilization of women and of women's integration into the labour market and political life as the background for introducing quotas, as was the case in the Nordic countries.¹⁴ There are several models concerning the empowerment of women, usually defined as the ability to act and to prevent action, while citizenship refers to rights and to capacities for collective action.

The theoretical discussion

In the discussion of quotas, several important discussions about principles merge. Quotas represent a change in public equality policy, from "equal opportunities" to "equality of results". But quotas also

touch on fundamental questions in democratic theory and in feminist theory, and this project intends to contribute to these theoretical discussions.¹⁵

In her classic text, Hanna Pitkin argues that there is no common understanding about the nature of representation and about what fair representation is.¹⁶ In terms of the distinction between representation of ideas versus social representation,¹⁷ quotas for women fall within the latter. Opponents of quota systems often argue from the standpoint of the first position. Concepts of universal versus differentiated citizenship are under discussion here. Also at play are different concepts of the role of the politician: the delegate with a closed mandate versus the true representative or the public servant versus the group representative.¹⁸

Anne Phillips advocates gender quotas in a system that combines *a politics of ideas with a politics of presence*. Even if she sees the many arguments against quotas, Anne Phillip asks why everybody agrees on the demand for the equal participation of women, but not for equal representation? The fact that women all over the world have been *excluded* from representation must be taken as the starting point, not the abstract principles of representation.¹⁹

Even if quotas often meet with suspicion, all electoral systems include some kind of quotas, for instance, geographical based quotas, where more densely populated areas are given a disproportional number of seats in parliament. The relationship between gender quotas and quotas for other social groupings is complicated, since there are women in all (other) social groups.

Quotas touch on the discussion of why women's representation is important. Three arguments are made today, including those used in the campaigns for suffrage: (a) women represent half of the population and have the right to half of the seats (*the justice argument*); (b) women have different experiences (biologically or socially constructed) that ought to be represented (*the experience argument*); and (c) women and men have partly conflicting interests and thus men cannot represent women (*the interest group argument*).²⁰ A fourth argument deals with the importance of women politicians as role models that may pave the way for other women.

In her book *Gender and Citizenship*, Birte Siim²¹ distinguishes between three models of citizenship: the liberal (the UK, the USA), the participatory

(Scandinavia) and the republican (France). The introduction by Belgium and France of quotas under the name of *parité* is supposed to transcend the controversial concept of group representation. Based on and developing a republican understanding of citizenship, *parité* does not mean simply adding women, but implies the recasting of the social pact that enables women to be representatives of the universal. This allows ample room for the recognition of a plurality that is irreducible to the plurality of opinions and therefore makes room for the introduction of otherness in representation.²²

Quotas also touch on the present philosophical dilemma within feminist theory about "the category women" and point to the old problem, so well-known by the feminist movement, that not all women identify with the group "women". Women as a group is both the Achilles heel of the feminist movement and its *raison d'être*.

The proletariat say "We", Negroes also. Regarding themselves as subjects, they transform the bourgeois, the whites, into "others". But women do not say "We"... Men say "women", and women use the same word in referring to themselves²³

The present critique within feminist theory is partly a critique of Western ethnocentrism, stressing the principle of multiple identities, and partly a post-structuralist critique, that feminism tends to construct the very category it wants to dissolve.²⁴ But instead of labelling it with static concepts of "essentialism", the dilemmas it and strategic choices of women in various contexts should be explored empirically.²⁵ Studying quota systems implies analysing what concepts of representation and what understanding of women as a group are at play in the worldwide discussions of quotas for women.

International Comparisons of Electoral Gender Quotas

A comparative research design allows for analysis of how quotas are introduced and of work in different contexts (structures as well as actors). A selected number of countries from all regions in the world will be included, based on the expertise of the international research network created for this project. It will be necessary to supplement previous single country studies to fill gaps. The project will result in articles for scientific journals and a larger book on quotas, which will include single country studies by

the internationally well-reputed scholars, in addition to chapters dealing with the comparative aspects. Furthermore, a handbook for a general audience is planned in cooperation with International IDEA, Stockholm. The international project will deal with the following four aspects of quotas as a policy measure (a-d):

a. The Discourse

The Stockholm University project will study the debate on quotas. This seems to be peculiar to each country, as it is connected to other recent debates and to the general discourse on the meaning of gender and on democratic representation (see above). Even if discourses are increasingly international, the actual debates still take place predominantly within national or regional linguistic boundaries. Thus Mala Htun and Mark P. Jones argue that the principles of gender equality in Latin America have been gradually incorporated into the prevailing understanding of democracy and modernity, which gives quotas a symbolic value.²⁶ Notions of difference versus sameness are at play in these debates: whether quotas are seen as a temporary or permanent means can be used as a test of the ontological understanding of gender differences.²⁷ Furthermore, if quotas are the answer, what then is the understanding of the problem and how is it constructed in the public debate?²⁸

b. The Decision-Making Process

The project will compare the decision-making process in the included countries. Here the institutional setting, the party structure and the influence of the women's movement become crucial. Who were the main actors behind the introduction of quotas? Some countries have introduced quotas by amending their constitution or by law. In these cases, the state intervenes in order to secure equal representation. In the Nordic countries, gender quotas have only been decided by law in the case of appointed representation on public committees and boards.²⁹ In public elections in the Nordic countries, quotas are exclusively based on the political parties' own decisions, as in the case of the Swedish "zipper system". Consequently, it is easy to remove quotas again, as the Danish case reveals.

c. The Implementation of Different Kinds of Quotas

The project will scrutinize the implementation process, a usually neglected aspect of quotas - carried out by researchers as well as by policy-makers. This study deals only with quotas that are applied in processes of selection potential or actual candidates for public elections. The issue of internal party quotas is thus omitted, as are quotas for public commissions and boards. National elections are the main focus, but regional and local public elections are included, providing the data is available.

Even if constitutional amendments and new electoral laws may seem more commanding, when it comes to implementation it is not at all evident that this method is more efficient than party decisions. It all depends on the actual rules and possible sanctions for non-compliance. A distinction must be made between: (a) the pool of potential candidates, (b) the actual nominees, and (c) the elected. There are examples of quota requirements on all three levels, but most quota systems relate to the second level. Here the crucial question is where, for example, the 40 per cent of required women are placed on the lists or if the districts offer real chances of election. The partly unsuccessful "women's short lists" in England present an example at the first level, which broadens the pool from which the selection committee or the primary may choose candidates. "Reserved seats for women" is a different quota system, in which certain seats are set aside, as in Uganda, for example, where certain regional seats are reserved for women.³⁰

This comparative study can contribute to a much more solid understanding of how different types of quotas work, seen in relation to different electoral and nomination systems (such as primaries or not, the degree of centralization of the party organizations, closed versus open lists). It is a preliminary finding that quotas are less likely to be applied and to succeed in electoral systems based on single-member constituencies, where each party only presents one candidate - contrary to proportional representation (PR) systems. But even in a PR-system, small parties and parties in small constituencies have difficulties implementing quotas without controversial central interference in the usual prerogatives of the local party organization to select their own candidates.³¹ Thus conflicts with other principles might hinder implementation. The legitimacy of the quota sys-

tem is crucial. It is one of the hypotheses of this project that the character of the debate leading to the introduction of quotas is just as important to the result as the electoral system.

d. Consequences of Quotas

The result of introducing quotas will be studied in quantitative as well as in qualitative terms. Electoral statistics can tell the number of women elected. Unfortunately, the official electoral statistics in many countries do not have sufficient data on those nominated by sex, which must be provided through other channels, for example, through the parties. The consequences of quotas should also be studied in qualitative terms, looking into both the intended and the unintended consequences (such as stigmatization, glass ceilings preventing the percentage of women from rising above the quota requirement - or unintended splits between different groups of women).

The preliminary hypothesis of this project is that quotas that rest on previous mobilization and integration of women into all parts of society have a better chance of succeeding than those without this precondition, leading to permanent empowerment of women with equal political citizenship. Since quotas in themselves do not remove all of the other barriers to the full citizenship of women, the crucial question is whether quotas imposed because of international inspiration without mobilization among larger groups of women themselves can achieve the goal. Does a critical mass of women count in itself?³²

The interplay between the national and the international level will also be subject to analysis, especially the influence of the many international bodies that increasingly issue recommendations and even rules in the field of equality policy. Quotas have been recommended by the United Nations (UN), the Inter-Parliamentary Union (IPU), the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE), and in international instruments like the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action. Many international organizations have worked on this question: IDEA, the OSCE, the IPU and the EU, which all have projects on women and decision-making. No doubt, these international recommendations have given legitimacy to the use of quotas.

To what extent and under which circumstances has it been possible for actors like the women's movement to use the international recommendations and cross-national cooperation between organizations to promote their case at home? The theoretical framework for this study is the present discussion as to whether social movements in general derive more opportunities through internationalization and globalization, or whether in fact they are disempowered by these developments, unless they give up their very character as democratic grassroots movements and become professional non-governmental organisations (NGOs).³³

The Importance of Research on Quotas

Studying various quota regimes will contribute to the theoretical discussion of notions of equality, of representative democracy and of understandings of gender in politics. Through international comparison of the use of quotas, new knowledge is produced, especially about a previously neglected aspect: the implementation of quotas and the consequences and outcomes of introducing quotas under various conditions. The results will be relevant for research into equality policies and affirmative action in other fields, for example, in the labour market.

This knowledge will also be useful to policy-makers working on equality policies and affirmative action. Under what conditions do quotas contribute to the empowerment of women in politics? When do quotas lead to stigmatization? Today, decisions to use quotas are often based on insufficient discussion of the principles and a lack of knowledge of whether specific types of quotas do lead to the stated goal. The publishing of a global handbook on the implementation of quotas together with IDEA will make the research results available to a larger audience. In general terms, this project will contribute to our understanding of the interaction between discourse, institutional setting and actor strategies in promoting policy change and new policy outcomes.

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2. Implementation: Quotas at the Local Level in India

The second theme of the workshop focused on different strategies that have been used to lobby for, and indeed legislate and implement, quotas at the local level in India. While quotas at the local level have been implemented successfully, quotas at the national level have not been adopted and the issue has remained on the parliamentary agenda for many years. The purpose of this session was to discuss lobbying efforts and the legal discussion preceding the implementation of quotas at the local level, and to examine the ongoing advocacy that is taking place around the Women's Reservation Bill, which proposes a reservation of 30 per cent for women at the national level.

2.1. Overview of Presentation

The discussion of quotas for women should be seen as part of a wider discussion of reservations for historically disadvantaged groups. Dr Vasanthi Raman's presentation examined the issue of quotas for marginalized groups in India. She also presented the experiences of quotas at the local government level, and analysed the different positions regarding the Eighty-Fourth Amendment Bill, which seeks to reserve 30 per cent of seats at the national level for women. Dr Raman noted that the issue of separate political reservations for women first emerged during the course of the nationalist movement in the 1920s, but the principle reason for opposing the suggestion of reserved seats then was that it was at odds with women's demands for universal adult suffrage and the right to stand for election on the same terms as men. The issue of reservations for other backward caste groups was brought up again by civil society organizations in the 1950s when special provision for the 'scheduled castes' and 'scheduled tribes' was written into the Constitution of India and reserved seats in parliament for these groups were allocated.

The question of quotas or reserved seats for women emerged again in 1974 with the Report of the Committee on the Status of Women in India (CSWI). The report noted that women's presence in the state and central legislatures had been declining over the past 25 years. While some activists were in favour of reservations, most women legislators were of the opinion that quotas were retrogressive and

contradicted the principle of equality enshrined in the constitution. However, Vasanthi Raman described the debate as fruitful and one of the positive outcomes was that it resulted in an agreement among parties that there was a need for reserved seats for women at the local level and in particular for women from lower castes. In the 1990s, the issue was once again raised and the recommendation of the CSWI regarding reserved seats for women at the local level was passed by parliament in the Seventy-Third Amendment to the Indian Constitution in 1992, which came into effect on 24 April 1993. The amendment mandates that there be one-third representation for women in the local self governing institutions (*panchayats*); within this one-third representation for women, the women from the Scheduled Caste and the Scheduled Tribes were to be given representation in proportion to their percentage in the population at the three different levels, that is, at the village cluster level, and at the block and district levels. The reserved seats for women opened the door to women's political participation. In 1994 and 1995 the first round of elections at the village level were held and nearly one million women entered the political institutions of local self-government. The second round of elections to the local bodies took place in 2000.

When quotas or reserved seats were introduced at the local level, the women's movement continued to lobby parliamentarians to agree on implementing the reservations at the national level. The Eighty-Fourth Constitution Amendment Bill, or Women's Reservation Bill, seeks to provide one-third reservation of seats to women in state and central legislative bodies. Once again, the Reservation Bill highlights questions concerning identity, caste and religion. Civil society groups and the women's movement support the reservations, as they are viewed as a protest against the patriarchal power structure and system of exclusion in India. However, there has been strong resistance to the Bill from certain political forces representing 'other backward classes' (OBCs) and minority groups. Such resistance has also come from women within these groups. The debate about a quota for women is usually part of a wider debate on quotas based on caste, and there are

fears that the question of women's reservations will raise questions about caste, religion and other 'divisive' categories. As Dr Raman notes: 'The crux of the issue is whether indeed the generalized opposition and exclusion of women characteristic of society is a sufficient basis for transcending the divisions of caste, religion and ethnicity and whether indeed the women's movement is representative enough to affect such a unity'.

2.2. Overview of Discussion

The example of India shows that the introduction and implementation of quotas can have a great impact in terms of ensuring women access to political institutions and decision-making bodies. The participants raised the issue of the problems of implementing the Reservation Bill at the national level, and whether this was in any way tied to a perception that real power does not lie at the *panchayat* level but rather at the national level, and hence there is a reluctance to give up that power. The discussion also stressed the importance of political parties within the process, and the participants agreed that to gain the parties' support in introducing and implementing quotas was an essential part of creating a strong foundation for increased gender equality. It was agreed that a demand for gender equality required extensive research and comparative studies to overcome the above mentioned obstacles.

The Implementation of Quotas for Women: The Indian Experience

BY VASANTHI RAMAN

Introduction

This paper attempts to situate the discussion of reservations (quotas) for women both in the wider historical and contemporary context of reservation for historically disadvantaged groups in India.¹ It also examines the contemporary experience of one-third reservation for women in the local self-governing bodies (panchayats and municipalities), which was constitutionally mandated by the 73rd and 74th Amendment of the Indian Constitution, which came into effect in 1994. And finally it attempts to analyze the different positions on the current demand for one-third reservation for women in the assemblies at the state level and in the Union Parliament, that is, the Eighty-Fourth Amendment Bill, which is due for discussion in parliament. The paper focuses on political reservations, since it is this issue that has been at the forefront of policy and debates both among policy-makers and the women's movement.

Historical Background

A little on the history of women's reservations is necessary to disentangle the various discursive strands that have to be taken into account to arrive at an understanding of the basis and tenor of the diverse positions on the current demand for one-third reservations for women in the state assemblies and in the Union Parliament.

The issue of separate political reservation for women came up during the course of the nationalist movement in the 1920s. The principal reason for opposing the idea of reserved seats was that it deflected from the demand for universal adult franchise and to stand for elections on the same terms as men. Besides, it was felt that there should be no hint of succumbing to the British strategy of 'divide and rule' by referring to divisions within the national movement. 'The public, official language of politics, especially before a colonial government, had to be a language of equality and for fundamental rights of citizenship irrespective of sex, caste, religion or creed.'² This opinion was supported by the prominent and leading women's organizations of the time (All-India Women's Conference (AIWC), the Women's Indian Association and National Council of Women in India) and by the Home Rule League, the Indian National Congress and the Muslim League. In 1932, a Joint Memorandum on the Status of Indian Women by the all-India women's organizations to the Franchise Committee (set up at the end of the Second Round Table Conference) expressed their demand for universal adult franchise 'irrespective of any property or literacy qualification, with no expedients such as nomination or reservation of seats'. The women's organizations also endorsed the declaration of the Fundamental Rights to

Citizenship in India made by the Karachi session of the Indian National Congress, 1931, which called for equality before the law, irrespective of religion, caste, creed or sex, universal adult franchise and women's right to vote, represent and hold public office.³ In the face of opposition from the British, however, the women's organizations agreed to a compromise that restricted the right to vote for women in urban areas. The assumption was that the urban women would be in a better position to represent the women of India. But the opposition to reservation remained and merit was to be the only criterion.

