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Guarantees for Representation: Designing Electoral Quotas for

Women and Minorities

Elin Bjarnegård and Pär Zetterberg

Department of Government

Uppsala University

P.O. Box 514

SE-751 20 Uppsala

Sweden

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Abstract:

This paper explores the underlying motives for ensuring the political inclusion of marginalized groups. More specifically, it analyzes whether laws guaranteeing representation are designed differently for women and minorities and, if so, whether these differences correspond to normative arguments for group representation. We use a novel research strategy by comparing quota designs in all countries that have adopted quotas for both groups. Theoretically, we reconceptualize the relevant distinction between quota types, by focusing on whether a special constituency is created or not. We identify substantial differences in quota design between the two groups. Minorities tend to be guaranteed representation through the creation of special constituencies, whereas gender quotas more commonly imply an integration into the pre-existing constituencies. The analysis largely supports those who argue that quotas for minorities aim for protection of the group in question while gender quotas aim for women's integration into the political system.

A recent trend in processes of constitution-making and electoral reform is the provision of guarantees of political representation for marginalized groups. Granting women and minorities increased access to representation is common, for instance, in democratization processes and in post-conflict societies and peace agreements. Today, the constitutions or election laws of more than 30 countries include electoral quotas¹ for the wide variety of different groups (e.g. ethnic, religious, occupational, and age-based) that commonly go under the name of ‘minority groups’ (e.g., Krook & O’Brien, 2010; Reynolds, 2005). Gender quota policies have been adopted in approximately 50 countries across the globe (Dahlerup, 2007; Krook, 2009). Yet, a fairly limited number of studies analyze and compare the adoption of quota policies for both groups (notable exceptions include Htun, 2004; Htun & Ossa, 2013; Hughes, 2011; Krook & O’Brien, 2010); most research on electoral quota adoption concerns either quotas for women (e.g., Dahlerup, 2006; Krook, 2007, 2009; Meier, 2004; Murray, Krook & Opello, 2012) or quotas for minorities (e.g., Bird, 2014; Reynolds, 2005, 2011). We thus know relatively little about the potentially different underlying motives for ensuring the political inclusion of different groups.

This paper aims at filling this gap by analyzing whether laws guaranteeing representation are designed differently for women and minorities and, if so, whether these differences correspond to different normative arguments for group representation. Literature on group representation suggests that the roots of political exclusion are different for different groups and that representational guarantees for women and specific minority groups therefore have different aims and seek to remedy different problems. Whereas it is argued that the introduction of quota policies for minorities rests on an underlying motive to protect the group

¹ We define electoral quotas as affirmative action measure that establishes a percentage or number of candidates or representatives of a specific group (see also Dahlerup, 2007).

in question from the hegemonic political procedures, the adoption of gender quotas is suggested to be driven by the aim to better integrate women into the existing political system (e.g. Kymlicka, 1995). We analyze these propositions by using a novel research strategy, as well as a new and innovative conceptual distinction between quota types. Theoretically, instead of the conventional distinction between reserved seats and candidate quotas (e.g., Dahlerup, 2006; Htun, 2004; Krook, 2009), our focus is on whether special (separate or overlapping) constituencies are created for the targeted group, or whether the quota is instead incorporated into already existing constituencies. We suggest that such a distinction better captures the extent to which an electoral quota is designed in a protective or integrative manner.

Empirically, we compare the design of electoral quotas for women and minorities in a specific set of countries: those that have adopted quotas for both groups. A within-country comparison enables an analysis in which we are able to hold constant particular historical and country-specific factors that some scholars on quota adoption have suggested account for differences in quota design across groups (e.g., Krook and O'Brien, 2010). If the normative arguments about protection and integration do correspond to lawmakers' separate justifications for why representational guarantees are warranted for minorities and women, quota legislation for minorities will more commonly stipulate constituency formation whereas gender quota policies in the same country will more often be designed to operate within the pre-existing constituency boundaries.

By conducting a detailed analysis of constitutions and election laws in 13 countries (or territories) we identify a difference in quota design for women and minorities and demonstrate that there is a clear correspondance between normative arguments for group representation and actual policy designs: quotas for minorities are generally designed in a more protective

manner than those for women. In contrast to gender quotas, representational guarantees for minority groups are in most of the analyzed cases achieved by the formation of a special constituency that defines and circumscribes the competition (i.e. who may stand for election) and the electorate (i.e. who is allowed to vote). Taken together, the analysis contributes conceptually, metodologically, and empirically to the building of a research agenda on electoral quotas in a comparative perspective, and more broadly to an increased understanding of the underlying motives for including different groups in policy-making.

Groups and representation: Problems and solutions

Although the arguments for representation of different groups are often compared in normative theory (e.g., Kymlicka, 1995; Mansbridge 1999, Young, 2000), there have been relatively few systematic empirical comparisons between the design of quotas for women and quotas for minority groups (notable exceptions, on which we draw below, are Htun, 2004; Krook & O'Brien, 2010). As of yet, we do not know to what extent quotas for different groups function in the same way, and can be studied in the same manner, or if they are fundamentally different.

Htun (2004) argues that ethnicity as a political cleavage is different from gender as a political cleavage. Whereas gender cuts across ideological and partisan differences, she claims that ethnicity does, to a larger extent, coincide with such differences. Consequently, because of these different group characteristics, she points out that 'different remedies for under-representation are logically appropriate for each group' (p. 439). Htun argues that ethnic minorities are suited to be guaranteed representation through self-reinforcing measures that provide the group in question with certain autonomy. For women, on the other hand, self-cancelling remedies that aim at integrating the targeted group in the regular political process

are more appropriate. By analyzing electoral democracies, she suggests that countries that adopt quotas for minorities adopt a different type of quota from countries that wish to improve the representation of women (Htun, 2004).