It is important to note, though, that the opposition to the idea of reservation was not restricted to the question of women alone. The AIWC in their resolution expressed their opposition to the British 'Communal Award' of 1932, which sought to provide separate electorates and reserved seats for Anglo-Indians, Christians, Muslims and Sikhs, and for the 'depressed classes'. The rationale behind such opposition was that divisions along the lines of religion, caste and sect would weaken the struggle against colonial rule and that legislatures must be filled with those who would rise above personal or communal considerations and think of the country's best interests. There were dissenting voices: Begum Sakina Mayuzada felt that desiring the good of one's community need not be at the cost of inflicting harm on others; and K.B. Firozuddin felt that the comparative educational backwardness of Muslim women might put them at a disadvantage in joint electorates. A separate resolution calling for the abolition of untouchability was adopted.

What is relevant to our present discussion on the issue of women's reservation is that a certain definition of nationalism came to prevail, which claimed to be above the sectarian pulls of caste and community and which was quite different from that which prevailed until the early twentieth century, when, in fact, discrete religious communities were not viewed as inconsistent with an overarching national identity. The inclusive nationalism that gave space to different identities gave way to a homogenizing form of nationalism, in which identities based on caste, creed and so on were seen as obstacles to an Indian nationalist identity. Women's organizations like the AIWC shared these perceptions.⁴

It is important to note, however, that the nationalist movement did arrive at a consensus on the issue

of affirmative action or reservation for the depressed classes and this was given constitutional status in 1950, when special provisions for the 'scheduled castes' and 'scheduled tribes' were written into the Constitution of India. These groups were to be given reservation in the parliament, state legislatures, education and employment sectors in proportion to their population. Thus, while Article 15(1) of the constitution prohibits discrimination on the grounds of religion, sex, caste, birth and a host of other factors, Article 15(4) states that: 'Nothing in this article ... shall prevent the State from making any special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes'. Likewise, Article 15(3) lays down the basis for the state-making special provisions for women and children.

The Committee on the Status of Women in India (CSWI) 1974

The question of women's reservations came up once again in the Committee on the Status of Women in India (CSWI) in 1974. The report noted that, in spite of equal rights and universal adult suffrage guaranteed by the Indian constitution, women's presence in the state and central legislatures had been declining steadily over 25 years. While the Committee recorded arguments in favour of reservations, mainly by women activists, women legislators were of the opinion that women's reservation would be retrogressive and would contradict the principle of equality guaranteed in the constitution. Those who are against any form of affirmative action, particularly in public or government service, often seek recourse in Article 15(1) or Article 16. The dominant opinion in the CSWI was against reservations, although there were two notes of dissent. The arguments in favour of reservations dealt with: (a) the difficulties women face in gaining entry into male-dominated political parties and hence the necessity of reservations; (b) that reservations for women would ensure a significant presence, enabling them to act as an important pressure group; and (c) the presence of a critical mass of women would heighten the sense of responsibility among women, ensuring that their interests would be adequately represented. The arguments against reservations were: (a) reservations for women would be a departure from the constitutional principle of equality; (b) women's interests cannot be isolated

from the economic, social and political interests of groups, strata and classes in the society. And linked to this was the notion that women are not a community, they are a category; and (c) systems of special representation for women may generate similar such demands from other groups and interests and thus threaten national integration.⁵ However, there was agreement on the need for reservations for women in local bodies so as to protect the interests of rural and poor women.

The two notes of dissent in the CSWI⁶ are very significant because they mark a shift in the perception of the 'daughters of independence' generation and also because they raise questions about the way in which political representation has functioned. Sarkar and Mazumdar note with disarming and refreshing candour that, as members of the pre-independence generation, they had never been supporters of special representation and that they had in academic discussions criticized the system of reservations for scheduled castes and scheduled tribes as 'a legacy of the colonial period which institutionalised the backwardness of certain sections of our population'.⁷ However, the reality has forced them to take a fresh look at the question. The main reasons for dissenting with the majority opinion within the CSWI also arise out of, and are consistent with, the findings of the Committee. That is, despite progressive legal changes, the actual situation of the mass of Indian women has not changed significantly and the continuing under-representation of women prevents them from participating in the country's decision-making process. The authors also draw attention to the narrow social base of women legislators, representing mainly the upper strata of society. The concluding paragraphs of the 'Note of Dissent' merit quoting:

When one applies the principle of democracy to a society characterized by tremendous inequalities, such special protections are only spearheads to pierce through the barriers of inequality. An unattainable goal is as meaningless as a right that cannot be exercised. Equality of opportunities cannot be achieved in the face of tremendous disabilities and obstacles which the social system imposes on all those sections whom traditional India treated as second or even third class citizens. Our investigations have proved that the application of the theoretical principle of equality in the context of unequal

*situations only intensifies inequalities, because equality in such situations merely means privileges for those who have them already and not for those who need them.*⁸

Women in Local Self-Government

The recommendations of the CSWI remained in cold storage until the early 1990s, when the Indian Parliament passed the Seventy-Third Amendment to the Indian Constitution with near unanimity in December 1992. The purpose of this amendment, which came into effect on 24 April 1993, was to revitalize local self-governing village councils (which had been in existence in some states of the country even prior to this amendment). The Seventy-Third Amendment has been considered historic and one of the most significant attempts to move the Indian polity in the direction of greater democratization and decentralization of powers. It has also been regarded as an important instrument for drawing in the vast sections of marginalized people in the task of self-government.

The amendment has mandated wider representation for historically marginalized and excluded groups like the scheduled castes, the scheduled tribes and women, thus deepening the roots of democracy. Following the introduction of the amendment, people from the scheduled castes and tribes are now represented in proportion to their population in the area of the panchayat (village council) - in its membership and in proportion to their population in each state in the positions of the chairpersons of these panchayats; one-third of the seats are reserved for women in general in each panchayat, that is, at the village cluster level, at the block level, and at the district level. Women from the scheduled castes and the scheduled tribes have similar one-third reservation in regard to positions reserved for these communities. Finally, there is one-third reservation for women in relation to the chairpersons of these bodies.

The reservation is to be rotated among the various constituencies and panchayats to ensure the widest spread. Regular elections are to be held every five years and financial resources are to be devolved by the setting up of state finance commissions and central finance commissions. The states have been mandated to make the panchayats institutions of self-government and to give them responsibility for planning and the implementation of economic develop-

ment and social justice schemes for which appropriate functions and responsibilities have to be devolved. The constitutional amendment was soon followed by state-level legislation, which brought their panchayat laws into conformity with the requirements of the constitution. The logic behind the system of reservations is that institutionalized inequalities require institutionalized countermeasures from above to ensure some semblance of genuine democracy.⁹

Women in Local Self-Governing Institutions

The most significant and new feature has been bringing about a certain uniformity regarding representation of the weaker sections of society. While reservation of seats for scheduled castes and tribes has been written into the constitution from the outset, the reservation for women is new and the most important contribution of the amendment. According to many analysts, it has brought a critical mass of women into these institutions and holds forth tremendous potential. In 1994 and 1995, the first round of elections to the panchayats was held and nearly one million women crossed the threshold of political institutions of local self-government. The second round of elections to local bodies was concluded in 2000.

What has been the experience of women participating in these institutions for the first time, both in terms of transforming these institutions and for the women themselves? This will have to be assessed in terms of India's traditional social structure, which is characterized by a socially legitimized hierarchy, based on the caste system, an integral element of which has been gender discrimination. The caste-based social order still holds sway in Indian society and politics, in spite of the fact that the Indian Constitution is a democratic one which upholds equality of all and forbids discrimination on the basis of caste, class, creed or gender.

Women's marginalization is almost a given in the Indian social setting. Given this, has the formal change brought about a significant change in this situation? Evaluations done on women's participation in the PRIs have highlighted the following dimensions.¹⁰

1. Women have responded overwhelmingly and participated with full enthusiasm in the elections and in the proceedings of the PRIs, thus exploding the myth that they were uninterested in politics and public life. There is near-unanimous opinion among the women that they would have been unable to accede to these bodies were it not for statutory representation.
2. While there is a great degree of variation across the different states in the country, nonetheless, one generalization can be made - approximately 40 per cent of the women who have entered these bodies come from marginalized sections and communities, although the positions of chairpersons tended to be occupied by women from the more well-to-do sections of rural society.
3. The female representatives generally enjoyed the support of their families during the elections and also in the performance of their new political roles. Marginalized sections like the scheduled castes and tribes saw the women from their groups as representatives of the interests of their group in the political arena, while the better-off sections saw women from their own groups as helping to consolidate their positions.
4. The self-esteem of the women has increased tremendously, an observation that holds true across the board. The stepping of women into the public realm has long-term implications for gender relations within society and the family. There are already small but significant changes as men take over some roles within the family when women attend meetings.
5. While the presence of women in these institutions over the past eight to nine years has not transformed the power structure in rural areas in any significant manner, and vested interests have tried to use the provision for women's reservation to consolidate their position, the overall experience has been positive. Thus women are engaging in power struggles that used to be dominated by men, sometimes as actors and at other times as pawns. However,

participation in the public realm for women means that hitherto marginalized groups and communities are finding a legitimate space to articulate their interests and aspirations, and the female members of these groups are becoming politicized, although slowly.

But regarding the question of women's empowerment: (a) Are women beginning to break their silence, to challenge patriarchal ideology? (b) Are they beginning to transform institutions and structures of gender subordination and inequality? (c) Are the new women in panchayats beginning to gain access to, and control over, material and knowledge resources and altering their self-image? (d) Are they gaining new skills and self-confidence? (e) Are they succeeding in avoiding cooption and dilution of the empowerment process by pervasive patriarchal forces via new ways of exercising power and becoming a political force?

Buch's study of women in the PRIs in the three most backward states concludes that less than half a decade is too short a period to see a major shift in the dominant patriarchal structures reinforced by an equally patriarchal and paternalistic state apparatus. However, for a group long marginalized in politics, even small beginnings are giant steps. Moreover, one cannot ignore the powerful counter forces.¹¹

The Women's Reservation Bill

The Eighty-Fourth Constitution Amendment Bill meant to provide one-third reservation of seats to women in state and central legislative bodies. The current discussions and controversies surrounding it mirror the contradictions within Indian society and the contestations in regard to access to power and resources between those who have been traditionally excluded and the socially and politically dominant sections of Indian society. The Women's Reservation Bill once again throws up questions concerning certain kinds of identity, specifically caste and religious identity, the intermeshing of gender identity with caste and religion and their articulation in the public realm, in the field of politics. What is significant is the sea change in attitude to the question of women's reservation among leading women's organizations and activists in key periods in the 1930s, 1970s and the 1990s.

The core questions to our mind relate to the hier-

archy of Indian society and the manner in which this hierarchy operates in the field of politics and political representation. It also raises questions about the nature of representation.

The near unanimous support for the Bill among national-level women's organizations is premised on a certain understanding of the patriarchal forms of oppression and exclusion that characterize Indian society and the undeniable reality of declining participation of women in political life, specifically in the legislatures. And historically, the suppression and exclusion of women has been extremely important in maintaining a Brahmanical and caste-dominated social order. Affirmative action for women will undoubtedly contribute towards the democratization of society.

The protagonists of the Bill highlight the traditionally sanctioned exclusion of women from the public sphere as crucial. However, emphasizing the dimension of gender oppression at the expense of other oppressions (of caste, ethnicity, class, and religion, for instance) glosses over the complex and intricate ways in which gender oppression is embedded in these categories. Historically, women's suppression has no doubt been very important in maintaining upper-caste exclusivity and hegemony. Affirmative action for women would certainly play a role in undermining male and upper-caste dominance. Even so, certain recent developments suggest the need to address gender oppression in more subtle and nuanced ways, if access to power and resources to all categories of women is to be ensured.

The continued dominance of the upper castes in education, administration and structures of government is a reality that cannot be glossed over. This has been paralleled by the increasing presence and visibility of women from the upper-caste middle classes. Yet, the women (and men) from the subaltern communities and classes have largely been victims of 'development'. Besides, the neo-liberal paradigm combined with the ideology of a right-wing, majoritarian, Hindutva nationalism has only exacerbated the caste, class, religious, ethnic, regional and gender divides, with women being only more and not less embedded in their groups, leading to much greater differentiation among women, which, in turn, has also meant a more diverse and varied political articulation.

The opponents of the bill in its present form

point out that it is likely to exclude women from the 'other backward classes' (OBCs) and the minorities. Almost all of the political parties except the Communist Party of India (CPI) and the Communist Party of India (Marxist) (CPI(M)) are deeply divided on this issue. The Hindu nationalist party in government, the Bharatiya Janata Party (BJP), is in favour of the Bill in its present form, although one of its women members of parliament expressed reservations about the Bill on the ground that OBC women were likely to be excluded. Needless to say, there is also strong resistance on the part of a considerable number of political leaders to 'encroachments' into what has been a traditionally male preserve. The media has trivialized the debate by often characterizing it as a battle between 'feminists' and 'casteists'. The crux of the issue is whether indeed the generalized oppression and exclusion of women characteristic of society is sufficient basis for transcending the divisions of caste, religion and ethnicity and whether indeed the women's movement is representative enough to effect such unity. Unfortunately, so far, the statements of leaders of women's organizations that support the Bill have not revealed enough awareness about the complexity of the problem nor even enough critical reflection about the variegated nature of gender relations among the OBCs and the minority communities. The tendency on the part of women's organizations has been to point to stronger patriarchal norms prevalent among the OBCs and the Muslims and the attitudes of the men of these communities as being particularly 'backward' and 'male chauvinist', thus focusing on the family as the principal site of patriarchal control and oppression and ignoring its wider social context.¹² The fact that the women and the men of these groups face the consequences of being on the lower rungs of a social hierarchy still principally dominated by upper castes and the reality and prospects of marginalization as groups must surely affect the texture of gender relations.

Recent analyses of the Women's Reservation Bill raise important although disturbing issues regarding the relative ease with which the question of women's reservation has been accepted by the ruling elites in the 1990s, as compared to the resistance of the 1970s.¹³ Menon points to two developments that could explain the shift. First, the challenges to the authority and legitimacy of the nation state by

various movements from below in the wake of an economic and political crisis in the early-to-mid 1970s; the resurgence of backward caste movements, regional movements and radical left movements challenged the nation state and its legitimacy. Second, women emerged as a significant force in politics from the 1970s onwards.

However, it is the changing composition of the parliament with a significant number of members from the backward castes that challenges the hegemony of the upper castes and has made the question of women's reservation more acceptable. Thus gender has been pitted against caste. And it is not a coincidence that this is accompanied by the rise to political dominance of right-wing Hindu chauvinist forces. Besides, there is another dimension: the fact that the women's movement is no longer perceived as a threat to the social order is also a result of the cooption of gender issues both by the state and non-governmental organisations (NGOs).