We take this claim that quotas for different groups may be different in character and design as our starting-point. In order to fully understand the adoption of quotas and to what extent potential differences in design are due to different perceptions of the groups in question, however, we need to move beyond a focus on group characteristics and take the actors behind the quota design – the lawmakers – into account. To do so, at least indirectly, we make use of Bacchi’s ‘What’s the Problem?’ approach. This approach challenges the conventional view of public policy as a simple government response to an exogenous problem. Governments, Bacchi claims, do not just react to problems; they are active creators of problems. How problems are perceived has implications for how they are discussed and for which solutions are seen as possible. ‘At its most basic, the insight is commonsensical – how we perceive or think about something will affect what we think ought to be done about it’ (Bacchi, 1999, p. 1). Without directly asking lawmakers about their underlying motives, we use this approach as a tool to indirectly chisel out which problem descriptions that form the basis for a specific electoral quota design. In other words, if lawmakers perceive the under-representation of women and minorities as two different types of problems, we should also be able to discern differences in quota design.

The problems: Normative arguments for group representation

In order to identify potential problem descriptions underlying the under-representation of different groups, we turn to normative theories of group representation. There is a long-standing scholarly discussion about the origins of and remedies for political exclusion of

marginalized groups (e.g., Kymlicka 1995; Mansbridge, 1999; Phillips, 2005; Williams 1998; Young, 2000). The debate concerns the legitimacy of different arguments for group representation. The discussion has centered on when, why and for whom special measures should be considered, as well as on appropriate measures for different groups. It is argued that certain groups, under certain circumstances, experience problems that justify guarantees for representation in the constitution or in the electoral code. These normative arguments for group representation thus rest on specific problem descriptions that are based on interpretations of the origin of the exclusion (cf. Bacchi, 2009). Kymlicka (1995) identifies two common and legitimate grounds for representational guarantees: systemic discrimination and self-government.

The systemic discrimination argument applies to groups in society that historically have been oppressed and therefore are also disadvantaged in the political process (Kymlicka, 1995; Young, 1989, 1990). As Kymlicka argues, ‘the historical domination of some groups by other groups has left a trail of barriers and prejudices that makes it difficult for historically disadvantaged groups to participate effectively in the political process’ (Kymlicka, 1995, p. 141). Importantly, from a systemic discrimination point of view, any guarantees for group representation should aim at reaching a society where discrimination no longer takes place and where an active measure for group representation is no longer needed. In other words, any remedies should be of a temporary character, only to be in place until the group is fully integrated into the polity. Giving this group special representation is both a compensation for past discrimination and an attempt to work against future discrimination (Kymlicka, 1995).

The self-government argument, on the other hand, usually applies to groups in society (e.g., national minorities) whose different cultural identities and specificities have not been sufficiently recognized. Minority groups that have a right to special representation should be

defined as belonging to separate nations or peoples. The idea is that a certain degree of political autonomy is needed ‘to ensure full and free development of their cultures and the best interests of their people’ (Kymlicka, 1995, p. 27). Self-government is, thus, an argument about protection, a bid to make the group permanently politically relevant (Kymlicka, 1995).²

Bringing women and minorities into this discussion, it has been suggested that systemic discrimination describes why women have been excluded from politics. Women have simply not stood the same chances of being nominated and elected as their male counterparts. In other words, the problem is represented to be that women have not been sufficiently integrated into the political system. Minority groups, on the other hand, have suffered from the lack of sufficient autonomy and self-determination from the hegemonic political procedures in place. In other words, the problem is represented to be that the specificities of minorities are not sufficiently protected by the political system. Thus, the underlying problems that justify representational guarantees for women and for minorities appear to be somewhat different.

The solutions: Designing electoral quotas

Moving from problem descriptions to subsequent solutions (cf. Bacchi 2009), it is important to note that different solutions are indeed possible. Measures to ensure increased representation of marginalized groups can range from an extension of practices already taking place in electoral institutions, such as drawing the boundaries of constituencies so that they will correspond to ‘communities of interest’, to more direct interventions of quotas for

² It should be noted that these normative arguments for group representation generally do not encompass more pragmatic reasons for including specific groups, such as power-sharing arrangements put in place to stabilize a divided society that has suffered from intra-state conflicts (cf. Krook & O’Brien, 2010; Lijphart, 1977).

legislatures. Even within the group of electoral quotas there is considerable variation in design. We now take a closer look at empirical research about quota design for different groups. The two main comparative and cross-national studies on the subject do not reach the same conclusions as to whether there are systematic differences in the design of quota policies for women and minorities.

In an empirical analysis of electoral democracies, Htun (2004) claims that women tend to receive candidate quotas, whereas the representation of minorities is more commonly ensured by reserved seats. Candidate quotas require political parties to put a certain number of people from the targeted group on the candidate lists. Reserved seats, on the other hand, refer to a minimum number of parliamentary seats that are earmarked for individuals of the under-represented group in question. In line with Htun's (2004) argument that gender is a cleavage that cuts across political parties, candidate quotas are suitable for women because they target political parties' internal nomination processes. Reserved seats, on the other hand, are often, but not always, add-on seats, filled after the election (Baldez, 2007; Krook, 2009). According to Htun (2004), reserved seats are suitable for minority groups because they grant them a certain degree of autonomy and independence from the system and thus cement group difference, making political cleavages permanent.