Other opinions have been expressed by women activists and scholars, who seriously question the efficacy of reservation as an instrument to achieve the goal of equality. These scholars focus on the fact that even the experience of women's reservations in the institutions of local self-government has not been entirely positive, and that women need to traverse a long road before they reach the portals of parliament. They point to the loopholes in relation to the manner in which Panchayat Raj institutions have functioned; the crying need for training women and the need for greater gender sensitivity among the administration. Besides, there is a feeling that, if women want to be in national and state-level politics, they must fight their way up, and as a first step they must fight for 33 per cent seats for women in the respective political parties. It is important to note that usually this reservation about quotas for women is also accompanied by a reservation about the whole question of quotas on the basis of caste. There is a fear that the question of women's reservations will raise questions about caste, religion and other divisive categories.¹⁴

What is happening to Indian society is a criss-crossing of movements of various oppressed sections. Often these movements pull in different and even opposite directions, thus defeating the process of democratization in the short run. It is a challenging task both for the leaders of these movements and for

social analysts to unravel the myriad oppressions that characterize Indian society and to draw out the major strand that will strengthen and contribute to the overall process of democratization of society. The levers of change have to be sought in an overall democratization of society. And this is even more so in a plural society like India where the political system has to ensure a modicum of equality between all groups if history's longest system of oppression is to be seriously tackled. This would imply that the struggle for gender equality and justice will have to be woven into the struggle for emancipation of each of the oppressed groups and communities.¹⁵

Annex 1: Women in Decision-Making Positions in India

Table 1: Women's Presence in the Lok Sabha

	Seats	Women MPs	% Women MPs
1952	499	22	4.4
1957	500	27	5.4
1962	503	34	6.8
1967	523	31	5.9
1971	521	22	4.2
1977	544	19	3.3
1980	544	28	5.2
1984	544	44	8.1
1989	517	27	5.2
1991	544	39	7.2
1996	543	39	7.2
1998	543	43	7.9
Average	527	31	5.9

Source: Election Commission of India

Table 2: Electoral Candidates by Gender

Party	Women Contestants (as % of total contestants)	Women Elected (as % of women candidates)	Men Contestants (as % of total contestants)	Men Elected (as % of men candidates)
BJP	7.4	60.0	92.6	53.2
Congress	11.0	28.0	89.0	24.8
Other parties fielding women candidates	7.2	22.2	92.8	17.3
Independents	4.0	1.3	96.0	0.3

Source: Election Commission of India

Table 3: Representation of Women in State Assemblies (% of Women MLAs)

	1952	1960–65	1970–75	1979–83	1993–97	1998–99
Bihar	3.6	7.9	3.8	3.7	3.4	--
Uttar Pradesh	1.2	4.4	5.9	5.6	4.0	--
Rajasthan	0.0	4.5	7.1	5.0	4.5	7.0
Kerala	0.0	3.9	1.5	3.2	9.3	--
West Bengal	0.8	4.8	1.6	2.4	6.8	--
Andhra Pradesh	2.9	3.3	9.1	4.1	2.7	9.5

Source: Election Commission of India

Table 4: Women in Decision-Making

	Women	Men	Women as % of Men
Executive bodies of political parties	--	--	9.1%
Cabinet Ministers	8	76	10.5%
High Court Judges	15	488	3.1%
Civil Services	--	--	6.8%
Executive bodies of trade unions	6	108	5.6%

Source: South Asia HDR, 2000

Table 5: Women in Decision-Making Positions in PRIs

State	% Women as GP Chairpersons	% Women as PS Chairpersons	% Women as ZP Chairpersons
Andhra Pradesh	--	33.76	30.00
Himachal Pradesh	36.62	31.94	33.33
Karnataka	33.33	33.71	35.00
Madhya Pradesh	38.66	26.80	37.78
Manipur	33.13	--	50.00
Uttar Pradesh	33.81	41.29	30.26
West Bengal	4.62	3.00	0.00
INDIA	40.10	33.75	32.28

Source: Government of India

GP Gram Panchayat
PS Panchayat Samiti
ZP Zilla Panchayat

Table 6: State-wise Break-up of Elected Women Members

S.No.	State	PRI	Total Elected Representatives	Elected Women Representatives	S.No.	State	PRI	Total Elected Representatives	Elected Women Representatives
1.	Andhra Pradesh	GP	230,529	78,000 (33.8)	11.	Maharashtra	GP	303,545	100,182 (33.0)
		PS	14,644	5420 (37.0)			PS	3,524	1,174 (33.3)
		ZP	--	363 (33.2)			ZP	1,762	587 (33.3)
2.	Arunachal Pradesh	GP	5,733	86 (1.5)	12.	Manipur	GP	1,556	576 (37.0)
		PS	1,205	39 (3.2)			PS	--	--
		ZP	77*	NA			ZP	61	22 (36.0)
3.	Assam	GP	30,360	5,469 (18.0)	13.	Orissa	GP	81,077	28,595 (35.2)
		PS	2,584	669 (25.8)			PS	5,260	1,870 (35.5)
		ZP	845	NA			ZP	854	294 (34.4)
4.	Goa	GP	1,281	468 (36.5)	14.	Punjab	GP	87,842	31,053 (35.3)
		PS	--	--			PS	2,441	326 (13.3)
		ZP	35	NA			ZP	274	89 (32.4)
5.	Gujarat	GP	123,470	41,180 (33.3)	15.	Rajasthan	GP	119,419	38,791 (32.4)
		PS	3,814	1,274 (33.4)			PS	5,257	1,740 (33.1)
		ZP	761	254 (33.3)			ZP	997	331 (33.2)
6.	Haryana **	GP	54,159	17,928 (33.1)	16.	Tamil Nadu	GP	9,7398	32,795 (33.6)
		PS	2,718	807 (33.3)			PS	6,499	2,295 (35.3)
		ZP	303	101 (33.3)			ZP	648	225 (34.7)
7.	Himachal Pradesh	GP	18,258	6,013 (32.9)	17.	Tripura	GP	5,685	1,895 (33.3)
		PS	1,661	558 (33.5)			PS	299	105 (35.1)
		ZP	252	84 (33.3)			ZP	82	28 (34.1)
8.	Karnataka	GP	80,627	35,305 (43.7)	18.	Uttar Pradesh	GP	68,2670	174,410 (25.5)
		PS	3,340	1,343 (40.2)			PS	58,165	14,002 (24.0)
		ZP	919	335 (36.4)			ZP	2551	648 (25.4)
9.	Kerala	GP	10,270	3,883 (37.8)	19.	West Bengal	GP	50,345	17,907 (35.5)
		PS	1,547	563 (36.3)			PS	8,579	3,015 (35.1)
		ZP	300	104 (34.6)			ZP	723	246 (34.0)
10.	Madhya Pradesh #	GP	314,847	106,410 (33.8)					
		PS	6,456	2,159 (33.4)					
		ZP	734	248 (33.8)					

Source: Mathew, G., ed, 2000. Status of Panchayati Raj in the States and Union Territories of India. New Delhi: Institute of Social Sciences, Concept Publication.

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GP Gram Panchayat

PS Panchayat Samiti

ZP Zilla Panchayat

* Scheduled tribes (SC)

** Revised figures

NA Not available

The above figures are for the new Madhya Pradesh as of 1 November 2000

% Figures in parentheses are the percentages of the totals.

Notes and References

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3. Imposing Quotas from Above: The Case of East Timor

The third theme addressed in the workshop was the role of the international community in supporting electoral quotas. The East Timorese experience of lobbying for quotas differs from the Indian example, given the nature of the intervention by the international community. The lobbying by women's groups to introduce special measures to guarantee women a place in the new political dispensation took place largely during the United Nations (UN) administration of the country through the United Nations Transition Administration in East Timor (UNTAET), between October 1999 and April 2001. The implementation of a gender quota was ultimately rejected by the UN administration in East Timor after the National Council voted against it.

3.1. Overview of Presentation

Ms Milena Pires described the experience with quotas as a 'best and worst case' of the UN intervention. There were clear divisions within the UN administration: on the one hand, some members of the UN showed their willingness to support the idea of special quotas for women, while, on the other, a great controversy emerged within the UN as to whether to stand behind such a measure. This resulted in confusion among UN organs and was also a source of tension among those Timorese supporting the measure and those who were opposed. The response from the UN divided Timorese society; some applauded the reform while others opposed such a measure within political institutions.

In June 2000, over 400 Timorese women from all of East Timor's 13 districts attended the First Congress of Women and adopted the Platform for Action for the Advancement of Timorese Women. The Congress discussed affirmative action as a policy measure to increase the number of women in decision-making positions, drawing inspiration from the Beijing Platform for Action. The Congress advocated that 30 per cent of members elected to decision-making positions should be women and included strategies for training and special support. A delegation of women lobbied at the National Council of East Timorese Resistance (CNRT) Congress, where a resolution regarding women's rights was adopted, mandating the CNRT to pressu-

re UNTAET into adopting a policy of 30 per cent minimum representation of women in decision-making positions.

Previously, UNTAET had adopted quotas with a one-man, one-woman policy for the development councils on the establishment of the Community Empowerment Project (CEP). The CEP was established at the village and sub-district level. The main goal was to promote stronger grassroots support, that is, bottom-up practices and participatory decision-making. A 30 per cent quota had also been adopted by UNTAET for women in public administration. However, when it came to implementing a quota for the Constituent Assembly, Timorese women had a very different concept in mind than that of UNTAET. It was proposed that women should make up 30 per cent of party lists and be placed in 'electable' positions, and if a party could not meet the target it would be disqualified from the election. This was viewed as an interim measure to level the playing field and to accelerate women's access to decision-making.

Ms Pires noted that the debate on quotas divided opinion in East Timor among both the Timorese and the international community. Some argued that quotas would promote the assignment of unqualified women to important positions, that there would be no substantial improvement for women, as women had nothing to gain by appointing incapable and unqualified women, that the selection of candidates should be based on merit, and that there was a lack of women willing and capable of being elected. Some political parties also stated that they would be unable to meet the quota and did not have enough qualified women to put forward. Opinion among the donor community was also divided, with most donors supportive of Timorese demands, but with others arguing that gender equality was a luxury and that the demand for quotas was being driven by women from the Diaspora.

Within the UN administration, opinion was also divided between those who supported affirmative action as means of attaining women's rights in East Timor and those, primarily from the Independent Electoral Commission (IEC), who did not support quotas. The debate culminated in the rejection of a

mandatory quota for the Constituent Assembly election. The prolonged discussion as a result of the unwillingness of the IEC and the Electoral Assistance Division of the UN in New York to include quotas in the electoral law ended when the majority of National Council members contravened their original decision and rejected the inclusion of mandatory quotas in the electoral regulation. Following pressure from women's organizations, the head of UNTAET, Sergio Vieira de Melo, instituted a number of measures to encourage political parties to include women on their lists, such as the use of extra air time. The UNTAET Gender Affairs Unit together with the United Nations Development Fund for Women (UNIFEM) also trained over 150 potential women candidates. These measures resulted in the election of 23 women to the 88-member Constituent Assembly in the 2001 Constituent Assembly elections.

Ms Pires noted that recent experience and divided opinion over the introduction of mandatory quotas probably mean that it will be more difficult to introduce quotas for future elections in East Timor, although advocacy is planned. People who did not support the use of quotas argue that favourable results for women were achieved without a quota. This argument has been put forward despite a negative experience: one political party was found to have placed a woman at the top of its list as a strategy to obtain extra airtime for its campaign. After the elections and having obtained only one seat, that party substituted the woman with the next person on the party list: its male president. Furthermore, the quota has become a controversial issue and there is no consensus among political players if this is a desirable measure for the future or even a politically correct approach. Ms Pires stressed, therefore, the great need for revision of quotas and other affirmative action strategies in East Timor so as to level the playing field, as the state has a responsibility to guarantee equal participation between men and women.

3.2. Overview of Discussion

The presentation resulted in a discussion on whether a top-down or bottom-up approach was desirable for the Asian context, particularly in Indonesia. The

Indonesian participants viewed international imposition of quotas as both positive and negative. On the one hand, the international community's involvement in the discussion was devastating for the introduction of quotas in East Timor. But, on the other hand, the participants stressed the need for support from the donor and international community for the development of strong civil society mobilization and to provide the necessary knowledge and resources to the groups lobbying for the political participation of women. It was noted that external organizations with cooperating networks could provide women with the necessary support, but that further involvement could jeopardize the focus of opposition groups, drawing attention away from the real issue, quotas, towards the matter of external interference.

East Timor and the Debate on Quotas

BY MILENA PIRES

Introduction

The debate on the introduction of special quotas for women in East Timor took place largely while the country was being administered by the United Nations Transition Administration in East Timor (UNTAET), between October 1999 and April 2001. The perception that the United Nations (UN) itself is a great advocate and upholder of human rights and equity principles had a mixed influence on the debate and its outcome. In some instances, UNTAET readily adopted affirmative action policies, while in others it had to be dragged kicking and screaming. In some cases, members of its staff even actively interfered in and hindered the debate on the use of quotas. This is not to say that all Timorese were in favour of the use of quotas. However, for advocates of quotas, the UN mission provided to be a double-edged sword.

In June 2000, over 400 Timorese women from all of East Timor's 13 districts met together for the 1st Congress of Women and adopted their own Platform for Action for the Advancement of Timorese Women. Throughout almost one week of meetings, the Congress analysed the position of women in Timorese society and concluded that, although women constituted more than 50 per cent of the population, they did not partake in decision-making, nor did they enjoy the same rights as men. The Congress discussed affirmative action as a strategy

to increase women's participation and recommended a series of measures, including a minimum 30 per cent target for women in decision-making bodies, together with special training and support for women to achieve this goal.

Next, in August 2000, a delegation of women lobbied the National Council of East Timorese Resistance (CNRT) Congress, where a resolution pertaining to women's rights was adopted. This resolution was passed unanimously and tasked the CNRT with pressuring UNTAET to adopt a policy of 30 per cent female representation in decision-making fora. The Platform for Action and the CNRT resolution were two important documents used by women to lobby for equal rights.

Prior to this, UNTAET had already adopted quotas. Following pressure from Timorese women, it included a one-man, one-woman policy when it issued a regulation for development council elections on the establishment of the Community Empowerment Project (CEP).¹ The CEP set up village and sub-district development councils whose main goal was to promote bottom-up and participatory decision-making in regard to development. It was conceived as a possible basis for local government.

The CEP also sought to support the contribution and participation of women, once elected, through

training and peer-support strategies. Although symbolic in some districts, where the councils were controlled by traditional (mainly male) power structures, the inclusion of women in the councils created the expectation that they should participate and had a place in decision-making.

UNTAET also continued its attempt to promote female participation through informal measures, such as during the setting up of the National Council (NC), a quasi legislature nominated by the Special Representative of the Secretary-General (SRSG) and the UN Administrator. Due to criticism of women being under-represented in the National Consultative Council (NCC),² which preceded the NC, the UN Administrator issued a directive requiring that at least two of the four nominees to be proposed for selection from each of the 13 districts and civil society organizations be women. This resulted in 13 of the NC's 33 members being women.

During UNTAET, the SRSG also adopted a minimum 30 per cent quota for women in public administration. This resulted in just over 18 per cent of women being recruited. Special measures were also taken in regard to the establishment of the Timorese police force, resulting in women making up 40 per cent of the first wave of new recruits.

The progressive use of quotas was severely tested, however, when quotas were proposed for the Constituent Assembly elections. The National Council was to adopt an electoral regulation for elections to the Constituent Assembly, which would draw up the constitution for an independent East Timor. These elections were to be run completely by the UN.

The debate was led by REDE, a network of 16 women's organizations. In keeping with the Platform for Action, REDE proposed that a mandatory quota be contained in the electoral regulation. At least 30 per cent of women candidates were to be proposed in the political party lists and placed in winnable positions, with every third candidate from the top of the list being a woman.

REDE argued that this was a temporary measure to even the playing field and to open the door to women's participation in the constitution-making process and to hasten women's participation in the political arena. As well as being a rights issue, REDE averred that the constitution-making process could only be representative and truly legitimate if more

than one-half of the population was represented. Like the CEP, the election of women to the Constituent Assembly would also create a further expectation that women should participate and had a role to play in all aspects of Timorese society.

REDE recognized and advocated that quotas alone were not enough. To ensure active participation, training and support should be part of a package for women candidates and later members of the Constituent Assembly.

Opponents of the use of quotas argued that such a measure was degrading for women and that their participation should be based on merit. Others contended that it was symbolic and that it would contribute nothing to women's rights. Members of some political parties asserted that it would contravene the rights of political parties, as they would be forced to choose and put forward a particular type of candidate. Some political parties were more direct in their opposition, stating that they did not have qualified women who could be put forward.

The Constituent Assembly elections were based on a mixed system. Seventy-five national seats were contested through a proportional system allowing for candidates to be put forward via political party lists or on an independent, individual basis. Thirteen district seats were contested on a first-past-the-post basis; candidates could be put forward by political parties or run as independent individuals. The quota proposed by the women's network targeted the political parties contesting the 75 national seats.

The debate on quotas divided opinion in East Timor, among both the Timorese and internationals. The international non-governmental organization (NGO) community was, for the most part, behind the women's network and provided practical support through research and information-sharing.

Opinion was also divided within the donor community with representatives in Dili. For the most part, donors were supportive of the inclusion of quotas, provided that this was what the Timorese wanted. Reportedly, at least two foreign missions, having funded the 1st Congress of Timorese Women, expressed the opinion that gender equity was a luxury and inappropriate for East Timor at that stage. At least one of these missions also argued that the use of quotas was being driven by Timorese women from the Diaspora.

Although the Beijing Platform of Action of

the UN World Conference on Women makes direct reference to the inclusion of statutory quotas to address inequality in the electoral sphere, warning was given that the UN would be forced to pull out if quotas were included in the Constituent Assembly elections. UN staff members openly supportive of quotas were told that they should be defending ‘the party line’ and that their jobs were under threat if they continued to support the ‘opposition’.

Article 7 of the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) states that:

State Parties shall take appropriate measures to eliminate discrimination against women in the political and public life of a country and in particular shall ensure women on equal terms with men the right:

- a) *To vote in all elections and public referenda and to be eligible for election to all publicly held bodies;*
- b) *To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.*

In fact, UNTAET’s first regulation, which sets out the principles and framework for the mission, makes direct reference to its obligations to the principles enshrined in the CEDAW.

The debate on the electoral regulation was extended because the National Council and UNTAET could not reach a compromise. Although the NC had adopted the electoral regulation including quotas in principle, final approval was put off in order to try and convince the Electoral Assistance Division in New York to agree to their use.

Divisions also emerged within the UN in New York. The United Nations Development Fund for Women (UNIFEM) stated that:

citizenship is inextricably linked to the political rights to vote and to stand for public office. On account of socially constructed gender roles, women face a greater number of obstacles in participating in political decision activity than men. These obstacles need to be acknowledged by policymakers, lawmakers and electoral authorities when they determine the conditions of free and fair elections. Overlooking them will result in the conclusion that women and men are equally placed to participate in political life. This conclusion can lead

*to unfair discrimination on the grounds of gender ... and an oversight of the unfair and deeply entrenched, systemic attitudes and stereotypes that assign women to the private, and men to the public domain.*³

The UN High Commissioner for Human Rights was also reported to have contacted the SRSG in East Timor to express support for the use of quotas. The UN Division for the Advancement of Women in New York was also reported to be in favour of their use. However, the Electoral Assistance Division under the Under-Secretary-General for Political Affairs was of a different opinion, and the issue thus remains unresolved in the UN.

The municipal elections in Kosovo, also held under a UN peacekeeping mandate, included the use of quotas for women and became an important focus for the women’s network. However, although the regulation for the Kosovo municipal elections was promulgated by the SRSG, the elections were run by the Organization for Security and Co-operation in Europe (OSCE), because it appears that a similar dispute arose.

In response to an enquiry made by the Electoral Affairs Division of UNTAET on mandatory quotas for women it stated:

*UNTAET has exclusive responsibility for holding free and fair elections in East Timor...(and)...while some countries do have quotas for women (and for other groups), other democratic countries vehemently oppose the practise. This would include some members of the Security Council...Electoral quotas for women (or any other group) do not constitute international best practise for elections.*⁴

While Timorese women’s attention was focused on exerting pressure internationally, specific UN staff members in Dili were actively lobbying National Council members. In the end, the majority of NC members contravened their original decision and rejected the inclusion of mandatory quotas in the electoral regulation. Ironically, the majority of women in the National Council who acquired their seats through affirmative action by the SRSG and had been active participants of the Women’s Congress voted against the inclusion of quotas. REDE had miscalculated its own level of internal support.

Protests were held by the women’s network, forcing UNTAET to make available funds to train close to 200 potential female candidates for the elections. Incentive mechanisms were informally introduced, whereby political parties that included at least 30 per cent women candidates on their party lists earned extra campaign airtime on UNTAET-run radio and television. However the issue of mandatory quotas in elections remains an unresolved issue in the UN in New York.

REDE also backed three women candidates for the national constituency, although none was elected. Of the Constituent Assembly’s 88 members, 23 of those elected were women.⁵ Criticism of members of the National Council who voted against the quotas and belonged to political parties made some parties adopt informal internal quotas for their list of candidates.

The Democratic Party, the second-largest party in the Constituent Assembly and now the national parliament, has no female members. A woman headed the list of the Socialist Party, but having won only one seat it substituted her with the next person on the list, who was a man.

Recent experience and the split in opinion over the introduction of mandatory quotas probably mean that it will be more difficult to introduce quotas for future elections in East Timor. Some Timorese are of the view that the election result shows that a mandatory quota was not needed, as we now have one of the largest rates of participation of women in parliament in the entire region.

The constitution is another important instrument for women. Although it does not include mandatory quotas, it tasks the state with ensuring equality of opportunity between men and women. The constitution also enshrines the principle that equal participation is a necessary component of democracy. East Timor will most likely become a signatory to CEDAW and other human rights conventions when it becomes a member of the UN, which will further formalize the state’s responsibility.

The second Congress of Timorese Women is under discussion. It will be a good opportunity for women once again to analyse their place in society and to pick up the pieces of the many missed opportunities that could have been afforded by UNTAET, had there been a standard policy within the UN itself. There is no assurance that future elections will

deliver the same or better results in terms of the participation of women. In fact, quotas and other affirmative action strategies may need to be revisited to level the playing field.

Notes and References

1. Cultural incompatibility was initially used by the Governance and Public Administration pillar of UNTAET as an argument against the 50 per cent quota for women in the CEP regulation.
2. The NCC had two Timorese women members out of a total of 11 members.
3. Communication from UNIFEM in New York, “Request from Milena Pires, Deputy Speaker of the East Timor National Council, for UNIFEM assistance on the following issue raised by UNTAET: The introductions of quotas will detract from the free and fair principle of the election in East Timor, as it will force political parties to chose certain types of candidates”, March 2000.
4. Communication from the Political Affairs Division at UN headquarters in New York to the Political Affairs Division of the UNATET Department of Political Affairs in Dili, March 2001.
5. This is equal to approximately 27 per cent.

4. Empowering Women Elected through Quotas: The Pakistani Experiment

The fourth theme addressed in the workshop focused on the empowerment of, and the provision of skills training for, women newly elected to decision-making bodies. Quotas that are properly implemented ensure the presence of women in parliament, but this does not mean that they will be equipped with all of the skills needed to make a real difference in parliament. The experience of Pakistan highlights how quotas and skills training are used as simultaneous strategies for the empowerment of women.

4.1. Overview of Presentation

Dr Socorro Reyes began by supporting Prof. Dahlerup's description of a 'quota fever', but noted that it is not only present in Asia, but also in Europe, Latin America and the rest of the world. In her presentation, she began by stating that quotas are not new to Pakistan, but have been in existence in various forms in the past. Reserved seats for women were in existence in Pakistan in 1956, 1962, 1970, 1973 and 1985 in both provincial and national assemblies, but in small magnitudes of between five and ten per cent. In 1988, the reservation provisions lapsed, and in the general election of 1997 women only constituted four per cent in the provincial assemblies, two per cent in the Senate, and four per cent in the National Assembly.

As part of the democratization process in 2000, the military government adopted a Devolution of Power Plan whereby a 33 per cent quota for women was to apply at the district, *tehsil* and union council levels. Women contested not only the reserved seats but also the open seats on the union, *tehsil* and district councils and the posts of nazims. Non-governmental organisations (NGOs) were involved in lobbying and provided training to women considering running for office. The 33 per cent quota adopted by the government opened up the political space for women and provided a strategic opportunity for them to make a difference in setting and implementing the agenda of local governments. Women from different socio-economic, political and religious backgrounds took their place on local councils, demonstrating that the quota opened the door for disadvantaged groups. Yet there were challenges to implementing the quota, including cultural barriers

- women's citizenship is not always recognized and religious leaders or 'mullahs' believe that a woman's place is in the home - and financial barriers - women gaining enough financial resources for campaigning.

But as Dr Reyes points out, a key question remains: how can women use their critical mass to affect public policy issues, particularly those related to poverty reduction, the biggest challenge in Pakistan? Mentoring and education programmes are being implemented, but this is a challenge, given that the majority of women councillors are illiterate, mirroring the lack of educational opportunities for women in society. Hands-on, participatory popular education methods are, therefore, the best approach to training. The fact that the majority of women have never sat on local councils before means that training must start with the basics. In an effort to ascertain what training was needed, many organisations conducted surveys and initiated dialogues with women councillors.

Dr Reyes also addressed the need for further action to be taken to strengthen women's political participation, and also to increase the number of seats reserved for women at the national level, which currently stands at 60 (17%). She suggests that there are three methods that can be used to overcome cultural barriers and ensure women's full citizenship, including (a) awareness-raising through a nationwide campaign that highlights the importance of the political representation and participation of women and the important contribution that they can make to politics, (b) capacity-building that covers the rights of women as voters, candidates and elected officials, and provides training for women elected to decision-making bodies, and (c) research and documentation, highlighting the difference that women make in institutions and to policy decision-making. In sum, the political participation of women is as much about numbers as it is about their effectiveness and impact.

4.2. Overview of Discussion

The discussion focused on the lessons learned from Pakistan that may be applicable to Indonesian organisations lobbying for quotas. Dr Reyes noted that, although there was initially resistance from men,

change came about through the continued efforts of women. The government of Pervez Musharraf, which contains women ministers who are gender sensitive, has helped the situation. One lesson was how to deal with Islamic conservatives, who are slowly becoming more liberal. Ultimately, women are demanding a share of political power, and this strengthens the image of democracy. This was noted as a problem for Indonesia, where women have confronted the challenge of convincing men that the objective is not to take their power away, but to become equal partners in decision-making. An important strategy is to develop arguments that will convince men of the merits of sharing power and that their power will not be diminished.

It was also noted that once quotas are implemented there must be continual support and lobbying for women in decision-making positions. There is a need to highlight that both men and women have responsibilities. For example, in the home, domestic work is not just women's work. Furthermore, women should identify public issues that directly affect them, such as poverty or HIV/AIDS, and demonstrate they have a role to play in policy formulation.

Quotas in Pakistan:

A Case Study¹

BY SOCORRO L. REYES

Introduction

Pakistan's efforts to fulfil its commitments in international treaties and conventions to promote the free, equal and full political participation of women are summed up in the Report of the Commission of Inquiry for Women (August 1997), the National Plan for Action (September 1998) and the National Policy for Development and Empowerment of Women (NPA) (March 2002). The commission report and the NPA recommend 33 per cent reserved seats for women on local as well as national elective bodies through direct elections and joint electorate. They also suggest the simplification of rules and the adoption of measures to ensure that women can exercise their right to vote. The National Policy, meanwhile, mandates the adoption of 'affirmative action to ensure a desirable level of representation of women in the Senate and the National and Provincial Assemblies'.

Quotas are not new to Pakistan. Popularly known as 'reservations', the 1956, 1962, 1970, 1973 and 1985 constitutions all provided for reserved seats for women in both the provincial and national assemblies, but of small magnitude, mostly five to ten per cent and through indirect elections by the members of the assemblies themselves. Reservations lapsed in 1988 after three general elections, as provided for in the 1985 constitution. In the last general election of 1997, women's representation hovered between four

per cent in the provincial assemblies (two out of 460) to two per cent in the Senate (two out of 87) and four per cent in the National Assembly (seven out of 217).² At the local government level, where five to 12 per cent of the seats were reserved for women through indirect elections by the councils themselves, women constituted only ten per cent of the membership in 1993 (8,246 out of 75,556).³

Local Level Quotas in Pakistan

As part of the democratization process, in March 2000, the military government adopted a Devolution of Power Plan, of which the important feature was the provision of a 33 per cent quota for women on the district, tehsil and union councils, the local legislative bodies mandated to approve by-laws, taxes, long-term and short-term development plans and annual budgets. The union councils, in addition, facilitate the formation and functioning of citizen community boards and cooperatives to reduce poverty, the overriding development goal of Pakistan.

The **union council** is composed of 21 members: the Union Nazim, the Naib Nazim, one member elected from the minority communities, 12 Muslim representatives elected to general seats and six elected for peasants and workers. The one-third reservation is applied to the 12 Muslim seats (four women)

and the six seats for peasants and workers (two for women). Each union council thus has six seats for women.

The middle tier, the **tehsil council**, is composed of the Naib Nazims of all union councils and representatives elected from reserved seats for women (one-third of the number of unions), peasants and workers (five per cent of the total number of unions), and minority communities (five per cent).

The top tier, the **zila council**, consists of all Union Nazims in the district and, like the tehsil council, of members elected through quotas: 33 per cent women, five per cent peasants and workers, and five per cent from the minority communities.

The numbers of seats reserved for women in the different councils are as follows.

Table 1: Seats Reserved for Women

Type of Council	Seats Reserved for Women
Union Councils (6,022)	36,132
Tehsil Councils (305)	1,749
Town Councils (30)	161
District Councils (96)	1,988
Total	40,030

Table 2: Election Results for Reserved Seats

Province	Union Councils (6,022)	Tehsil Councils (305)	Town Councils (30)	District Councils (103)	Total (6,460)
Punjab	20,718	1,074	50	1,115	22,246
Sindh	5,878	297	59	360	6,594
NWFP	3,963	175	30	278	4,446
Balochistan	2,374	215	22	152	2,763
Total	32,933	1,761	161	1,905	36,049

Except for the union councils, the members of all of the other councils are indirectly elected. The elected councillors at the union level form the electoral college for all elections to the tehsil/town and district councils.

Election Results

The women contested not only the reserved seats but also the open seats in the union, tehsil and district councils and the posts of Nazims and Naib Nazims. However, in some areas of the Northwest Frontier Province (NWFP),⁴ women were prevented from voting or running for office or both by religious groups and political parties, resulting in a loss of approximately 650 seats. Overall, women got elected to 36,187 out of 40,049 reserved seats in the local councils, while 11 were elected as Union Council Nazims, one as Naib Nazim and two as District Nazims.⁵

Difficulties and Challenges

The unprecedented number of women⁶ elected to district, tehsil and union councils in the recent elections following the adoption of a 33 per cent quota by the government opened up not only an enormous political space but also a strategic opportunity for women to make a difference in setting and implementing the agenda of local governments. With the devolution process, this level of government is expected to have the most impact on people's lives and offers the greatest hope for social change. But the basic question is how women can use their critical mass to affect public policy issues, particularly those related to poverty reduction, the biggest challenge in Pakistan.