Krook & O'Brien (2010), however, argue that the match between the targeted group and quota design is far from perfect. In a global analysis, they demonstrate that women's representation is guaranteed not only by candidate quotas but also by reserved seats: almost 40 per cent of gender quota policies are reserved seats. Minority representation, on the other hand, is almost always ensured by reserved seats. Krook and O'Brien suggest that contextual factors, rather than group characteristics, explain why governments choose one quota design over another. According to Krook and O'Brien (2010), historical differences and transnational

influences explain why particular types of quotas are common in certain regions. Reserved seats are more common – for women and ethnic groups alike – in Africa, Asia and the Middle East, whereas candidate quotas are more common in Latin America (mainly legislative candidate quotas) and Europe (mainly voluntary party quotas) where, on the other hand, quotas for minority groups are less common (Dahlerup, 2006; Krook & O’Brien, 2010). Another study, too, suggests that countries already reserving seats for ethnic minorities tend to expand the use of an already existing set of rules to also encompass women (Matland, 2006).

We are thus left with two different accounts as to whether women and minorities get different quotas or not. On the one hand, Htun’s (2004) analysis suggests that there are systematic differences in quota design for the two groups. This implies that lawmakers have different underlying motives for ensuring the political inclusion of women and minorities. On the other hand, Krook and O’Brien’s (2010) study observes that women often receive the same quota as minorities. This would imply that contextual factors, rather than group characteristics, often influence policy-makers’ and constitution drafters’ choices of quota design. We attempt to settle this issue by taking country-specific factors into account when devising a research strategy that helps us unveil potential differences in underlying motives for quota adoption for women and minorities.

Research strategy: Same country, different quota designs?

To examine empirically whether laws guaranteeing representation are designed differently for different groups and, if so, whether these differences correspond to normative arguments for group representation, we use a novel research strategy that qualifies previous research in two important ways. First, we take contextual factors into account (cf. Krook & O’Brien, 2010) by selecting only those cases in which quotas have been adopted for *both* women and minorities.

By making such a strategic case selection, it can be ascertained that no country-specific or regional contextual factors account for any possible differences in quota design between the two groups. If group characteristics do not matter for quota design, we have no reason to believe that quotas for women and minorities should be differently designed in one and the same country.

Second, we propose an improved and more valid distinction between quota types. In order to study what different types of quotas mean for the relationship between the representative and the voters, the relevant question is not necessarily whether quotas target the nomination stage (candidate quotas) or the election stage (reserved seats) of the recruitment process (cf. Htun, 2004). There are relevant differences also within the groups of candidate quotas or reserved seats. Unveiling these differences, however, requires a more time-consuming in-depth analysis of actual quota designs. Certain reserved seats designs, for instance, are more integrated into the ordinary political process than others – for example, by giving the (whole) electorate the chance to directly elect representatives to reserved seats, while others have special mechanisms for electing representatives to reserved seats – for example, by giving the power of appointment to the president or the prime minister (see also Dahlerup, 2006; Krook, 2009; Matland, 2006). We suggest that a crucial question is whether policymakers, when designing the quota law, create new, separate or overlapping, constituencies for the targeted groups or whether representation is guaranteed within the already existing constituency boundaries. The basic idea with constituencies is that they put limits on who is allowed to stand for election and vote in elections; that is, they define the relationship between voters and the representative by circumscribing *competition* and the *electorate* (cf. Kymlicka, 1995).

We bring with us an understanding that the problem with minority under-representation is the lack of protection, while the problem for women is their insufficient integration due to past

discrimination. Therefore, if policymakers intend to protect certain groups in society, and make them permanently politically relevant, an efficient way would be to create new special constituencies for these groups. We thus explore the suggestion that there are differences with respect to constituency formation between women and minorities and that quota policies more commonly imply the creation of new, separate or overlapping, electoral districts for minorities than for women. The rationale behind such a suggestion is, to reiterate, that constituency formation represents a solution to minority groups' lack of autonomy and self-determination. It grants them some degree of independence in order to protect the specificity of the group. For women, on the other hand, the suggested solution is to devise a quota that increases women's opportunities to be treated in the same manner as their male counterparts, and thus integrate women into the regular political process within already established constituency boundaries. The ultimate goal with such integration is to eliminate the effects of past discrimination and render gender an unimportant political factor.

By going into the legislative texts and analyzing their content, we assess, first, whether the quota policies assign new constituencies to the targeted groups or not. Such an analysis gives us the possibility to assess whether there is a difference in the kind of representational guarantees assigned to women and minorities. It also provides us with the opportunity to determine whether potential differences correspond to normative theories about group representation. The assumption here is that the way quota policies are formulated in constitutions and election laws can be interpreted as a manifestation of the underlying motives and intentions of lawmakers. Second, our framework also enables us to examine potential differences in degree of protection. Whereas quotas that are implemented within existing constituencies do not limit the competition and the electorate for the group in question, the formation of new constituencies can do so to a varying extent. Thus, in those cases in which

both women and minorities are assigned special constituencies, we examine how legislation is designed and worded with respect to who is entitled to run for the ‘extra constituency seats’ and who elects representatives to such constituencies (in other words, who the representative is accountable to). Our expectation is that, even when new constituencies are created for both groups, the competition and the electorate will be more limited in the design of special constituencies for minority quotas than in those for women.