To determine their readiness and competence to serve as movers and shakers on local councils, it is important to examine the characteristics of these women: their age, education, socio-economic status, and political background. While very limited information is available on this subject, existing studies show that most are less than 45 years old (57 per cent); more than half are illiterate (53 per cent); most are housewives (73.7 per cent); very few own land; and an overwhelming majority has never contested elections (79 per cent), neither have their families (64 per cent).⁷

What are the implications of the socio-economic, political and demographic profile of the women councillors? First, it shows that the quota system has opened doors for socially disadvantaged and marginalized groups that otherwise stand no chance of winning positions of formal political authority traditionally obtained through the politics of money, family influence and party patronage. Second, the relative youth of the women councillors indicates that young women have placed enormous faith in the ability of the political system to address existing social ills and to institute reforms. Being young, they are expected to be more open to innovation and creative change. Third, the fact that housewives contested and won electoral seats reflects their willingness to go beyond their reproductive roles as bearers and nurturers of life and to assume the task of community leadership as active agents of social change. But this also has serious implications for the gender-based assignment of household roles and responsibilities, as well as for the way that local councils will schedule the conduct of their business. Men have to

participate in household work in order to provide women with the time to perform their legislative duties, and council schedules have to be adjusted to allow women to combine their multiple roles. Fourth, that the majority of women councillors are illiterate underlines the general lack of education opportunities for women and should be a major factor to consider when designing not only the curriculum but also the choice of mentoring approaches. Hands-on, participatory popular education methods certainly are most appropriate under these circumstances. Finally, their newness to politics is both an asset and a liability. On the one hand, their freshness brings insights, vision and perspective that political veterans may have lost through time. On the other hand, their newness means that training must start from ground zero. Their capacity to learn, however, can never be underestimated and the skill with which they can use their life experiences to develop pragmatic, workable solutions to concrete socio-economic problems might far exceed ordinary expectations.

To ascertain their training needs, several organizations⁸ conducted surveys, dialogues and interviews with women councillors. In all of these consultations, the women disclosed their total lack of awareness of their rights, roles and responsibilities. The women councillors also complained about being ignored by their male counterparts and the Nazims. In addition, they do not have any office space, tables and chairs, and they do not receive stipends to cover their meals and transportation. The women were not given the opportunity to participate in council deliberations. And their projects were not allocated budgetary resources.

National and Provincial Level Quotas

While the government was supportive of reserving one-third of the seats on local councils for women, the same did not hold true for its policy towards female representation in the Senate and the national and provincial assemblies. After much speculation and debate about what percentage the government would come up with, the National Reconstruction Bureau (NRB) announced that 17 of the 100 seats (17 per cent) in the Senate will be reserved for women and that 60 of the 342 seats (18 per cent)⁹ in the National Assembly will be distributed among four provinces as follows.

Table 3: Women's Representation in the National Assembly

Province/Territory	General Seats	Reserved Seats for Women	Reserved Seats for Non-Muslims (Nationwide)	Total
Punjab	148	35	—	183
Sindh	61	14	—	75
NWFP	35	8	—	43
Baluchistan	14	3	—	17
Federally-Administered Territory (FATA)	12	—	—	12
Islamabad	2	—	—	2
Non-Muslims	—	—	10	10
TOTAL	272	60	10	342

In the provincial assemblies, 22 per cent of seats were reserved for women. Like the National Assembly, seats are to be contested in open, general elections.

Table 4: Women's Representation in Provincial Assemblies

Province	General	Women	Non-Muslims	Total
Punjab	297	66	8	363
Sindh	130	29	9	159
NWFP	99	22	3	121
Baluchistan	51	11	3	62
Total	577	128	23	705

Women's groups argued that the NRB ignored the collective call of women for 30 per cent reservation expressed in the national consultation conducted by the Ministry of Women and Development (MOWD) in May 2001 and the National Campaign for Restoration of Women's Reserved Seats in 1998. It also failed to reflect the same recommendation of the Report of the Commission of Inquiry for Women and the National Plan for Action. Eleven political parties endorsed the 30 per cent quota for women in the provincial and national assemblies.¹⁰

Quotas and the Electoral System

The issues raised in regard to female political participation have focused not only on the 33 per cent quota for women but also on the electoral system.

According to the present policy on reservations, the 60 seats for women will be filled through proportional representation (PR), that is, based on the number of popular votes received by political parties in the elections.

While PR is considered the most woman-friendly of all electoral systems and used by all ten countries in the world with the highest number of women's seats in parliament, there was vigorous opposition to it among women activists in Pakistan. They contended that women will be beholden to political parties whose structures, processes and agenda are generally patriarchal. Those who are directly elected will most likely treat women in reserved seats in the provincial and national assemblies as second-class members. With their own constituencies as a mass base, they will be able to respond more effectively to their needs.

The women demanded direct election by a joint electorate of women and men in enlarged constituencies created through the fusion of two normal-sized constituencies. For the general seats, the normal-size constituency will be operable. All eligible voters will have two votes: one for the reserved seat in the enlarged constituency and another for the general seat in their normal constituency.¹¹

Conclusions

To ensure the full and equal participation of women in decision-making structures and processes at all levels of governance, a strategic framework is required that explores ways of overcoming the cultural and structural barriers to gender balance in political representation. Three strategic methods are suggested to address the cultural barriers to the full exercise of women's citizenship: awareness-raising, capacity-building and research and documentation. Support for policy reform in political parties, electoral systems and campaign finance, meanwhile, is recommended as the best possible way to overcome structural obstacles.

Awareness-raising A nationwide information campaign to highlight the importance of the representation and participation of women in decision-making, the transformational politics of women, and the political participation of women as a human right.

Capacity-building A three-phase training programme which will encompass the whole range of women's citizenship information as voters, candidates and elected officials. It will include: rights awareness of voters; young women's leadership training; how to run and win; and skills-building for women who got elected to local councils, and provincial and national assemblies. These skills include developing a policy agenda, articulation and negotiation, influencing and shaping policy decisions, and allocation of resources.

Research and documentation To show that women make a difference, their work in regard to shaping the institution's rules, practices and norms, as well as its policy decisions, should be documented.

Policy analysis and advocacy Three important areas for policy advocacy to enhance the political participation of women are democratization of political parties, quotas as temporary special measures to achieve gender balance, and campaign finance reform.

In conclusion, the political participation of women is not only about increasing their numbers but also about effectiveness and impact. Women should be

able to participate in open, transparent, accountable decision-making processes within policy-making institutions and mechanisms, not as beneficiaries/objects of development programmes but as agents/subjects of developmental change. Their effectiveness is indicated by the extent to which they are able to influence institutional rules, norms and practices and consequently shape the policy agenda and decisions about the use and allocation of resources. Their impact, however, will be seen in the entitlements, capabilities and rights that they are able to secure for women to redress gender disparities and to change their lives, especially the lives of poor women.

Notes and References

1. Discussion paper read at the "Workshop on the Implementation of Quotas: Asian Experiences", organized by the International Institute for Democracy and Electoral Assistance (IDEA) in Jakarta, Indonesia, 25 September 2002.
2. "History of Women's Reserved Seats in Legislatures in Pakistan". *Legislative Watch*, November-December 2001.
3. *Citizens' Campaign for Women's Representation in Local Government*. Aurat Publications and Information Service Foundation.
4. Women were not allowed to run in 21 union councils of districts Swabi and Mardan and in 34 union councils of district Dir, *ibid.*
5. *Ibid.*, pp. 24-25.
6. A total of 36,049 women were elected to the councils
7. "Local Government Elections, Phase 1,2,3,4,5", a series of studies conducted by Pattan Development Corporation, 2001. The authors are Farzana Bari, Sarwar Bari, and Bilal Hassan Khan.
8. The Ministry of Women and Development (MOWD) commissioned Sarwar Bari of Pattan to conduct a Training Needs Assessment for its Women's Political Participation Project.
9. Legal Framework Order, 22 August 2002.
10. Bari, Farzana, 2002. "Women's Representation in Legislatures: The Way Forward". January 2002, p. 11.
11. "Possible Election Modalities". *Legislative Watch*. Issues No. 15 and 16, November-December 2001.

5. Repealing Quotas: The Bangladesh Experience

Not all country experiences with quotas have been positive, as the case of Bangladesh illustrates. Depending on the type of quota provision, the target of women to be elected, and whether women are directly or indirectly elected, quotas can act as a 'glass ceiling' for women and marginalize them in politics. In Bangladesh, the introduction of quotas for women in Parliament has been largely negative, as Professor Najma Chowdhury argued in her presentation.

5.1. Overview of Presentation

The words quotas and reservations are used interchangeably in the Bangladeshi context. Prof. Chowdhury began by explaining that there has been a long history of reserved seats in Bangladesh, but only a few seats have ever been made available to women, either through direct or indirect election. The Constitution of the Peoples Republic of Bangladesh provides for a 300-member parliament. In the early stages, the parliament comprised a total of 315 seats, of which 15 were reserved for women for a period of ten years. Both men and women were eligible to contest the 300 'general' seats, while women were indirectly elected to the 15 reserved seats. Since 1978, the situation has improved; a presidential proclamation enlarged the number of reserved seats to 30 (an increase from 4.7 per cent to 9.9 per cent) and extended the period of reservation to 15 years from the date of the proclamation of the Constitution in 1972. In December 1987, the constitutional provision lapsed and was re-incorporated into the Constitution by an amendment in 1990, to be effective for ten years. This provision lapsed in 2001. The present parliament elected in October 2001 does not have reserved seats for women, which is clearly demonstrated by the composition of the House.

Prof. Chowdhury raised the question: for whose benefit was the quota introduced? Electoral and party history shows that, in the first election held in 1973, political parties used the reserved seats as the means to elect women. The quota was treated as the sole avenue for women's entry into the legislature and the general seats as the monopoly of male politicians. This approach to reserved seats left electoral

politics open to male domination and control, with women left to contest the reserved seats. Parties demonstrated no political commitment to share general seats with women.

Prof. Chowdhury also raised the important issue of whom the women legislators represent. While quotas ensure that a critical mass of women are elected, the quota moves beyond numbers and involves an expectation among those whose entry was facilitated by the quota to intervene in policy issues. By and large, women in Bangladesh have not served as advocates of women's rights. The system by which women are elected into politics limits their possibility to become political actors in their own right, as well as their ability to function as advocates for women's issues. Women who seek to introduce a gender perspective into politics risk their own position in the political establishment, and if a woman is elected through special measures she is also not seen as a full member of parliament. The need for civil society backing and networking among different groups of society is necessary to support women and to promote women's issues in the larger establishment.

The debate about quotas in Bangladesh continues today, with much criticism of how quotas have in the past afforded women visibility, but not empowered them. The women's movement in Bangladesh has brought the issue of quotas into public discourse by voicing criticism of quotas as practiced previously and by articulating demands to change fundamentally the constitutional provision. The movement has urged 'representation' to be grounded at the grassroots level, and has argued for a higher representation of women in the legislature and for the introduction of direct election of the seats. In 2001, 20 women's groups formed a women's council and lobbied the government, political parties and parliamentarians. The council carried out street activities, formed human chains and hosted discussions. In September 2002, further protests were held, but these attempts at reform have so far failed. The movement has continued to lobby and push for its demands. But Prof. Chowdhury noted that the patriarchal system and public policy are factors that continue to produce negative responses from political

parties. Key lessons that can be learned from the Bangladesh experience include: quotas should be based on an understanding of the dynamics of power, politics and gender relations; quotas should ensure genuine rather than token representation; the implementation of quotas should be endorsed as a means of achieving gender equality; and quotas are facilitated if there is a sizeable number of women committed to their implementation.

5.2. Overview of Discussion

In the discussion session, the example of quotas in Bangladesh was highlighted for the important lessons learned regarding gaining understanding and support from all levels of decision-making and within political parties. The importance of political parties as gatekeepers and the need to make women an integral part of the political establishment is not negotiable under any circumstances. The responsibilities of women politicians to support these kinds of legislative measures will not only strengthen women's political gains but will also build a foundation for a critical mass. The participants that had joined the IDEA study visit to the Philippines in August 2002 saw similarities with both the political structure in the Philippines and their own so-called nepotism within political institutions, as described by Prof. Chowdhury, and noted that this was one of the greatest obstacles to overcome in their struggle for gender equality. The issue of the 'quantitative' aspect of quotas was of great interest. During the discussion, interventions were heard that both defended the quantitative aspect of quotas in terms of guaranteeing women's visibility in parliament, and opposed it on the grounds that it may not lead to a qualitative change for women in politics. While there was no agreement on whether numbers alone are enough, most participants agreed that, ultimately, the quota should lead to the empowerment of women and move beyond the question of numbers to ensure the effective participation of women in decision-making bodies.

Bangladesh's Experience - Dependence and Marginality in Politics

BY NAJMA CHOWDHURY

Introduction

Bangladesh's experience with quotas for women in parliament has been largely negative. Instead of contributing to women's political agency and autonomy, they have accentuated their dependence in politics and reinforced their marginality. The present paper is organized around issues and processes that have undermined the effectiveness of the quota as a strategic political device for ensuring that women's voices are heard and their priorities reflected in state policies.

Some clarification is necessary at the outset about the use of the word 'quota'. In this paper, it is used interchangeably with the term 'reservation'. The reservation of seats for women refers to the principle of organizing the composition of a legislative/local body, according to which a certain number of seats are exclusively earmarked for women. The term 'reservation' in this context has colonial roots, refers to safeguarding the participation of a vulnerable group and has been used in the constitutional language of Bangladesh from before liberation.

In a way, the word 'reservation' has a passive connotation in that it refers to numbers without much reflection on the interface between numbers and outcome. Quotas relate to gender politics and contextualise the inner dynamics and policy outcomes of a body in terms of gendered representation. Although there are some intrinsic differences, the

terms quotas and reservations have been used interchangeably both by Bangladeshi and foreign scholars and political observers.

This paper provides a brief history of the quota, notes its salience in regard to the participation of women in legislative and electoral politics, assesses its workings and examines the ongoing discourse on the re-institution of quotas. In doing so, the paper touches on the standpoint of major actors in the debate as constructed.

Reserved Seats for Women in the Bangladesh Legislature

The Constitution of the Peoples Republic of Bangladesh provides for a 300-member parliament (the Jatiyo Sangsad). Originally the parliament comprised a total of 315 seats, of which 15 were reserved for women for a period of ten years. The 300 'general' seats represent single-member territorial constituencies that both men and women are eligible to contest. The 15 seats reserved for women were indirectly elected. Members elected to general seats constituted the electoral college for the reserved seats.

In 1978 a presidential proclamation enlarged the number of reserved seats to 30 (increasing the minimum guaranteed representation of women in the legislature from 4.7 percent to 9.9 percent) and extended the period of reservation to 15 years from

the date of promulgation of the constitution of the republic in December 1972. To trace the latter developments in brief, the constitutional provision lapsed in December 1987 and was re-incorporated into the constitution by an amendment in 1990 to be effective for ten years from the first meeting of the legislature next elected. This provision also lapsed in 2001. The present parliament, elected in October 2001, does not have reserved seats for women, as was the case with the House elected in 1988.¹

Reserved Seats: Making Women 'Visible' in the Legislature

The prime consideration for granting reserved seats to women was their political weakness in contesting male candidates for general seats. The quota or reservation was considered an appropriate political device for guaranteeing women 'protected' representation in the legislature. The constitutional debates over the draft articles incorporating the provision of the quota or reservation for women in the legislature basically centred on the number of seats to be reserved and the move was justified as a safeguard made constitutionally in view of women's drastically unequal political strength.

In 1972, the constitution framers thought that ten years would be an adequate period for women to acquire the skills and resources to enter successfully the arena of electoral politics. Thirty years later, in 2002, the demand to reintroduce the quota continued. During these 30 years, a total of eight parliaments were elected, of which only two contained reserved seats. The ongoing discourse envisages the quota as a tool for women's political empowerment and is premised on the affirmation of voter support gained through direct election to an increased number of legislative seats.

Quota: FOR Whose Benefit?