In all, we study the quota regulations of 13 countries (or territories) that have adopted these measures both for women and for minorities in parliament or in the lower house. These countries (or territories) are Afghanistan, Burundi³, China, France, Jordan, Niger, Pakistan, Palestine, Portugal, Rwanda, Taiwan, Tanzania and Uganda.⁴ To assist us, we have used two main sources: the Inter-Parliamentary Union’s PARLINE database (IPU, 2013), the International Foundation for Electoral System’s Election Guide (IFES, 2013). Both these databases contain information about election laws and constitutions. When they lack in providing the kind of detail our analysis requires, we have consulted the original source – either the constitution or the election law.⁵

Results

In short, our results indicate that lawmakers, within a single country, are likely to design quotas differently for women and minorities. In a majority of the cases, new electoral districts are designed for minorities but not for women. There are no instances of quotas for women

³ Burundi appears twice in the analysis because it has two different sets of quota designs for different minorities.

⁴ We use Krook and O’Brien (2010) to identify the countries and territories. However, they list three additional countries that are excluded from our analysis: Tibet is excluded due to the lack of additional information; and Belgium and Bosnia are excluded because their minority quota is only for the upper house.

⁵ In one case, Jordan, we also approached the IFES Country Director of Jordan, Darren Nance, for further consultation. This was done by e-mail on 2 June 2011.

being designed in a more protective manner than quotas for minorities: in no case do policymakers assign women special constituencies and integrate minorities within the existing electoral districts. In addition, we show that in those cases in which new constituencies are indeed created both for women and for minorities, the design of the constituencies is generally geared towards more protection for minorities than for women. In three cases, however, there are no differences between women and minorities in terms of degree of protection.

To facilitate the interpretation of our findings, we present the results in sub-sections, starting with the main analysis with respect to whether new constituencies are created for minorities but not for women.

Constituency formation for minorities but not for women

In most of the analyzed cases (8 of 13), we can see a difference in quota design for women and certain, primarily smaller, minorities in terms of whether they are assigned new special constituencies. In this group, including Afghanistan, Burundi (in the case of Twa), China, France, Jordan, Niger, Portugal and Taiwan, policymakers have chosen to provide minorities with new, separate or overlapping, constituencies whereas quotas for women are more firmly integrated into the existing political process.

Within this group, France, Niger, Portugal and Taiwan show clear similarities with respect to the more specific features of the quota design for women and minorities. Gender quotas are designed so as to require political parties to put more women on their proportional party lists. Women elected through quotas are thus not even discernible from other candidates; they compete on the same terms as all other candidates and for votes from the same set of voters. Quotas for minorities, on the other hand, are designed so as to create new, separate or overlapping, constituencies for the minority groups. This implies that only voters registered in

that particular electoral district can vote for the group in question, and it also implies that minority candidates only compete with other minority candidates.

Starting with Niger, eight seats in the National Assembly are reserved for the Tuareg minority group. Being a nomadic population, the Tuareg do not occupy a particular territory. While the ten per cent gender quota is integrated into the ordinary proportional candidate lists for the eight constituencies corresponding to regions, the quota for the Tuaregs specifies a creation of a different set of eight constituencies, where the first-past-the-post (FPTP) system is used. Only Tuareg vote in those territorially overlapping constituencies, and Tuareg compete against Tuareg candidates only. The Tuareg population votes for the Tuareg seats only.

Taiwan follows a similar logic. This territory has a mixed election system, where 79 out of a total of 113 seats are elected from constituencies, while 34 seats are proportionally distributed. Among the 79 constituency-based seats, 73 seats emanate from FPTP single-member constituencies. The remaining six representatives are elected from two specially created, territorially overlapping, three-member constituencies, in which only the indigenous Austronesian inhabitants of Taiwan can vote and stand for election. The gender quota, on the other hand, emanates from the parallel proportional representation system. Among party-list candidates for the 34 proportionally distributed seats, 50 per cent have to be women. This implies that women compete against men, and that both men and women vote for the female candidates.

In addition to having adopted gender quotas, France and Portugal both guarantee representation for one specific minority group: expatriate communities. Just as in Niger and Taiwan, quotas for women apply to the candidate lists in each country's proportional representation system. In contrast, expatriate communities in both countries are guaranteed

representation through the creation of a territorially separate worldwide constituency, to which French or Portuguese citizens who live abroad are ascribed. Just as in any other constituency, only voters registered in that particular electoral district can vote, and candidates only compete with candidates from the same district.

Interestingly, Taiwan has chosen another strategy to include its expatriate community in the electoral process, a strategy that also includes constituency boundaries but that, as a contrast, does not qualify as a quota policy. In the proportional part of its established electoral system, the entire nation, including the expatriate communities, is counted as one single encompassing constituency. In this system, expatriate Taiwanese are guaranteed inclusion in the election process, but they are not, as in France and Portugal, guaranteed representation.

Afghanistan and Jordan serve as good illustrations of the usefulness of re-conceptualizing the distinction between different quota types. Even where both women and minorities have reserved seats, guarantees for representation of minorities are more geared towards protection than are those for women. Thus, it is too simplistic to say that the underlying aim of candidate quotas is integration into the regular election process and that reserved seats aim at protection (cf. Htun, 2004). Afghanistan's constitution from 2004 stipulates that 68 of 249 seats (27 per cent) should be reserved for women. If this quota is not filled in the ordinary election, the women who received the most votes, without being elected, are appointed until all 68 seats are filled. Another 10 seats are reserved for a nomadic population, the Kuchis. A new nationwide Kuchi constituency has been created that overlaps with the other electoral districts. All Kuchis are granted special *Kuchi-cards* and can vote in designated Kuchi polling stations, and thus only for the ten Kuchi seats. There is thus a discernable difference between the reserved seats for women and the reserved seats for the Kuchi minority. The distribution of the reserved seats for women is based on the ordinary election, and the women who fill

these seats have competed with other candidates, male and female, and for the same voters. No separate constituencies are created for women. The ‘lucky-loser’ system can indeed be interpreted as a way of integrating women into the electoral game, while also giving them a ‘boost’ to compensate for the disadvantages they might have in an ordinary electoral race and, in the long run, level out the electoral playing field so that women can compete on the same terms as other candidates. On the other hand, having their own nationwide constituency, the Kuchis are not at all competing with non-Kuchi candidates. Nor are they accountable to a non-Kuchi constituency.

Similarly, the 2010 Election Law of Jordan stipulates that ten per cent of the 120 seats should be reserved for women. In addition, the law also specifies that nine seats should be reserved for Christians and three seats for Circassians or Chechens. Within the 96 remaining seats, which are distributed among Muslim candidates,⁶ nine are reserved for Bedouins. The quota provision for women takes place within the race for the Muslim seats. The 12 women not elected in the open race for the Muslim seats but who obtained the largest number of votes (in percentage) are declared elected, again according to a lucky-loser logic. Unlike the Afghani design, however, these 12 quota seats are reserved for women, regardless of how many ‘ordinary’ seats are filled by women. As for the rest of the seats, these are distributed through the construction of specific constituencies in which only constituents from the specific group (Chechens/Circassians, Bedouins, and Muslims) have the right to vote. That is, Bedouin representatives compete against Bedouin candidates and are elected by Bedouin voters, etc. Thus, the pattern in Jordan is similar to the Afghani pattern. Women are involved in the

⁶ The Jordanian system for distributing seats to parliament could thus be described as being entirely quota-based. However, with Muslims constituting the vast majority of the Jordanian population and thus being the ‘norm group’, the 96 seats reserved for Muslims are generally not referred to as a quota, and certainly not as a minority quota.

electoral race for the 96 Muslim seats, and their participation is encouraged by giving additional seats to women who clearly stood a chance but did not manage to win a seat. The other minorities are clearly granted separate constituencies in order to ensure the political participation of members of that particular group. They are not necessarily seen as politically disadvantaged in the electoral race; rather, they need to be guaranteed representation for the very reason that they are seen as permanently different from the majority Muslim population.

Burundi is a special case because quotas are designed differently for different ethnic groups and the results depend on which ethnic groups you compare with guarantees for representation of women. Burundi ends up in this group when comparing the quota for women with the quota for the Twa ethnic group.⁷ Just as in Niger, Taiwan, France and Portugal, there is a gender quota for candidate lists (30 per cent). Thus, female politicians operate within the same constituency as their male counterparts. The Twa minority group, on the other hand, is guaranteed representation through reserved seats. However, in contrast to what we have seen so far in the analysis of minority representation, the three Twa representatives are not directly elected to the reserved seats. It is the Election Commission that formally appoints the parliamentarians from the Twa minority. Thus, it could be questioned whether the objective with this quota policy really is to grant Twa autonomy and self-determination. Although the Twa representatives are not directly elected by voters in a defined area, we do, however, suggest that it is possible to argue that a specific ‘constituency’ of sorts has been created for the Twa. The representatives all come from Twa-specific organizations, and these organizations nominate the candidates to the Election Commission.

⁷ The comparison between the quota for women and quotas for Hutus and Tutsis will be elaborated on towards the end of the analysis.

Thus, Twa candidates compete exclusively with other Twa candidates: any competition that goes on is within the Twa organizations.

China is different from the other countries or territories within this group, in the sense that no direct elections exist anywhere: none of the almost 3,000 delegates to the National People's Congress (NPC) are elected with universal suffrage. Instead, they are elected within the organizational structure of the Communist Party, by the Local People's Congresses (LPCs) from around the country. Although it is difficult to discuss the relationship between representatives and their electorates in contexts where representatives are appointed rather than elected, it is nevertheless possible to assess who the representative is ultimately accountable to. With the limited data at our disposal, we do discern a difference between the groups with respect to the constituency of sorts that delegates are beholden to. The Electoral Law of the NPC and the LPCs rather vaguely stipulates that 'there shall be an appropriate number of women deputies, and the proportion thereof shall be raised gradually'. It is up to the LPCs to ensure that there is an 'appropriate' number of women on the lists that they pass along. However, in contrast to the case of women, the LPCs are not the only bodies to elect members of specific ethnic groups to the NPC: the Communist Party has adopted a system in which the Standing Committee of the NPC reserves the right to appoint an additional 26 minority delegates. Thus, some of the minority delegates are accountable to a constituency other than all the other delegates (women included). Rather than competing at the local level for the deputy position, and being accountable to local bodies of the party organization, these minority delegates have a more limited and less territorially based 'constituency' by being appointed by the national party elite of the Standing Committee of the NPC. By thus forming an extra overlapping constituency of sorts, the minority quota is suggested to be less integrative than the gender quota.

Constituency formation for women and minorities, different limitations on electorate

Assessing differences in quota design with the lens of constituency formation thus helps us to unveil the logic behind quota adoption for different groups in eight of the cases. However, in six remaining cases this first step is unable to provide us with a comprehensive understanding. In three African countries, including Uganda, Rwanda and Tanzania, this is because all three countries can be seen as having created new constituencies for *both* women and minorities. Importantly, just as in Burundi (in the case of Twa) and China, these constituencies do not necessarily consist of electoral districts in which representatives are directly elected by voters within the area. Rather, a specific institution or organization has been given the right to appoint representatives.