The electoral history of the Bangladesh Parliament shows that, beginning with the first election in independent Bangladesh, in 1973, the party that attained majority seats in the general election had its own women party members elected to the reserved seats. Electoral nominations in the early years indicate that the quota was treated as the sole avenue for women's entry into the legislature and the general seats were the monopoly of male politicians. The trend diver-

ged somewhat with the emergence of two women² as the leaders of their respective parties. On the path of their political career following their lateral entry into party leadership, they have sought a peoples' mandate and contested in direct election from multiple territorial constituencies as demonstrations of popular support and political strength. There is some inherent contradiction in that they have treated the general seats as a reservoir of political power, but have not taken proactive measures to encourage women of their respective parties to contest and claim these seats. This approach to reserved seats has left the entire electoral field open to male domination and control. The nominations awarded by the parties, especially the party that expected to win the majority of seats, reflected their stand on the issue: whether novice or experienced, women who aspire to hold legislative seats must find their way into the legislative arena via the pathway of the reserved seats. However, a few women from all three parties that held state power in Bangladesh, the Awami League (AL), the Bangladesh Nationalist Party (BNP) and the Jatiyo Party (JP), received party nominations to contest general seats and won. These women represent basically three categories: (a) those who had blood or marriage ties with the leadership, (b) a wife/daughter of a deceased member of parliament (MP), and (c) those whose political strength accrued from years of association with the party organization.

Segregated in the 'separate enclosure',³ as it were, the reserved seats also served as a 'vote bank' for the party in power, because it is the numerical majority of the party that enabled all of its nominees to get elected to the reserved seats.

The reserved seats also came to be bartered for the sake of building a majority alliance with a willing partner. The barter took place following a parliamentary election when the parties were in a position to assess their respective numerical strength in the legislature, and before the formal nomination process to the reserved seats began. In such cases, the leading party negotiated the support of a coalition partner in exchange, among other considerations, for a certain number of reserved seats. Such political understanding loosened the monopoly grip of the ruling party on the reserved seats, as the coalescing partner received two or three seats to nominate and get its women members elected as members of parliament.⁴

The provision of legislative quotas or reservation of seats for women in parliament benefited the ruling party, which explains to some extent the approach of the two major parties in Bangladesh to the ongoing discourse on quotas. The provision also benefited male politicians in control of the patriarchal party machinery, who demonstrated no political commitment to share the general seats that, being directly linked to constituencies, could contribute to or reinforce the political strength of women.

Quotas across the Board

Bangladesh's experience shows that the successful use of quotas (in terms of representation and participation) in the legislature is dependent on the existence of similar provisions along the way that leads to the legislature. In other words, there is a need for quotas in the executive or decision-making body of successive units of the party organization, stretching from the local to the national level, as well as in other decision-making bodies, for example, the parliamentary election committee entrusted with the nomination of party candidates. Political parties in Bangladesh, however, provide for, in pursuance of respective party constitutions, a women's affairs secretary in the party units at different levels. Parties also have women's fronts, which are relatively isolated bodies in terms of their interaction with the party leadership as compared to other front organizations of the party, such as the student front, youth front and trade union.

However, women legislators and political decision-makers on the whole did not attach importance to the need for the provision of quotas to be orchestrated in all representative and statutory bodies in order to maximize its gains.⁵ The theory of critical mass illustrates the strategic importance of numbers and proportions in terms of the capacity of a social category or group to influence the policy environment of the institution. The quota moves beyond numbers and involves commitment and capacity on the part of those whose entry was facilitated by the quota to intervene in policy issues. The ability and willingness to mediate and negotiate state policies in regard to the gendered interests of its citizens is a prime test for quotas. With a few exceptions, women members of the Bangladesh legislature have not served as advocates for women's rights in their capacity as legislators.⁶

Representational Issue: Dilemma of Representatives in Reserved Seats

Who does a woman legislator, elected to a reserved seat, represent? The issue of a women's constituency has surfaced from time to time in the nomination process for reserved as well as general seats. Being a transitory member of her natal family, a woman is not in a position to nurture and claim her constituency of birth. Being a stranger/newcomer to her husband's constituency area, she is also likely to face difficulty in adopting her constituency by marriage.

Women MPs also suffer the drawback of having to nurture constituencies, which, on average, are ten times larger than territorial constituency areas for general seats. This is due to the fact that, for the purposes of election to reserved seats, the country is divided into 30 electoral zones, while for the purposes of delimitation of constituencies for the 300 directly elected seats, the country is divided into 300 constituencies.

On the whole, women legislators elected to general or reserved seats tend to define their representational role in a broader sense. In the context of a patriarchal political culture, a woman MP faces some inherent political risks in being seen as an advocate of women's rights and issues even if she is committed to these causes.

(Male) MPs elected from territorial constituencies to the legislature have, on occasion, belittled the status of women MPs in reserved seats as nominated, and not elected, members of the House. There is also a strong popular perception that women members in reserved seats were nominated to the legislature by the majority party largely because the final stage of the electoral process, that is, the contest, did not take place, as no opposition candidates were put up. Consequently, the process of entry into the legislature devalued the political strength and status of women members in reserved seats, and quotas or reservation came to be viewed as falling short of 'genuine' representation.

The question as to 'who does a woman legislator elected to a reserved seat represent' is quite superfluous in view of the electoral process. The nomination process was more conditioned by the social network of political support, where 'social work' and some linkage (at the formal/informal/personal/family level) with the party organization were recognized. Nomination by the majority party spared its candi-

dates from the need to campaign and canvass for votes or to strengthen constituency linkages. Thus the allocation of electoral zones (women's constituencies) practically amounted to procedural formalization. This relative detachment from grassroots mobilization and dependence on the party leadership marginalized the political status of the reserved seats of parliament.

The Discourse on Quotas in Bangladesh

The framers of the constitution provided for the reservation of seats for women in view of the obstacles they faced in contesting elections. Their perception and that of subsequent (male) politicians reflects a paternalistic approach towards the reserved seats - affording visibility to a small group of women but not empowering them. Indeed, the method of election disempowered the reserved seats.

The women's movement in Bangladesh brought the issue of quotas to public discourse by voicing criticism of quotas as practiced and by articulating demands for redesigning or reintroducing the constitutional provision with some fundamental changes. In the construction of the debate, the movement urged for representation to be grounded in the grassroots, claimed a larger share of representation for women in the legislature and stood for negation of male domination in order to ensure women's political survival and advancement.

Coalition-building on the issue of quotas

The dissolution of parliament in December 1987 caught the women's organizations unprepared, as the House, elected in 1986 and carrying the reservation provision with it as stipulated under the constitution, was to complete its tenure in 1991. Nevertheless, individually and collectively, they reiterated their stand in conventions, seminars and conferences. They urged re-incorporation of the constitutional provision and were practically unanimous on two issues. They demanded an increase in the number of reserved seats (most put the figure at 64 to correspond with the country's 64 administrative units), and the introduction of direct election to these seats with a view to bringing women into the political mainstream. Several organizations also urged that political parties award a certain percentage of party nominations (the figures ranged between

ten and 20 per cent) to women for general seats.

The reservation provision was re-inserted into the constitution in 1990, to be effective from the next election to the legislature. The measure was one of political expediency; it retained the earlier system and was in no way attuned to the demands of the movement. The next legislature was elected in 1991 and the constitutional amendment thus came into force. Towards the end of the following ten years, the movement mounted a concerted effort to mobilize opinion and to create the necessary political will to provide for a quota system that reflected their stated stand. Before the impending dissolution of parliament in 2001, some 20 women's groups and non-governmental organisations (NGOs), mobilized by the Mohila Parishad (Women's council - the largest movement-oriented women's organization), lobbied the government, political parties and parliamentarians. Women activists instigated street activities, formed human chains, and staged rallies and symbolic protests. Women's organizations, civil society groups and NGOs shared discussion sessions. However, this heightened level of advocacy failed to have any impact.⁷

The women's movement offered various formulations with regard to numbers, basically in response to women politicians' concerns that the demarcation of 64 electoral constituencies covering the entire country would render electioneering unmanageable. The various formulations were also intended to assure that any scheme to increase the number of women's seats would also involve an increase in general seats and that women's constituencies were expected to superimpose on and not cut across the territorial constituencies, which constituted the power base of male politicians.

Most of those elected to reserved seats preferred the existing system, as it made the electioneering process less expensive, strenuous and uncertain. They distanced themselves from the movement on the grounds that direct election to women's seats would involve extensive campaigning, requiring both expense and political workers even if the contestants were all women. As practitioners of politics, they tended to regard the movement's stand as being rather detached from politics as it is. They also felt that the recent trends of extravagant spending and violence in elections seriously disadvantaged women's participation in direct election, which pitted

them against male contestants. There have been exceptions, though, who saw in the existing method of reservation the reasons for women's subservient status in politics and wanted the system to be replaced.

Political parties, with the exception of some leftist parties, do not give much credence to women's claim to 'substantial' and 'substantive' representation. The issue is not considered central to the political process. Parties have made pledges, based on strategic considerations, to take necessary steps to incorporate the movement's demands once elected to power. The pledges have not been redeemed on one pretext or another.

Following the formulation of the National Plan of Action after the Beijing conference, the Government of Bangladesh announced, in 1997, a National Policy for the Advancement of Women. The Policy called for a larger number of reserved seats in the legislature for women through direct election. The provisions of the draft Fourteenth (Constitution Amendment) Bill prepared by the AL government in 1999, proposing, in essence, the replication of an earlier system, trifled with an important policy declaration that aimed to strengthen women's political participation.

However, women's groups continue to lobby and agitate in a bid to push forward their demand. As the parliament convened for a session in September 2002, the women's movement took to the streets, spotlighting several issues, including the demand for women's seats. A source of weakness in relation to the movement's agitation for reserved seats has been an occasional tendency to put several issues on the platform, all of which deserved to be regarded as critical; lumping them together appeared to dilute the impact. Second, the movement's varied and at times shifting stand on the number of seats to be reserved and the method of election to be adopted appeared to undermine its underlying unity of purpose. Male party stalwarts called for consensus and unanimity within the movement as a precondition for any meaningful dialogue. A third factor that weakened the force of the movement was the occasional regrouping or re-mapping of strategic options by groups and organizations in order to be in a position to lead the movement and to perform a mediating role in negotiations.

Linking quotas to a time frame and the building of a political resource

Advocacy for implementation of quotas in Bangladesh has always stipulated a limited timeframe. Quotas are viewed as an interim measure and women politicians in the legislature were expected to build their political bases within the stipulated period. It was felt that quotas for women in party nominations to general seats would eventually make them redundant.

Gains Made Through Quotas

Quotas provided women with the only viable route to the legislature, as the successive parliamentary election results indicate. The number of women directly elected to the legislature is yet to exceed 2.5 per cent of the total 300 seats.⁸ Indeed, when a powerful woman party politician was defeated in the general election, she was later nominated by her party (which obtained a majority) for a reserved seat. Quotas, in providing women with a convenient conduit to the legislature, opened up for them the opportunity to enter the power spheres. In practice, they were nominated to the panel of chairpersons to preside over the House in the absence of the Speaker, Deputy Speaker and others in order of precedence, and as members of select and standing committees. They enjoyed access to distribution of goods and patronage and the potential to bring in resources, especially for development projects in their constituencies. They were relatively powerful women in a society where women are generally denuded and devoid of power. Also, being elected to the legislature made them eligible for ministerial positions.

A few of the women whose entry into the legislature was facilitated by quotas in course of time 'graduated' as active participants in national politics. They emerged as important members of the entourage of women leaders in electoral campaign trails and in supportive roles during risk-laden periods of political agitation.

Quota at the Local Level: How is it Different?

Article 9 under the Fundamental Principles of State Policy of the Constitution of Bangladesh stipulates the representation of women in local government institutions. Women's representation was first provided through nomination of two women members.

The nomination procedure gave rise to allegations of manipulation by the social elite and political hierarchy as well as by the civil administration. Later changes increased the number of nominated women members to three and provided for indirect election, giving rise to similar criticisms to those levelled against the process of indirect election prevailing at the national level.⁹ In 1993, direct election to reserved seats for women in the union parishad (union council) was provided for through legislation by parliament.¹⁰ Under the new provision, the first elections to the union parishad were held in 1997 and brought into the local government system some 12,828 women in reserved seats through direct election.

The direct election of women to local bodies has brought about a qualitative change in their role perception. On the whole, they have claimed a space within the local bodies and have raised spirited calls to have their terms of reference and spheres of activity defined. NGOs have come forward with projects to develop the skill and capacity of these members elected directly in seats reserved for women.

The bigger and richer national pie

Obviously, allocation of a one-fourth quota for women in local bodies through direct election demonstrates that there was strong political will to do so behind it. What explains the strong resistance to reintroduce quotas for women in the legislature (advocacy groups have put forward various figures but none have exceeded one-third)? Such resistance may be due to apprehension that any reorganization of constituencies through fresh delimitation with a view to accommodating the women's quota would expose some of them to the risk of losing their hold on the party organization and electoral constituency. There are bigger stakes involved in being closer to state power and higher prospects of access to resources and policies. Finally, patriarchal apathy towards women's claim to power, policy-making and inclusion in the public space could be a factor in shaping the response of political parties and leadership to quotas for women in parliament. Implementation of quotas would require amendment of the constitution. The ruling coalition led by the BNP has the necessary majority to carry forth an amendment. It seems that neither the AL nor the BNP would be

averse to reintroducing quotas as they were. What they are unwilling to accede to is the demand for implementing a meaningful quota.

Lessons Learned: Concluding Comments

Bangladesh's experiment with legislative quotas was conditioned by political factors and processes within which it operated. An analysis of these factors and processes highlights the following lessons:

1. The provision of quotas should be based on an understanding of the interface of power, politics and policies in terms of gender relations.
2. The purpose of quotas should be 'authoritative' representation rather than 'token' representation and hence adequate consideration needs to be given to issues of number/proportion of representation, selection/nomination and election procedures.
3. Successful implementation of the quota depends on its acceptance and endorsement as a workable device for achieving gender equity, by all major actors in the political process, including political parties.
4. The effect of quotas is facilitated when there is a relatively sizeable number of committed women members within the institutions/organizations/committees.
5. Success in advocating for the introduction of quotas by the women's movement is likely to be contingent on the movement's capacity to build strategic alliances across political parties, women's groups, women in politics, citizen bodies.
6. Provision for quotas enjoys a better prospect of implementation at the local level as it opens up women's access to limited resources and power only to deal with local issues. The perception of politics in terms of a zero-sum game on the part of the (male) political hierarchy and (male) party leadership in matters of access to state power and resources explains, to some extent, the resistance to quotas at the level of national politics.

What is the theoretical construct within which advocacy for quotas is grounded in Bangladesh politics? Discursive issues, such as whether men, who are the primary actors in politics, are able to mediate women's concerns have not featured in the discourse on the quota. The purpose of reservation of seats in parliament was not seen in terms of creating equality of opportunity or outcome for a disadvantaged social category. Reservation or quota was considered a convenient device to facilitate entry into the legislature by an excluded and vulnerable group. The idea of reservation or quotas as a strategy for political empowerment came into focus in later years. By then, the concept of women's empowerment was already in vogue in development dialogues and initiatives. The basic thrust of the argument for the reinstatement of quotas hinges on the right to political representation of half of the country's population. In other words, the argument was tacitly built around issues of democratic representation, governance and citizenship.

Annex 1: Provisions Regarding the Quota or Reserved Seats

Constitution of the Peoples Republic of Bangladesh

Article 65 (2)

Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election and, for so long as clause (3) is effective, the members provided for in that clause; the members shall be designated as Members of Parliament.

Article 65 (3)

Until the dissolution of Parliament occurring next after the expiration of the period of ten years from the commencement of this Constitution there shall be reserved fifteen seats exclusively for women members, who shall be elected according to law by the members aforesaid:

Provided that nothing to this clause shall prevent a woman from being elected to any of the seats provided for in clause (2).

Second Proclamation Order No IV, 1978

Article 65 (2)

Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election and, for so long as clause (3) is effective, the members provided for in that clause; the members shall be designated as Members of Parliament.