As both women and minorities are assigned special constituencies in the three countries, we look closer at the main features of the constituencies, with respect to who is entitled to compete for these ‘extra constituency seats’ and who elects, or appoints, representatives to such constituencies. In short, we find that there is clearly no open competition in electoral races with non-members of the group. However, we find a difference in all three countries with respect to who the representative is ultimately accountable to. Women are mostly accountable to the same ‘electorate’ as any other (non-quota) representative, whereas minorities have specific mechanisms of accountability. In all three cases, we suggest that these specific mechanisms of accountability point in the direction of protection.

Starting with Uganda, this country has adopted gender quotas as well as quotas for a set of minorities that are of a different kind from what we have seen so far in the analysis. In addition to the 35 per cent reserved seats for women, the 1995 Constitution also distributes special seats to workers, youth, the disabled and the army. Quotas for women and minorities

are similar in the sense that a new set of constituencies have been created so that competition for the seats takes place only within the group. However, the ways in which representatives are elected to these seats differ across groups. Representatives for workers, youth, the disabled and the army are indirectly elected by electoral colleges populated by local leaders of these groups. Thus, rather than being constituencies that include voters in a specific area, there is a so-called functional decentralization of the election process (cf. Hazan, 2002) in which leaders of popular sectors are given the power to elect representatives. The reserved seats for women, on the other hand, are designed differently. From 2006 onwards, women are no longer elected by electoral colleges but via direct election. A new set of larger and territorially overlapping electoral districts have been created. Both men and women vote for who will enter the National Assembly in the 'women's seats'. Thus, while both the electorate and competition are limited to those within the group in the case of the minorities, women only compete against other women, but their electorate is broader, consisting of both men and women. Therefore, we suggest that quotas for women in Uganda are more geared towards integration than are minority quotas.

The case of Uganda illustrates a slight dissonance between the theories of group representation for ethnic minorities and the empirical results. Theories of group representation stipulate that minorities' representational guarantees are grounded in a problem description about protection and self-government. That these two aims go together is evident when ethnic or religious minorities are to be represented, but less evident when young or disabled people, or army representatives, gain special representation. Clearly, the problem description underlying their representation has nothing to do with a lack of recognition of a specific cultural identity. Nor, however, is it likely to solely relate to past discrimination. Muriaas and

Wang studied the introduction of these quotas for ‘achieved’ (rather than ascribed) identities or groups and suggest that there may not be one coherent rationale behind their introduction:

The decision to include the groups was based on various rationales and the [National Resistance] Movement system thus incorporated a hybrid approach to group recognition. Army representatives were included in order to stabilise the system; the special seats for workers resemble what one would find in a corporatist system; the inclusion of youth secured nation-building, and the inclusion of the disabled and women secured representation of disadvantaged groups (Muriaas & Wang, 2012, p. 322).

Muriaas and Wang’s reminder that pragmatic concerns also influence policy introduction for different groups, and sometimes in unpredictable ways that go beyond the arguments outlined by Kymlicka, is an important nuance to the literature on group representation.

In Rwanda, quotas for women and two minority groups – young people and disabled persons – were adopted in the constitutional reform process that followed the civil war. In both these cases, reserved seats are filled through special arrangements outside of the established constituency boundaries. Similarly to Uganda, the quota design stipulates that young people as well as disabled persons are elected via functional decentralization through the national organization of each of the groups (i.e., outside of the partisan channels that are used for the other seats). However, in contrast to the limited functional decentralization of minority seats, the election of women’s seats engages an assembly that is composed of a more diverse set of actors. More specifically, two women from each province as well as the capital (Kigali) are elected by a joint assembly composed of members of the local (district, town, municipality, etc.) councils as well as members of the executive committee of locally based women’s

organizations. Thus, whereas the 'electorate' for the minority seats is limited to members of the targeted groups, thus granting these groups certain autonomy in the decision-making process, organized women have only partial influence over the election of 'women representatives'.

In Tanzania, special seats are reserved for two groups: women and inhabitants of the island of Zanzibar. The reserved seats allocated to women constitute 30 per cent of all the seats in the parliament and were adopted in 1985. These seats are filled by the political parties after the general election, in accordance with their proportion of the votes. The Zanzibari seats are filled by the Zanzibari House of Representatives, which appoints five of its elected members to the national parliament. Thus, in these cases also, special arrangements are created that overlap with the constituencies of the FPTP electoral system used in Tanzania. However, we suggest that there are differences in the arrangements with regard to the extent to which they aim at integration or protection. Whereas women's special seats are filled within the realm of party organizations, by both men and women, the Zanzibari arrangement is more formally concentrated in the targeted group itself. It is about protecting the Zanzibari community by granting them guaranteed influence over national politics as well as a certain amount of self-government.

No constituency formation, similar competition and electorate

In three remaining cases, there are no differences in the design of quotas for women and minority groups as to whether special constituencies are created and with respect to the degree of protection. No new constituencies are created for women and minorities (Hindus, Christians, Ahmadis/Parsees, and other religious minorities) in Pakistan, Burundi (in the case

of Hutu and Tutsi), and Palestine (Christians). And the quotas are similarly designed in terms of who elects the representatives and with whom they compete.

In Pakistan, the reserved seats for both women and minorities are selected by the political parties, in relation to the number of seats the party receives in the election. Thus, the two groups are guaranteed representation in an identical manner, and no differences whatsoever can be discerned in terms of protection or integration.

In Burundi, the Hutu and Tutsi have a history of conflict and power struggles between them. Their group rights do not need protection in the sense that they would not be represented if they were not given guarantees in the form of quotas. In other words, they do not fit Kymlicka's protection argument. Instead, we here have an example of a power-sharing arrangement. These arrangements are often of a pragmatic nature; a measure designed to avoid conflict or ethnic division along party lines. The constitution guarantees a 60:40 power-sharing arrangement of the Hutu and Tutsi, which induces an overrepresentation of the Tutsis, who constitute about 14 per cent of the population. In practice, the arrangement means that for every three candidates on a candidate list, no more than two may be from one ethnic group. This design is thus in line with Horowitz's (1985) idea that ethnic parties should be avoided in order to prevent conflict. This quota is designed in the same way as the 30 per cent candidate quota for women. No new constituencies are created; instead, Hutu and Tutsi candidates stand on the same party lists and compete against other candidates from both ethnic groups and for votes from both groups.⁸

⁸ The Election Commission has the right to appoint members of parliament to ensure that either of the stipulated quotas is filled. This option only marginally changes the representation. Following the election of 2010, there were 100 elected members, and six appointed members of the Burundi parliament. Three of the appointees were Twa, and the remaining three consisted of one male Hutu representative and one male and one female Tutsi representative.

Finally, in contrast to Pakistan as well as Hutu and Tutsi in Burundi, there are indeed some differences in the design of gender quotas and quotas for the Christian minority in Palestine. Palestine has a mixed election system and quotas for women and Christians are implemented in different parts of the mixed system. Quotas for women apply to the candidate lists for the proportional seats, and at least one of the first three candidates on the list has to be a woman. The quota for Christians instead applies to the FPTP system: in each of six appointed constituencies, one Christian is awarded a seat according to a lucky-loser logic. Despite the differences in quota design, we place Palestine in this group for two reasons: first, when designing the quotas, no new constituencies were created neither for women nor for minorities. Second, within their constituencies, both women and Christians compete with candidates from other groups (men and Muslims, respectively); and they are elected by constituents from different groups in society (in contrast to, e.g. the Tuaregs in Niger or expatriates in France or Portugal).

Conclusion

This paper explores the underlying motives for ensuring the political inclusion of marginalized groups. More specifically, it analyzes whether laws guaranteeing representation are designed differently for women and minorities and, if so, whether these differences correspond to normative arguments for group representation. When designing the empirical analysis, we contribute both theoretically and methodologically to the building of a comparative research agenda on electoral quotas for women and minorities. Methodologically, we use an improved case-selection method by including only those countries that have adopted quotas for both women and minority groups. By doing so, we can ascertain that no country-specific factors account for any possible differences in quota design

between the two groups. Theoretically, instead of the conventional distinction between reserved seats and candidate quotas we propose a novel and more relevant conceptual distinction between different types of quota designs. It focuses on whether special (separate or overlapping) constituencies are created for the targeted group, or whether the quota is instead incorporated into already existing constituencies.

The empirical analysis shows that there are systematic differences in quota design between women and different minority groups. These differences do correspond to arguments put forward by normative theorists. More specifically, the overall findings suggest that the introduction of quota policies for minorities commonly rests on an underlying motive among lawmakers to protect the group in question. The adoption of gender quotas, on the other hand, is suggested to be driven by the lawmakers' aims to better integrate women into the existing political system (cf. Kymlicka 1995, Htun 2004). In a majority of the cases, new, separate or overlapping, constituencies are designed for minorities but not for women. There are no instances of quotas for women being designed in a more protective manner than quotas for minorities: in none of the cases in our sample have lawmakers opted for the creation of new electoral districts for women while guaranteeing minorities representation within the existing constituencies. In addition, we show that even in those cases where new constituencies are created both for women and for minorities, the design of the constituencies is generally geared towards more protection for minorities than for women. Thus, to conclude, our analysis generally supports the suggestion that different groups receive different types of guarantees for representation.

The analysis implies that electoral quotas are not a uniform policy; to the contrary, the design of quotas differ to a great extent also within countries. Contrary to the argument that the choice of design is dependent on the context (Krook & O'Brien 2010) or on previous

experiences with a particular type of quota (Matland 2005), our analysis suggests that lawmakers have different ideas about different groups in society and that these ideas affect how they design guarantees for representation for the respective groups. The perceptions of lawmakers, as they are reflected in constitutions and election laws, as to why minorities and women need quotas largely seem to correspond to the normative justifications for group representation put forward in the literature (Kymlicka 1995, Young 2000).

Roughly speaking, policymakers designing quotas for minority groups appear to perceive protection from the dominant political actors as the priority. Quotas for minorities are designed to grant the group certain self-determination, either through the creation of special electoral districts in which only people within the group may participate (as candidates or voters) or by providing their representative institutions (organizations, assemblies, etc.) with the power to appoint representatives. Quotas for women, on the other hand, seem to be designed with their integration into the regular (s)election process in mind. Quotas for women are designed to ensure that women are elected by – and often also compete with – both men and women.