Article 65 (3)

Until the dissolution of Parliament occurring next after the expiration of the period of fifteen years from the commencement of this Constitution there shall be reserved thirty seats exclusively for women members, who shall be elected according to law by the members aforesaid:

Provided that nothing to this clause shall prevent a woman from being elected to any of the seats provided for in clause (2).

Constitution (Tenth Amendment) Act, 1990

Article 65 (2)

Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election and, for so long as clause (3) is effective, the members provided for in that clause; the members shall be designated as Members of Parliament.

Article 65 (3)

Until the dissolution of Parliament occurring next after the expiration of the period of ten years of the Parliament beginning from the date of the first meeting of the Parliament next after the Parliament in existence at the time of the commencement of the Constitution (Tenth Amendment) Act, 1990, there shall be reserved thirty seats exclusively for women members, who shall be elected according to law by the members aforesaid:

Provided that nothing to this clause shall prevent a woman from being elected to any of the seats provided for in clause (2).

Annex 2: Votes and Seats Received by Women Contestants in Parliamentary Elections

The following table illustrates the enormously vulnerable status of women in electoral politics.

Election Year	% of Women Candidates for General Seats	% of General Seats Won by Women*
1973	0.3	0.0
1979	0.9	0.7
1986	1.3	1.7
1988	0.7	1.3
1991	1.5	1.7
1996	1.4	2.3

Source: Chowdhury, Najma, 1994. "Women in Politics". Empowerment A Journal of Women of Women. Vol. 1, p. 42. Naribarta (Women's News, a Bangla newsletter published by Women for Women). Vol. 1, September 1996. Figures for elections held in February 1996 and October 2001 not included in the table.

* The third column represents figures following the surrender of seats where candidates won more than one, and those who subsequently entered the legislature via a by-election.

Notes and References

1. For successive constitutional provisions relating to quotas, see Annex 1.
2. They are: Begum Khaleda Zia, the present Prime Minister of Bangladesh and chairperson of the Bangladesh Nationalist Party (BNP); and Sheikh Hasina, past prime minister of the country, and presently leader of the opposition in parliament and party chief of the Awami League (AL).
3. The seating arrangement for women MPs in reserved seats inside the chamber of the legislature reflected their segregated status.
4. In the Fifth Parliament, the BNP gave two reserved seats to the Jamaat-I-Islami; in the Seventh Parliament, the AL conceded three seats to the JP; and in the current parliament, the BNP surrendered three seats to Jamaat.
5. A draft private members' bill submitted by a woman member in a reserved seat proposed a maximum two-third/minimum one-third formula for male and female representation respectively in the parliament, in the cabinet, in party nominations for elections, in parliamentary standing committees, in the higher judiciary, in the election commission and in the public service commission. The draft proposal, however, failed to elicit support among members, both male and female. Also, a private members' bill cannot propose a constitutional amendment.
6. See for example, Begum, Maleka, 2000. *Songroksita Mobila Asan Sorasori Nirbachan* (Bangla: Reserved Seats for Women Direct Election). Dhaka: Anyaprokash, p. 20.
7. Also see Chowdhury, Najma, 2001. "The Politics of Implementing Women's Rights in Bangladesh". In Bayes, Jane H. and Tohidi, Nayereh eds. *Globalization, Gender, and Religion: The Politics of Women's Rights in Catholic and Muslim Countries*. New York: Palgrave, pp. 207-208. Chowdhury, Najma, 1994. "Bangladesh: Gender and Politics in a Patriarchy". In Nelson, Barbara and Chowdhury, Najma eds. *Women and Politics Worldwide*. New Haven and London: Yale University Press, pp. 98-101.
8. See Annex 2.
9. For background, see Chowdhury, Najma, 1985. "Women in Politics in Bangladesh". In Qazi holiquzzaman, Ahmad et al. *UN Decade for Women 1976-85: Situation of Women in Bangladesh*. Ministry of Social Welfare and Women's Affairs, Government of the Peoples Republic of Bangladesh, pp. 259-63.
10. Ordinance 1983 as amended by Act No. 20 of 1993, section 3. See *The Union Parishads Manual*, 1998. Dhaka Law Reports, 2nd Edition 1998, p. 6.

6. Lobbying for Quotas: The Indonesian Experience in 2002

At the time of the workshop, Indonesia was a country-in-waiting regarding the implementation of special measures to increase the political representation of women, with various proposals for quotas being forwarded by the women's lobby. The workshop, therefore, provided interesting examples about how to lobby for, implement and evaluate quotas, and it served as a great opportunity to gain knowledge about different country experiences in Asia. It also provided impetus to embark on new strategies that may be applicable to the Indonesian political environment.

6.1. Overview of Presentation

Dr Chusnul Mar'iyah provided an overview on the status of women in politics and lobbying efforts that have been conducted by the women's movement around the quota issue. The application of quotas is considered by those demanding them to be the most expeditious means of increasing the representation of women in the political process. Dr Mar'iyah points out in her paper that the general opinion among the women's movement is that, if quotas aim to reduce gender injustice without a definite quota being introduced, injustice between men and women will remain. The issue of gender equality is often raised in societies in transition to democracy. The issue has become an integral part of the Indonesian political agenda when discussing such political concepts as democracy, citizenship and nationalism, which are often considered gender-neutral. In practice, these concepts are extremely gender biased. Political rights for women are basic human rights, and human rights are an integral part of democracy.

Dr Mar'iyah provided an overview of the debate regarding quotas in Indonesia, and some of the challenges that have emerged. At the time of the workshop, there was a debate about which law quotas should be legislated in, either in the general Law on Elections, or the Law on Political Parties. With regard to political parties, it was noted that it had been a hard battle to win them over, but five political parties - Golongan Karya (Functional Group Party in Indonesia), Partai Kebangkitan Bangsa (National Awakening Party), Partai Persatuan Pembangunan (National Development Party), Partai

Amanat Nasional (National Mandate Party) including FKKI (Awakening of the Indonesian Nation fraction) and Reformasi - were supportive of the quota debate. While there is general support among women's organizations for the implementation of quotas, there is a perception that there is a shortage of women wanting to enter politics. Other challenges include the economic condition of women. In Indonesia the discussion concerning quotas is closely linked with the overall socio-economic position of women: women need to be part of economic development. Political culture also tries to convince women that their most effective contribution is to be made at the local level; hence politics at the national level is seen as less 'attractive'. The internal mechanism of the political party recruitment system is the most challenging factor for the women activists or politicians.

As was mentioned in other presentations, Dr Mar'iyah noted the importance of examining political and social contexts when discussing gender issues. She stressed the importance of lessons learned from other countries seeking to implement gender quotas and to undertake comparative studies of gender in politics in the region as well as globally. She defines groups like civil society activists, political party members, academics and the media as important for positive developments, and stressed that greater cooperation between them was necessary to lobby the political establishment.

The issue of electoral systems has been an issue of particular interest for the women's movement in Indonesia. In developments since the workshop took place, in 2003, a new General Law on Elections was passed and the Political Party Law was amended. The electoral system to be used in the 2004 election is a proportional representation (PR) system with open lists. A 'weak' quota for women was included in Article 65 of the election law: 'Each participating political party may nominate candidates for the Dewan Perwakilan Rakyat (House of Representatives), Dewan Perwakilan Rakyat Daerah (Regional House of Representatives), and Dewan Perwakilan Rakyat Daerah I and II (People's Representative Council Provincial and District/City level), for each electoral district, giving consideration

to representation of women of at least 30%'.

This was a mild victory for the groups that had lobbied hard for quotas, and as a first step toward gender equality within political institutions it was celebrated. However, it also affected other political dynamics in Indonesia. For example, there are now 28 women among the 150 members of the Indonesian Electoral Commission at national, provincial and *kabupaten/kota* levels. However, the discussion and debate between different groups continues and the women's lobby is now focusing on providing training and skills development to potential candidates. The aspiring candidates have had the opportunity to meet with former and current parliamentarians to discuss strategies, and the international community has contributed information on the electoral system and candidate recruitment processes. The Indonesian quota discussion has moved from a theoretical discussion to a practical implementation phase, where women are working hard to develop their skills and capacity to stand for election.

6.2. Overview of Discussion

The participants were pleased to hear of the debate that has been ongoing in Indonesia and the mobilization of the women's movement. There was a discussion as to whether it is a better option to lobby for quotas within political parties, or whether it is preferable that quotas should be legislated in political party or electoral laws. Some country experiences show that if a majority party adopts its own party quota, then contagion may result and opposition parties may also include quotas. But there was no consensus as to what is the best method. In East Timor, the women's lobby advocated for both approaches, using the law as a first means, but lobbying for political party quotas as a fall-back strategy. But in Indonesia, most political parties do not support the idea of quotas, and there is also a problem of leadership within political parties, where the president herself is open in her criticism of quotas.

In terms of mobilization, it was noted that there is no 'consolidated' women's movement in Indonesia with a clear strategy and way of working. This has similarities with the Bangladesh case where the women's movement put too many issues on the agenda, which diluted the impact of having a consolidated women's movement. The implementation of quotas failed because the women's movement did not

have alliances with women in political parties, the media and civil society organizations. It was noted by the Indonesian participants that there is no strategic plan of action, and that alliances do need to be formed. However, there are different networks of women's organizations. One network lobbied members in committees where the laws are being debated, and also drafted an alternative electoral law with a minimum 20 per cent quota provision at the national, provincial and district levels. A second proposal was to allow independent candidacies so that women in parliament can unite without being restricted by party discipline. It was also noted, though, that not having a consolidated women's movement may also be an advantage if there is mobilization among and pressure from different sectors of society. It was also noted that it is important to include men in lobbying efforts and that alliances should be sought with the media.

In the Nordic countries, a strategy was employed of doubling the number of members of committees to avoid conflicts with men, and that way to comply with the quota provision. The women's lobby also works with nomination committees of political parties, as they determine who will be on party lists. Women argued that this was where a 50 per cent quota for women should apply.

It was also pointed out that there are negative aspects when only women lobby for women's issues, as that takes the onus off men to address those issues. In this sense, the resource argument can be used, where women and men together define the common good, as is the case in France. It may be more advantageous to talk about gender and governance than to talk about women's issues in political decision-making. Men should be included in lobbying efforts around quotas and in discussions about gender issues.

The Political Representation of Women in Indonesia:

How Can It Be Achieved?

By CHUSNUL MAR'YAH

Introduction

In recent years, the issue of the representation of women and their participation in the political process has become increasingly significant in Indonesia. On at least two occasions, on 22 December 2001 and 21 April 2001, the president gave speeches to women activists in which she pleaded with them not to press for a quota, on the grounds that its implementation would have an adverse affect on the standing of women. It is clear that many politicians have a poor understanding of the importance of the representation of women and their participation in the political decision-making process. It remains to be seen how the increasingly expressed demands of women activists in political parties to raise the level of female representation in the political process (as a fundamental human rights issue) will be addressed.

The demand for a quota system for women is a demand for a policy that achieves a measurable outcome. The quota mechanism is considered by those demanding it to be the fastest means of increasing the level of representation of women in the political process. Affirmative action through the imposition of a quota has even been proposed for professional recruitment processes in other areas. A quota is a mechanism for reducing gender injustice; without a definite quota, gender injustice will continue to occur. The issue relates to the *politics of presence*.

The debate concerning the increased representa-

tion of women through the imposition of a quota is an integral part of the debate regarding the development of a democratic political system built on the principal of gender equality. The demands for a quota are an integral part of the demands for women's rights in the political sphere. Why are political issues important for women? Because women form the majority of citizens in this country, yet their rights as citizens are given insufficient consideration, and they are continually marginalized in the decision-making process. In this short essay, issues related to the quota will be explored, and examples of implementation in various other nations will be examined in order to determine how a similar quota should be introduced in Indonesia in order to develop a democratic political culture.

What is a 'Quota'?

Political concepts such as democracy, citizenship and nationalism are often considered neutral. In practice, however, they are extremely gender biased. Political rights for women are basic human rights, and human rights are an integral part of democracy. The involvement of both women and men in the decision-making process is a *sine qua non* in democracy. The quota is a mechanism for achieving a significant increase in the level of representation of women in the political process and a means for ensuring that

women's political interests are represented.

A quota for women is intended to ensure that women hold a specified percentage of positions in political parties, parliament, state committees and government institutions. The quota system is a mechanism to reduce obstacles in the recruitment process, not at the individual level, but at the level of those who control the recruitment process. It is often said that the problem lies in the availability of women qualified for the positions in question, or that women are not interested in becoming involved in the political arena. This issue relates to the social and cultural context of the nation. In the context of modern political life, a quota system ensures that the recruitment of women into political life is guaranteed to reach the significant level of 30 per cent. The quota is a provisional mechanism to ensure the recruitment of women into the political domain so that political, economic and ideological obstacles in the path of women's progress are minimized. In short, the quota is intended to overcome prejudices that prevent the entrance of women into the political arena.

The quota system can also be implemented in a gender-neutral fashion. For positions usually dominated by women, the quota system can be utilized by men. In practice, though, it should be noted that, within sectors in which women predominate, men often control leadership positions. For example, many studies have demonstrated that, in the areas of cigarette production and electronics assembly, a majority of workers are women, who are valued for their perceived manual dexterity in repetitive tasks. However, management and supervisory positions are usually held by men. A quota system could become a mechanism for increasing productivity, because with the implementation of a quota, we would not suffer the loss of half of the available human resources in Indonesia.

Comparative Experiences

Over the past decade, a number of nations have achieved significant increases in the proportion of women in national representative institutions. This has been supported by the Beijing Declaration for Action in 1995 and the Inter-Parliamentary Union (IPU) conference in New Delhi in 1997. A 1995 United Nations (UN) Progress Report, which analysed gender and development in 174 countries, stated:

While it is true that there is no direct connection between the level of participation of women in political institutions and their contribution to the advance of women, a level of representation of 30% in political institutions can be considered critical to ensuring women have meaningful influence in the political process. (IFES)

There are several different examples of how a quota has been utilized in the political process. First, a quota has been implemented through legislation in Italy to achieve a level of representation of 50 per cent; since 1993, Argentina has imposed a quota of 33 per cent; Brazil has a quota of 20 per cent; and India has a quota at the local level. In France, the level is 50 per cent. Second, a quota has been implemented through electoral legislation requiring political parties to present female candidates. In Argentina, there is a quota in districts of true believers, or winnable seats. Third, political parties often have a policy of implementing informal quotas. For example, the African National Congress in South Africa imposes a quota of 30 per cent. The Labour Party in Australia and the PJ (Justicialist Party) and the UCR (Radical Civic Union) in Argentina also impose informal quotas.

In addition, a quota has been imposed through the constitution in a number of nations, including Uganda, where 39 seats are reserved for women. In Argentina, electoral legislation since 1993 has required political parties to select women candidates for at least 30 per cent of winning seats. The number of women members of parliament in Argentina is 33 per cent. In India, a quota of 30 per cent at the local level is enshrined in the constitution.

What About Indonesia?

The opinion expressed by President Megawati Sukarnoputri in various speeches that a quota for women would denigrate the position of women must be considered highly debatable.

First, in the context of the social problems of corruption, collusion and nepotism that have destroyed the nation's economic system and social capital, this issue must be considered as one related to the dignity of the country. The crisis of trust between members of the community and the state has resulted in the outbreak of extreme communal violence. State violence and communal violence, even domestic vio-

lence, appear to be a common occurrence in our country. Look at the cases of Aceh, Ambon, Irian Jaya, Poso, Sambas and Ternate. Who are the actors in these war-making forces? The question is whether women have been involved in negotiations in Aceh (in fact, following criticism on this issue, a few have been included) or in Poso? We must ask whether the majority of women citizens of Indonesia are truly regarded as citizens or stakeholders in this nation. Thus, the contribution of women is required to resolve national problems.