Importantly, the analysis not only provides answers; it also raises a new set of questions that future research on electoral quotas should address. For instance, the analysis draws attention to the definition of ‘minority quotas’. Kymlicka (1995) is mainly concerned with small ethnic minority groups who have a right to protection and a certain amount of self-government. When juxtaposing women with the broad category of ‘minority quotas’, it becomes clear that the diversity within the latter category is large and that all groups concerned with the quota cannot be considered minorities (e.g., Hutu in Burundi), even less *ethnic* minorities (e.g., youth, workers, disabled, and army officials in Uganda). Future research in this emerging field should unpack the minority group further. Potential avenues for doing this include

distinguishing between, on the one hand, the relation between the size of the group in question and the size of the quota and, on the other hand, between group identities that are ascribed and permanent – such as sex, ethnic or religious identities – and other identities that are acquired during the course of life – such as being a young person, a worker, or an army official.

In order to continue the building of a research agenda on electoral quotas in a comparative perspective, we further call on researchers to continue theorizing and empirically examining when, how and why quotas are included in constitutions or election laws to guarantee representation for specific groups in society. Case studies of the type of countries that are investigated in this analysis – i.e. countries with quotas for both women and minority groups – would be particularly useful here. Scrutinizing the intentions and ideas of lawmakers when they are in the process of simultaneously designing quotas for women and minorities would contribute to a deeper understanding of the motives underpinning quota design. In addition, researchers should carefully assess the potentially far-reaching consequences of different quota designs for women and minorities, for instance on legislative activities, to get a comprehensive understanding of their similar and different long-term effects, respectively. In that endeavor, we hope that our proposed new distinction of different quota types will be a useful conceptual tool.

References

- Bacchi, C. (1999). *Women, policy and politics*. London: Sage.
- Bacchi, C. (2009). *Analysing policy: What's the problem represented to be?* Frenchs Forest, NSW: Pearson.
- Baldez, L. (2007). Primaries vs. quotas: Gender and candidate nominations in Mexico, 2003. *Latin American Politics and Society*, 49 (3), 69–96.
- Bird, K. (2014). Ethnic quotas and ethnic representation worldwide. *International Political Science Review*, 35 (1), 12–26.
- Dahlerup, D. (ed.) (2006). *Women, quotas and politics*. London: Routledge.
- Dahlerup, D. (2007). Electoral gender quotas: Between equality of opportunity and equality of result. *Representation*, 43 (2), 73–92.
- Franceschet, S., Krook, M. L., & Piscopo, J. M. (Eds) (2012). *The impact of gender quotas*. New York: Oxford University Press.
- Hazan, R.Y. (2002). Candidate selection. In L. LeDuc, R. G. Niemi and P. Norris (Eds), *Comparing democracies 2: New challenges in the study of elections and voting*. London: Sage.
- Horowitz, D. L. (1985). *Ethnic groups in conflict*. Berkeley, Los Angeles: University of California Press.
- Htun, M. (2004). Is gender like ethnicity? The political representation of identity groups. *Perspectives on Politics*, 2 (3), 439–458.

- Htun, M., & Ossa, J. P. (2013). Political inclusion of marginalized groups. *Politics, Groups, and Identities*, 1 (1), 4–25.
- Hughes, M. M. (2011). Intersectionality, quotas, and minority women's political representation worldwide. *American Political Science Review*, 105 (3), 604–620.
- IFES (International Foundation for Electoral Systems) (2013). *Election guide: Democracy assistance and election news*. www.electionguide.org [Accessed 13 November 2013].
- IPU (Inter-Parliamentary Union) (2013). *PARLINE: Database on national parliaments*. www.ipu.org/parline/ [Accessed 13 November 2013].
- Krook, M. L. (2009). *Quotas for women in politics: Gender and candidate selection reform worldwide*. New York: Oxford University Press.
- Krook, M. L., & O'Brien, D. Z. (2010). The politics of group representation: Quotas for women and minorities worldwide. *Comparative Politics*, 42 (3), 253–272.
- Kymlicka, W. (1995). *Multicultural citizenship: A liberal theory of minority rights*. Oxford: Oxford University Press.
- Lijphart, A. (1977). *Democracy in plural societies: A comparative exploration*. New Haven: Yale University Press.
- Mansbridge, J. (1999). Should blacks represent blacks and women represent women? A contingent 'yes'. *The Journal of Politics*, 61(3), 628-657.
- Matland, R. E. (2006). Electoral quotas: Frequency and efficiency. In D. Dahlerup (Ed.), *Women, quotas and politics*. London: Routledge.
- Muriaas, R. L., & Wang, V. (2012). Executive dominance and the politics of quota representation in Uganda. *The Journal of Modern African Studies*, 50 (2), 309–38.

- Pande, R. (2003). Can mandated political representation increase policy influence for disadvantaged minorities? Theory and evidence from India. *The American Economic Review*, 93 (4), 1132–1151.
- Phillips, A. (2005). *The politics of presence*. New York: Oxford University Press.
- Reynolds, A. (2005). Reserved seats in national legislatures: A research note. *Legislative Studies Quarterly*, 30 (May), 301–310.
- Reynolds, A. (2011). *Designing democracy in a dangerous world*. New York: Oxford University Press.
- Williams, M.S. (1998). *Voice, trust, and memory: Marginalized groups and the failings of liberal representation*. Princeton, NJ: Princeton University Press.
- Young, I. M. (1989). Polity and group difference: A critique of the ideal of universal citizenship. *Ethics*, 99 (2), 250–274.
- Young, I. M. (1990). *Justice and the politics of difference*. Princeton, NJ: Princeton University Press.
- Young, I. M. (2000). *Inclusion and democracy*. Oxford: Oxford University Press.