Second, in the political sphere, what percentage of members of the DPR (Dewan Perwakilan Rakyat, House of Representatives) or MPR (Majelis Permusyawaratan Rakyat, Consultative People's Assembly) are women? Approximately nine per cent of members of the DPR, and an even lower percentage in the DPRD I (province) and DPRD II (district) are women. In fact, there are no women members in some DPRD II in several provinces. The percentage of Echelon I civil servants in Indonesia is only 4.3 per cent, while only two members of cabinet are women, in addition to the president. According to an official government report, there are no women *Ulama* (religious scholars) in Indonesia. This is because the concept of the *Ulama* is identified with men, despite the fact that many religious scholars and experts are women. In Indonesia, not one single chairperson of a KUA is a woman, despite the fact that there are 6,000 such positions. No woman holds the position of provincial governor, and only 1.5 per cent of regents/mayors, or six individuals, are women.

What is the condition of our political system? At present, Indonesia is displaying its ugliest characteristics. As Peter Merkl has stated, politics has a 'good face', when it is involved in the establishment of a just social system. However, politics also has an 'ugly face', when it is involved in the search for power and wealth for its own sake. One way of improving the welfare of members of the community would be to involve both women and men in the decision-making process.

Third, the economic crisis that began in 1997 has had different effects on men and women. Women's health conditions have declined because, for example, a housewife traditionally eats last at mealtimes. The government has not paid attention to the establishment of policies targeting women. Indonesian

women working overseas (TKW) form a significant force in the economy these days. What strategies has the government implemented to protect these women? There have been many cases of these women being exploited, even raped, by their employers overseas. At the same time, macroeconomic policy has not addressed the issue of improving conditions for women. The problems of domestic economics and unemployment have not become a priority for the government.

Thus, if we are addressing the issue of the standing of women, we should first examine the existing political and social context. Let us analyse the means by which the position of women can be improved in the democratic process. Let us learn from the examples of countries that have successfully implemented affirmative action through the imposition of a quota to determine the strengths and weaknesses of these systems. We also need to undertake studies of gender in politics. The male stream theory of politics is still dominant in Indonesia. Development of a new political theory that engages the issue of gender has yet to occur in Indonesia. There are extremely few political scientists who have conducted studies on the deconstruction of male stream political theory. Gender blindness in political science in Indonesia and male domination of the political process have prevented the achievement of gender justice in the realm of politics. Consequently, the demands for a quota system by women activists in political parties, non-governmental organisations (NGOs) and in academia are extremely relevant in this context.

Until now, the government and the majority of women's organizations have placed greater emphasis on practical issues affecting women. For example, issues like women's poverty, poor health, and low levels of education have been addressed through measures intended to generate income for women through the establishment of cooperatives and other means, to improve health by opening mother and child health clinics, and to improve education by opening schools. However, since independence, there have been few strategies to address directly the issue of why women are impoverished, because this has not been a national priority.

The establishment of a policy to ensure the involvement of a critical mass of women in the political process is not merely the president's responsibility. However, the president could become the leader of

an initiative to achieve this goal. This issue must become the responsibility of all elements of the community and the state, including the executive and the legislature, as well as political parties, NGOs, the media and the academic world.

Conclusion: Affirmative Action Through Quotas

We hope that a policy of affirmative action will change the face of politics by drawing attention to the issue of gender justice. This issue should not be seen in terms of a 'gift' (to women) of positions on state committees, but in the context of the need for the state not to lose more than half of the potential leaders required to solve the nation's problems - a nation in which more than 51 per cent of citizens are women. In order not to lose valuable human resources, a quota is essential. By involving women in the decision-making process, the process of democratization can begin. Democracy without the involvement of women is not democracy.

Affirmative action is a policy to reduce gender injustice. When the goal of true equality is achieved through education and throughout all areas of the nation's life, affirmative action will no longer be required. We are still in a society that is highly discriminatory of women. Existing stereotypes of women create prejudice. The quota is a provisional mechanism to achieve the objective of accelerating the rise in the level of women involved in the decision-making process. With a quota, we can reduce the level of injustice and discrimination practiced against women. Without a quota, such injustice and discrimination will continue. Drude Dahlerup's chapter in the *Women in Parliament* handbook provides a complete overview of the necessity for affirmative action and of the experiences of other countries, demonstrating that it is required to improve the situation of the majority of citizens of this nation and showing that justice is a required principle in the development of a country.

Conclusion:

Lessons Learned from the Asian Experience with Quotas

Julie Ballington and Cecilia Bylesjö

At the workshop in Jakarta in September 2002, various types of quota provisions were discussed, including constitutional, legislative and political party quotas, with constitutional quotas being implemented in India and Bangladesh, legislated quotas practiced in Pakistan and political party quotas introduced in East Timor. Asia provides some of the earliest examples of reservation in the world, with Pakistan implementing 'reservations' as far back as 1956, and Bangladesh implementing reserved seats for women in the 1970s, although on a small magnitude of between five and ten per cent. As a region, there is a tendency for quota provisions to be legislated, although some political parties have implemented their own informal party quotas, as is common in Western Europe and parts of Africa. There is also a tendency for quotas to take the form of reserved seats, a popular method of quota implementation in first-past-the-post systems, which tend to predominate in the region.

The comparative analysis that emerged from the workshop is extremely valuable for identifying strategies for quota implementation and for assessing both positive and negative lessons learned. The workshop began with key questions: what is the likelihood that quotas will be introduced? What is the likelihood they will be implemented? And what is the likelihood that they will lead to the empowerment of women? In the case of Indonesia, it emerged that there is a strong mobilization of women with many organizations involved, and that there are win-

dows of opportunity for reform, given that the electoral system is being debated and that the political party law is being reformed. It is also important to note how the argument for quotas is being articulated - what kinds of arguments are being forwarded for the inclusion of women in democracy building, in terms of citizenship and in terms of the resources that women bring to politics. In respect of successful implementation, it emerged that preciseness in the terms of sanctions for non-compliance is the key. It is not apparent that quotas will lead to the empowerment of women, but, as the case of Pakistan illustrates, training and capacity-building are two components needed for a successful result.

Some of the main lessons from the region include the following.

Quotas Open the Door to Women in Politics

The examples presented at the workshop confirmed the prime argument used for quotas: if properly implemented, they are an effective means of fast-tracking women's access to decision-making bodies. In India, analysts acknowledge that the quota brought a critical mass of women to institutions, with nearly one million women entering councils at the local government level. In Pakistan, the 33 per cent quota adopted by the government opened up the political space to women and provided a strategic opportunity for women to make a difference in setting and implementing the agenda of local

governments. Women from different socio-economic, political and religious backgrounds took their places on local councils, demonstrating that the quota indeed opened the door for disadvantaged groups.

Quotas are Controversial

The case of East Timor is illustrative of the controversial nature of quota implementation. While the UN administration had initially endorsed the use of quotas in some forms (particularly at the village and district level and in the administration of the UN), when it came to electoral administration, quotas were rejected, with UNTAET stating that: 'Electoral quotas for women (or any other group) do not constitute international best practice for elections'. East Timor is also illustrative of the argument often used by those opposing quotas, namely that unqualified women will be elected, that candidate selection is a party prerogative best based on merit, and that there is a shortage of 'willing' women to contest the poll.

Sharing Power with Men

Introducing quotas for women implies that their access to political power will increase, but this suggests a commensurate decrease in access to power by men, which many view as a threat. The issue of sharing power was viewed not as taking power from men but rather as distributing power evenly among citizens in the development of a democratic system. This perception emerged in the discussion on India, a country that has a long history of applying reserved seats (for scheduled castes). The participants raised the problem of passing the Reservation Bill at the national level, and whether this was in any way tied to a perception that real power does not lie at the *panchayat* level but at the national level, which created a reluctance to give up that power. This was also noted as a problem for Indonesia, where women have confronted the challenge of convincing men that the objective is not to take their power away, but to become equal partners in power sharing. An important strategy is to develop arguments that convince men of the merits of power sharing and that their power will not be reduced. In order to make room for women in politics, traditional concepts of 'merits' as synonymous with men's experiences must be challenged

Reserved Seat MPs versus Political Party MPs

An important area of investigation is the experiences of governing by women elected to reserved seats. Evidence from suggests that, with the advent of reserved seats in parliament for women, there was little pressure exerted on the political party to change or to take on the concerns of women. Chowdhury notes that the quota was treated as the sole avenue for women's entry into the legislature while 'general' seats were considered the monopoly of male politicians. Therefore, parties demonstrated no political commitment to share general seats with women. In this way, quotas may act as a 'glass ceiling' for women, as parties become less willing to address gender issues because women have 'their seats'.

A further issue raised was: who do women legislators in reserved seats represent? While quotas ensure that a proportion of women are elected, there is often an expectation that those MPs whose election was facilitated by the quota should intervene in policy issues. By and large, women in Bangladesh have not served as advocates of women's rights. The system by which they are elected into politics not only limits their possibility of becoming political actors in their own right but also limits their role as advocates for women's issues. Women who seek to introduce a gender perspective in politics may risk their own position in the political establishment. If a woman is elected through special measures she is also not seen as a full member of parliament, and, with no constituency behind her, she might lack a power base of her own.

Quantity versus Quality: Do Quotas Empower Women?

A theme that was often touched on in the discussions related to whether quotas really lead to the empowerment of women. While quotas ensure women a presence in parliament, there is no guarantee that women will be able to use that power effectively. The debate about quotas in Bangladesh continues today, with many criticisms of how reservations have in the past afforded women visibility, but not empowered them. The women's movement in Bangladesh has brought the issue of quotas into public discourse by voicing criticism of quotas as practiced previously and by articulating demands for fundamental changes to be made to the constitutional provision.

Dr Raman points out that a similar scenario is apparent in India where some women activists and scholars have seriously questioned the efficacy of reservations as an instrument for the achievement of equality. These scholars stress that the experience with women's reservations in the institutions of local self-government has not been entirely positive and that women need to traverse a long road before they reach the steps of parliament. These groups question the manner in which local government institutions have functioned, the dire need for training of women and the need for greater gender sensitivity in the administration. However, the reservation system in India did allow women to enter local government, largely for the first time. What is not apparent is whether the impact women are able to make is hampered by the reserved seats they find themselves in, and how this may differ to PR systems, under which, typically, political party quotas are implemented.

This issue was of interest to the Indonesian participants, as much of the discourse has focused on the qualitative aspect of gender equality and the need to look beyond numbers to develop strategies to increase women's skills and ability to participate actively in politics. The issue has become important as Indonesian politicians have questioned women's competence and ability to stand for election and the contributions that they can make to developing democracy. These arguments have been articulated not only by males but also by the female politicians already involved and positioned within the political establishment.

Training and Skills Development

The experience of Pakistan highlights how quotas and skills training are used as simultaneous strategies for the empowerment of women. The shortcomings of many inexperienced politicians are acknowledged but measures are being taken to empower both women and men that are new to politics. As Dr Reyes argues, the empowerment of women is one of the fundamental tasks in building gender equality, and women need to use their critical mass to affect public policy, particularly that related to poverty reduction, the biggest challenge in Pakistan. Mentoring and education programmes are being implemented, using hands-on, participatory popular education methods. She highlights the importance of training and the need to educate not only women

in powerful positions but also women at the grassroots level to overcome the stereotypes of politics and politicians.

Are Quotas a Temporary Measure?

In Bangladesh, reserved seats have always been instituted on a temporary basis. Following the expiration of the last quota provision in 2000, the representation of women decreased from nearly ten per cent to two per cent in one election. This raises important questions around whether quotas should be instituted on a temporary or permanent basis. Some of the participants argued that quotas should be considered as a temporary measure, not only for strategic reasons when seeking to have them introduced, but also because the quota in itself should change perceptions about gender equality, thereby levelling the playing field for men and women to contest elections on an equal basis. However, the example of Bangladesh illustrates that timing is extremely important and that quotas should not be abolished until the political playing field is truly even.

Women's Networks and Mobilization

The papers suggest that a strong women's network and civil society support are key to successful introduction of quotas. For the implementation of quotas, pressure should not only come from above but also be supported from below. This is clearly illustrated in the cases of Bangladesh and East Timor, where networks of women continue to lobby for quota implementation, although they have not yet succeeded in the legislature. The Indonesian example also illustrates how creating and maintaining networks and the mobilization of women can have successful results. An important lesson was how organizations worked with extended networks among women, from both formal political institutions as well as from the grassroots level, at a critical time when both the electoral law and political party laws were being redrafted.

The Rules of Implementation are Important

Professor Dahlerup cautioned that, while significant gains have been made in Scandinavian countries, they should not be considered the model, as it took 80 years to shift from no women in parliament to 35-45 per cent. In Scandinavia, quotas were not

introduced until women already had obtained 20-25 per cent in parliament, thus consolidating women's political power. Quotas ensure a quantitative jump, shifting from a concept of equality of opportunity to equality of result. However, this will only happen if quotas are properly implemented. In Sweden, the Social Democratic Party has an internal quota of a minimum of 40 per cent women, combined with a 'zipper' system (alternating one man, one woman on the party list). Similarly, the African National Congress party in South Africa has a 30 per cent quota for women. Yet countries like France have different electoral systems and different quota rules, which have a direct effect on the number of women elected in the system. For example, the implementation of quotas was successful at the local level but less successful at the national level in France. Therefore, extensive research is required about the introduction, implementation and enforcement of quotas in different political and social contexts and in different electoral systems. Other issues to consider include whether there are sanctions for non-compliance, and agencies that enforce compliance, whether quotas are temporary or permanent and what other types of quotas exist, such as quotas based on geography or language.

Country Contexts are Important

The discussion concerning identifying, implementing and evaluating quotas within an Asian context highlighted the importance of considering country-specific contexts. If quotas are being implemented in countries with a limited history of women's mobilization and women's integration into political life, the type of quota intervention needs to be chosen carefully and determined by the social and cultural contexts and political climate in the country. The high number of countries in the Asian region undergoing development and transitioning to democracy has opened up the space for articulating a political agenda that includes women, and thereby possibly laying the foundations for controversial measures like quotas. The participants also pointed out the importance of discussing gender quotas within the specific Asian context where there is a strict hierarchy among classes and castes, and where divisions exist based on religion, culture and ethnicity. This was exemplified in the case of India.

In many aspects, these challenges are summed up

in the case of Indonesia. Cultural barriers and stereotyping of women were presented as obstacles to women's political participation in Indonesia. Politics is viewed by many women as dirty and corrupt, which acts as a deterrent. Violence connected to politicking is also prevalent in Indonesia, where the 1998 riots have been followed by increasingly high levels of violence. The risk of violence increases closer to the election, and for women who are considering entering politics, this is a major hurdle to overcome.

The Need for Further Research

The successful implementation of quotas seems to depend on well-developed strategies and strong civil society mobilization, as well as political will. But the lack of comparative research makes it difficult to generalize about successful strategies and to present 'best cases' of how quotas can be implemented. It is, therefore, extremely important to generate more comparative research and to learn both positive and negative lessons of individual country experiences with quotas. Questions such as the likelihood that quotas will be introduced and implemented and whether they will contribute to the empowerment of women should be studied and compiled as case studies in a global context. The study should focus on the discourse, including the proponents and opponents of quotas, what political parties believe and how quotas were put on the legislative agenda. Enforcement and the consequences of implementing quotas are an important part of such a study. The examples and experiences contained in this report are not only relevant to the Asian context but should also be seen to contribute to a growing awareness of the need to generate global and comparative knowledge about quota implementation and enforcement. While there is agreement that there is an emerging 'quota fever', there is also some agreement that quotas in themselves are not sufficient to change fundamentally women's systematic under-representation. Yet quotas are a key step towards ensuring inclusive decision-making processes and policy development, thereby involving women in the decisions that have a direct bearing on their lives and the lives of their families. Underpinning all efforts is the need to foster political will that nurtures and promotes true gender equality.

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